



**CITY COUNCIL CLOSED SESSION  
TUESDAY, MARCH 24, 2020 – 6:00 P.M.**

Telephone/Video Conference only

1. Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1)

Name of Case: *Doheny-Vidovich Partners, a California General Partnership, et al v. City of Los Altos, et al. Superior Court of the State of California, County of Santa Clara Case No. 19CV3559702*

2. Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6(a)

Employee organization: Los Altos Municipal Employees Association (LAMEA)

Agency designated representatives: Chris Jordan, City Manager  
Jolie Houston, City Attorney  
Sharif Etman, Administrative Services Director  
Jen Leal, Human Resources Manager  
Lisa Charbonneau, Lead Negotiator

3. Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6(a)

Employee organization: Los Altos Peace Officers' Association (POA)

Agency designated representatives: Chris Jordan, City Manager  
Jolie Houston, City Attorney  
Andy Galea, Police Chief  
Sharif Etman, Administrative Services Director  
Jen Leal, Human Resources Manager  
Lisa Charbonneau, Lead Negotiator

**SPECIAL NOTICES TO THE PUBLIC**

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.

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



## REGULAR CITY COUNCIL MEETING

TUESDAY, MARCH 24, 2020 – 7:00 P.M. – 11:00 PM

Telephone/Video Conference only

*Please Note: Per California Executive Order N-29-20, the City Council will meet via teleconference only. Members of the Public may call (773) 231-9226 to participate in the conference call (Meeting ID: 148 102 7301). Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Mayor and members of the public may only comment during times allotted for public comments. Those wishing to comment on an agenda item are asked to text their name and which item they wish to speak on to 650-823-6911 to better organize the public comment period. An opportunity will be provided to those who do not text to speak on each item. Members of the public are also encouraged to submit written testimony prior to the meeting at [council@losaltosca.gov](mailto:council@losaltosca.gov). Emails received prior to the meeting will be included in the public record.*

### ESTABLISH QUORUM

### CLOSED SESSION ANNOUNCEMENT

### CHANGES TO THE ORDER OF THE AGENDA

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

### CONSENT CALENDAR

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

*PLEASE NOTE THAT ITEMS PULLED FROM THE CONSENT CALENDAR WILL  
BE CONTINUED TO A FUTURE MEETING*

1. Council Minutes: Approve the minutes of the November 19, 2019 Special Meeting, the January 14, 2020 Study Session and Regular Meeting, the February 11, 2020 Regular Meeting and the February 25, 2020 Regular Meeting (J. Maginot)

2. Annual Development Impact Fees Report for Fiscal Year 2019: Receive the Annual Report on Development Impact Fees for Fiscal Year 2019 (S. Etman)
3. Resolution No. 2020-06: Cities Keep It Clean: Adopt Resolution No. 2020-06 declaring May 2020 to be “Keep It Clean Santa Clara County” month (J. Maginot)
4. Resolution No. 2020-07: Distracted Driving Awareness Month: Adopt Resolution No. 2020-07 declaring April 2020 to be “Distracted Driving Awareness” month (J. Maginot)
5. Easement and Covenant Agreement for the Los Altos Community Center Project (California Water Service Company): Authorize the City Manager to execute an Easement and Covenant Agreement between the City of Los Altos and California Water Service Company for the Los Altos Community Center project (P. Maslo)

## DISCUSSION ITEMS

6. Review and Adopt 2020 City Council Priorities Workplans: Adopt the 2020 City Council Strategic Priorities Workplan (C. Jordan)
7. Consideration of a policy, order, resolution or ordinance prohibiting/discouraging commercial and/or residential evictions
8. Consideration of an ordinance tolling the process and approval of land use applications
9. Emergency Measures for Addressing COVID-19: Receive an update from the City Manager on measures taken thus far to address the spread of COVID-19 (C. Jordan)

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

### ADJOURNMENT – 11:00 PM

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

#### SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2720.

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

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.

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.

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, NOVEMBER 19, 2019,  
BEGINNING AT 6:00 P.M. AT LOS ALTOS YOUTH CENTER, 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.

**SPECIAL PRESENTATION**

1. City of Cupertino Shuttle Presentation

Chris Corrao of City of Cupertino presented on the Via-Cupertino program.

**CHANGES TO THE ORDER OF THE AGENDA**

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Fligor, the Council unanimously moved item 7 before item 6.

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

The following individual provided public comment: Los Altos resident Teresa Morris.

**CONSENT CALENDAR**

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Bruins, the Council unanimously approved the Consent Calendar, as follows:

1. Notice of Completion of the 2018/2019 Annual Slurry Seal, Annual Striping and City Alley Resurfacing Project Program Notice of Completion Report: Adopted Resolution No. 2019-49 accepting completion of the 2018/2019 Annual Street Resurfacing, Annual Striping, and City Alleyway Resurfacing Project Program, Projects TS-01004, TS-01003 and TS-01009 and authorizing the Engineering Services Director to record a Notice of Completion as required by law.

**ITEMS FOR DISCUSSION/ACTION**

2. General Plan Amendment (Park designation): Introduce and waive further reading of Ordinance No. 2019-468 and Resolution No. 2019-48, amending Chapter 14.88 of Title 14 pertaining to the

rezoning of Grant Park, Redwood Grove, Shoup Park, S. Springer and Paco Drive Roadside Open Space, and the Fallen Leaf Lane bike path from R1-10 (Single-Family Residential) to PCF (Public and Community Facilities) and “Park”/“Other Open Space” General Plan land use designation, subject to the listed findings and set the date for the Public Hearing for final adoption

Community Development Director Biggs and Assistant Planner Hassan presented the report.

Public Comments: The following individuals presented public comments: Los Altos residents Scott Spielman, Stuart Eckmann, Freddie Wheeler, Jon Baer, Teresa Morris, Roberta Phillips and Eric Steinle, and Ginger Summit.

Action: Motion made by Councilmember Bruins, seconded by Vice Mayor Pepper, to introduce and waive further reading of Ordinance No. 2019-468 and Resolution No. 2019-48, amending Chapter 14.88 of Title 14 pertaining to the rezoning of Grant Park, Redwood Grove, Shoup Park, and the Fallen Leaf Lane bike path from R1-10 (Single-Family Residential) to PCF (Public and Community Facilities) and “Park”/“Other Open Space” General Plan land use designation, subject to the listed findings, removing S. Springer and Paco Drive Roadside Open Space from the draft Ordinance and Resolution, and set the date for the Public Hearing for final adoption.

Councilmember Enander offered an amendment, which was accepted, to amend the reference maps provided. The motion, as amended, passed unanimously.

3. Building Electrification and Electric Vehicle Infrastructure Reach Codes: Introduce and waive further reading of Ordinance No. 2019-466 amending the California Building Standards Code effective January 1, 2020 and set the date for the Public Hearing for adoption

Environmental Commissioner Laura Teksler presented the report.

Public Comments: The following individuals presented public comments: Los Altos residents Abby Ahrens, Lexi Crilley, Naomi Schulze, Annika Gaglani, Campbell Gilbert, Suresh Venkatraman, Audrey Chang, Roberta Phillips, Scott Spielman, Teresa Morris, Nancy Ellickson, Freddie Wheeler and Nancy Phillips, and Suzanne Emerson, Diane Bailey, Sierra Howard, Trevor Prunty, Katherine Nasif and Bruce Nargel.

Councilmembers provided feedback on the draft Reach Codes and generally directed that the Reach Codes should include all electric for new construction, including detached accessory dwelling units.

*Mayor Lee Eng recessed the meeting at 9:39 p.m. The meeting resumed at 9:50 p.m.*

4. City of Los Altos Parklet Pilot Program: Receive presentation on the Parklet Pilot Program and Adopt the Parklet Pilot Program

Community Development Director Biggs and Economic Development Coordinator Carnesecca presented the report.

Public Comments: The following individuals presented public comments: Los Altos residents Abby Ahrens, Teresa Morris, Roberta Phillips, Jon Baer and Eric Steinle, and Kim Mosley (representing the Chamber of Commerce).

Action: Upon a motion by Councilmember Bruins, seconded by Vice Mayor Pepper, the Council unanimously adopted the Parklet Pilot Program.

5. Downtown Green: Receive presentation on the Downtown Green 2019 and approve the new proposed location for Summer 2020

Recreation and Community Services Director Legge and Recreation Manager Chew presented the report.

Councilmember provided feedback on the proposed location for Summer 2020 and directed staff to continue talking with appropriate entities to about the location and to provide a written report back to Council on those discussions.

7. Americans with Disabilities Act (ADA): Accommodations for Elected Officials: Review and discuss information provided by staff and provide direction as appropriate

Public Comments: The following individuals provided public comments: Los Altos residents Roberta Phillips and Freddie Wheeler.

Direction: Councilmembers directed that an employment law firm be engaged to provide advice on the matter.

6. City Hall Council Chambers Audio/Visual Upgrade, Project CD-01021: Direct staff to finalize the design of the Council Chambers AV Upgrade Project and to proceed with soliciting bids for construction of the project

This item was continued to a future meeting.

## **ADJOURNMENT**

Mayor Lee Eng adjourned the meeting at 11:56 p.m.

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Lynette Lee Eng, MAYOR

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Dennis Hawkins, CMC, CITY CLERK

**MINUTES OF THE STUDY SESSION OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, JANUARY 14, 2020,  
BEGINNING AT 6:30 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH  
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

**ESTABLISH QUORUM**

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

ABSENT: None

**ITEM FOR CONSIDERATION**

1. City Hall Council Chambers Audio/Visual Upgrade, Project CD-01021: Receive information regarding the design of the Council Chambers AV Upgrade Project and direct staff on next steps to proceed with the project, including soliciting bids for project construction

Deputy City Manager Maginot presented the report.

Public Comment: The following individual provided public comment: Los Altos resident Harry Guy.

Councilmembers provided feedback on the proposed design and directed staff to return at a future meeting with the revised design for Council consideration.

**ADJOURNMENT**

Mayor Pepper adjourned the meeting at 7:12 p.m.

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Lynette Lee Eng, MAYOR

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Dennis Hawkins, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, JANUARY 14, 2020,  
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH  
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

**ESTABLISH QUORUM**

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

ABSENT: None

**PLEDGE OF ALLEGIANCE**

Mayor Pepper led the Pledge of Allegiance to the flag.

**CLOSED SESSION ANNOUNCEMENT**

1. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: Satish Ramachandran v. City of Los Altos, et al.; *United States District Court, Northern District of California; Case No. 5:18-cv-01223-HRL*
2. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: Peter N. Brewer v. City of Los Altos, et al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV355103*
3. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation v. City of Los Altos; *Superior Court of the State of California, County of Santa Clara Case No. 19CV350422*
4. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: 40 Main Street Offices LLC v. City of Los Altos, et al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV349845*
5. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: GoldSilverIsland Homes, LLC v. City of Los Altos, et. al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV352667*
6. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)



Name of Case: Doheny-Vidovich Partners, a California General Partnership, et al v. City of Los Altos, et al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV3559702*

7. Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

Location of Property: 330 Distel Circle (Mid-Peninsula Regional Open Space District office)

Agency Negotiator: Chris Jordan, City Manager; Jolie Houston, Interim City Attorney

Under Negotiation: Price and terms of payment for the purchase, sale, exchange or lease

Mayor Pepper announced that no action was taken during the closed session.

### **SPECIAL PRESENTATION**

Recognition by Santa Clara County Emergency Managers Association of Ann Hepenstal as Emergency Services Manager of the Year; Fred Evans, Patricia Evans, and Agnes Caufield for being awarded the Los Altos Emergency Preparedness Volunteers of the Year, and Keith Amidon, Peter Amidon and John Kristian for their continual service as Ham radio operators at the County level.

Mayor Jan Pepper recognized the recipients from the Santa Clara County Emergency Association award ceremony.

Emergency Preparedness Coordinator Hepenstal provided an informational update on what the Santa Clara County Emergency Managers Association is and the importance of the awards.

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

The following individuals provided public comment: Bill Bassett, Serguei Sofinski, Ramin Shahidi

### **CONSENT CALENDAR**

Mayor Pepper pulled item number 1.

Action: Upon a motion by Vice Mayor Fligor, seconded by Vice Mayor Bruins, the Council unanimously approved the Consent Calendar, with the exception of items number 1, as follows:

1. R3-4.5 Zoning amendments: Introduce and waive further reading of Ordinance No. 2019- 467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District establishing site development standards for the District where none currently exist; establish a design review process for additions and exterior modifications; and update other provisions of the District regulations to be consistent with other similar residential zoning districts. (Continued from December 10, 2019 Agenda) – *Pulled for discussion (see page 3).*
2. Approval of the North County Gun Buyback Program and Appropriation of \$5,000: Approved the allocation of \$5,000 for the North County Gun Buyback Program

## ITEMS PULLED FROM CONSENT CALENDAR

1. R3-4.5 Zoning amendments: Introduce and waive further reading of Ordinance No. 2019- 467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District establishing site development standards for the District where none currently exist; establish a design review process for additions and exterior modifications; and update other provisions of the District regulations to be consistent with other similar residential zoning districts. (Continued from December 10, 2019 Agenda)

Public Comments: The following individuals provided public comment: Los Altos residents Ed North and Lenore Lovoi.

Action: Upon a motion by Councilmember Lee Eng, seconded by Councilmember Enander, the Council adopted Ordinance No. 2019- 467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District establishing site development standards for the District where none currently exist; establish a design review process for additions and exterior modifications; and update other provisions of the District regulations to be consistent with other similar residential zoning districts, by the following vote: AYES: Enander, Fligor, Lee Eng and Pepper; NOES: Bruins; ABSENT: None; ABSTAIN: None.

## DISCUSSION ITEMS

3. Settlement and Purchase Agreement with Loyola Corners Estates, LLC; Gregg Bunker; Burke Kaltenger: Consider the settlement and purchase agreement for the property located at 999 Fremont Avenue regarding Gregg Bunker; Burke Kaltenger v. the City of Los Altos; Superior Court of the State of California, County of Santa Clara Case No. 115CV287198 Name of Case: Loyola Corners Estates, LLC; Gregg Bunker; Burke Kaltenger v. City of Los Altos

City Manager Jordan presented the report.

Public Comments: The following individuals presented public comments: Katherine Wurzburg, Sandy Salinger, Alice Shyu, Bill Seligmann, Gregg Bunker, Don Anderson, Debbie Skelton, Tom Ferry, and Teresa Morris.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Enander, the Council unanimously directed the City Manager to execute the documents necessary to complete the transaction.

4. Miscellaneous Zoning Code and Planning Process Amendments: Introduce and waive further reading and conduct Public Hearing of Ordinance 2020-457. The Planning Commission recommends approval of the amendments to Zoning Code Chapters 14.78 and 14.80 to the City Council, except for the 1000-foot radius notification increase. Bring noticing requirements in line with the open government policies, clarify the role of the Complete Streets Commission in the design review process, update the requirements for design review applications, and remove antiquated and outdated language.

Community Development Director Biggs presented the report.

Public Comments: The following individuals presented public comments: Eric Steinle.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Lee Eng, the Council unanimously introduced and waived further reading of Ordinance No. 2019-457 amending Chapters 14.78 and 14.80, with changes which will be reviewed by Mayor Pepper and accepting the material in its entirety.

*Mayor Pepper recessed the meeting at 8:45 p.m. The meeting resumed at 8:50 p.m.*

5. 444-450 First Street development application: Adopt Resolution No. 2020-01, which will approve Design Review application D19-0001 and Subdivision application TM19-0001 per the listed findings and conditions for a new multiple-family building with 26 residential units at 444 and 450 First Street.

Senior Planner Golden presented the report.

DutchInts Development presented the application.

Public Comments: The following individuals presented public comments: Eric Steinle, Ramin Shahidi, Sue Russell, and Phil Underwood.

DutchInts Development presented the rebuttal.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Lee Eng, the Council unanimously continued item number 5 to the February 11, 2020 meeting.

## **ADJOURNMENT**

Mayor Pepper adjourned the meeting at 11:11 p.m.

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Jan Pepper, MAYOR

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Dennis Hawkins, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, FEBRUARY 11, 2020,  
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH  
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

**ESTABLISH QUORUM**

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

ABSENT: None

**CLOSED SESSION ANNOUNCEMENT**

1. Public Employee Performance Evaluation- Title: City Manager  
Pursuant to Government Code Section 54957(b)(1)
2. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *Satish Ramachandran v. City of Los Altos, et al. United States District Court, Northern District of California*  
Case No. 5:18-cv-01223-HRLneeded:
3. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al. Superior Court of the State of California, County of Santa Clara Case No. 19CV350422*
4. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *40 Main Street Offices LLC v. City of Los Altos, et al. Superior Court of the State of California, County of Santa Clara Case No. 19CV349845*
5. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: *GoldSilverIsland Homes, LLC v. City of Los Altos, et. al. Superior Court of the State of California, County of Santa Clara Case No.. 19CV352667*

Mayor Pepper reported that the Council held a hearing on the subdivision of the lot at 831 Arroyo Circle last year where the Council decided to not allow the subdivision of the lot. GoldSilverHomes sued the City. As a result, the Council voted unanimously to enter into a settlement agreement with GoldSilverHomes. That settlement is to hold a public hearing on February 25, 2020 about the subdivision of the lot. If Council approves the subdivision map, GoldSilverHomes will dismiss the lawsuit and the City will be limited to \$25,000 in attorney fees. If Council does not approve the subdivision, the settlement agreement would be null and void and the litigation will continue.

Mayor Pepper announced that there was no reportable action on the other items on Closed Session.

### **PLEDGE OF ALLEGIANCE**

Mayor Pepper led the Pledge of Allegiance to the flag.

### **CHANGES TO THE ORDER OF THE AGENDA**

City Attorney Houston asked the Council to move item 4 from Consent to Discussion as the Brown Act requires the terms, conditions, and benefits of that contract to be orally announced. Mayor Pepper moved Consent item 4 to the end of the agenda after item 9.

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

The following individual provided public comment: Los Altos resident Pierre Bedard.

### **CONSENT CALENDAR**

Councilmember Bruins pulled item number 2.

Action: Upon a motion by Councilmember Lee Eng, seconded by Councilmember Enander, the Council unanimously approved the Consent Calendar, with the exception of item number 2:

1. Minutes Approve the minutes of the October 1, 2019 Special Meeting; December 3, 2019 Special Meeting; and January 28, 2020 Regular Meeting.
2. R3-4.5 Zoning amendments Second Reading and Adoption of Ordinance No. 2019-467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District (Continued from December 10, 2019 Agenda) – *Pulled for discussion (see page 2 below)*
3. Continuance of the 444-450 First Street development application Applicant requests the continuance of this item to DATE. Application D19-0001 and Subdivision application TM19-0001 per the listed findings and conditions for a new multiple-family building with 26 residential units at 444 and 450 First Street. (Continued from January 14, 2020 Regular Meeting.)

### **ITEMS PULLED FROM CONSENT CALENDAR**

2. R3-4.5 Zoning amendments Second Reading and Adoption of Ordinance No. 2019-467 to amend Chapter 14.16 of the Los Altos Municipal Code regarding the R3-4.5 Multiple-Family District (Continued from December 10, 2019 Agenda)

Action: Upon a motion by Councilmember Lee Eng, seconded by Councilmember Enander item passes by the following vote: AYES: Enander, Fligor, Lee Eng, Pepper; NOES: Bruins; ABSTAIN: None; ABSENT: None.

## DISCUSSION ITEMS

5. Approval of Consultant Services Agreement with Alta Planning + Design for Development of the Los Altos - Complete Streets Master Plan

Transportation Services Manager Madalena presented the staff report.

Public Comments: The following individuals presented public comments: Roberta Phillips, Kim Mosley and Stacy Banerjee.

Direction: Council provided comments and additional direction to staff on desired changes to the agreement and directed staff to return with a revised scope of work.

*Mayor Pepper recessed the meeting at 9:18 p.m. The meeting resumed at 9:32 p.m.*

6. Tobacco Retailer License

Management Analyst Fellow Marsden presented the staff report.

Public Comments: The following individuals presented public comments: Carol Baker and Debbie Morton.

Action: Upon a motion by Mayor Pepper, seconded by Vice Mayor Fligor, the Council unanimously introduced and waived further reading of Ordinance No. 2020-469 adding Article 4.48 of the Los Altos Municipal Code regarding a tobacco retailer license, as amended.

7. Review and receive an informational update on pedestrian flags as safety treatments

Transportation Services Manager Tom Madalena presented the staff report.

Public Comments: The following individuals presented public comments: Los Altos residents David Sobel and Jaimie Wales.

Action: Upon a motion by Mayor Pepper, seconded by Councilmember Enander, the Council unanimously approved implementing a pilot program for use of pedestrian flags at El Monte Avenue and Covington Road that would conclude at the end of the school year and tasked the Complete Street Commission with monitoring the implementation, working with parents, encouraging any needed training, and evaluating the pilot on its effectiveness.

Direction: Council directed staff to analyze the feasibility and advisability of installing a 'No Right on Red During School Hours' at El Monte Avenue and Covington Road.

8. Emergency Preparation Update

Emergency Preparedness Coordinator presented the report. No action taken on this item.

9. EOC/Police Station Status Update for Emergency Operations Center (EOC) & Police Station Building Upgrades

This item was continued to a future meeting.

**ITEMS PULLED FROM CONSENT CALENDAR CONTINUED**

4. Approval of Contract for City Attorney Services: Approve the agreement for City Attorney Legal Services with Berliner-Cohen LLC (C. Jordan)

City Manager Jordan presented the report.

Action: Upon a motion by Councilmember Bruin, seconded by Councilmember Enander, the Council unanimously approved the agreement for City Attorney Legal Services with Berliner-Cohen LLC.

**COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS**

Council asked for an update on Council Chambers remodel. Staff informed Council that it will be presented to Council on February 25, 2020.

Councilmember Enander shared that she attended the Santa Clara County Housing and Community Development Advisory Committee.

Vice Mayor Fligor reported that she attended a meeting of the North County Library Authority.

Councilmember Bruins asked for date for the Joint Session for the Financial Commission. She further reported she attended the Housing 2020 Forum on January 29, 2020, a Metropolitan Transportation Commission (MTC) workshop on January 30, 2020, a Joint MTC/Association of Bay Area Governments workshop on January 31, 2020 and meetings of the CalTrain and Valley Transportation Authority on February 6, 2020.

Councilmember Lee Eng announced the Dog Park Workshops in Los Altos.

Mayor Pepper reported she attended the Chef Chu's 50 anniversary on February 2, 2020 and a ribbon cutting for Mix Fitness.

**ADJOURNMENT**

Mayor Pepper adjourned the meeting at 11:32 p.m.

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Janis C. Pepper, MAYOR

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Dennis Hawkins, CMC, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LOS ALTOS, HELD ON TUESDAY, FEBRUARY 25, 2020,  
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 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 Jan Pepper led the Pledge of Allegiance to the flag.

**CLOSED SESSION ANNOUNCEMENT**

1. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: Satish Ramachandran v. City of Los Altos, et al.; *United States District Court, Northern District of California; Case No. 5:18-cv-01223-HRL*
2. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: New Cingular Wireless PCS, LLC d/b/b AT&T Mobility v. City of Los Altos; *United States District Court, Northern District of California; Case No. 5.20-CV-294-SVK*
3. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: GTE Mobilnet of California Limited Partnership, a California limited partnership d/b/a VERIZON WIRELESS v. City of Los Altos; *United States District Court, Northern District of California Case No. 5:20-CV-386-CV*
4. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: Doheny-Vidovich Partners, a California General Partnership, et al v. City of Los Altos, et al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV3559702*
5. Conference with Legal Counsel – Existing Litigation  
Pursuant to Government Code Section 54956.9(d)(1)  
Name of Case: GoldSilverIsland Homes, LLC v. City of Los Altos, et. al.; *Superior Court of the State of California, County of Santa Clara Case No. 19CV352667*

Mayor Pepper announced that no action was taken during the closed session.



## **CHANGES TO THE ORDER OF THE AGENDA**

The Council determined to take these items in the following order: Item 10, Item 8, Item 9, Item 7.

## **SPECIAL PRESENTATION**

Mayor Pepper presented a proclamation to retiring Santa Clara County Library Director Nancy Howe.

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

The following individuals provided public comments: Los Altos residents Tony Fraser Smith and Teresa Morris.

## **CONSENT CALENDAR**

Councilmember Lee Eng pulled item number 5.

Engineering Services Director Jim Sandoval responded to questions concerning Item 3 (inspection services) and City Manager Jordan agreed that Item 3 was for an amount “not to exceed” \$225,264.

Action: Upon a motion by Councilmember Bruins, seconded by Vice Mayor Fligor, the Council unanimously approved the Consent Calendar, with the exception of item number 5, as follows:

2. Construction Contract Award: Sewer System Repair Program (Project WW-01001) & Structural Reach Replacement (Project WW-01002): Awarded the Base Bid for the Sewer System Repair Program (Project WW-01001) & Structural Reach Replacement (Project WW-01002) to EPS Inc., dba Express Plumbing in the amount of \$2,641,457 and authorized the City Manager to execute a contract on behalf of the City; and authorize the City Manager to execute change orders up to 15% of the construction contract.
3. Contract Amendment: Inspection Services for Various CIP Projects: Authorized the City Manager to execute Amendment No. 1 on behalf of the City with Bellecci and Associates for inspection of various Capital Improvement Program projects in the amount of \$225,264.
4. Tobacco Retailer License: Approved Second Reading and final adoption of Ordinance No. 2020-469 adding Article 4.48 of the Los Altos Municipal Code regarding a tobacco retailer license. Approve the second reading and adoption of Ordinance 2020-469 adding Article 4.48 of the Los Altos Municipal Code regarding a tobacco retailer license.
5. Adopt Resolution 2020-04 Approving the First Amendment to the North County Library Authority Joint Powers Agreement: Adopt Resolution 2020-04, approving the amendment to the NCLA Joint Powers Agreement – *Pulled for discussion (see page 4).*

## **PUBLIC HEARING**

6. 831 Arroyo Drive: Vesting Tentative map to subdivide a property into two lots in the R1-10 Zone District. The subdivision would create a 10,029 square-foot interior lot and a 13,116 square-foot corner lot. Adopt Resolution 2020-05 approving Subdivision 18-DL-01 subject to the findings and recommended conditions.

Community Development Director Biggs and Associate Planner Gallegos presented the report.

Mayor Pepper opened the Public Hearing

Matthew Francois presented the application

Public Comments: The following individuals provided public comments: Los Altos residents Jason Guesman, Roberta Philips, Susan Flesher, and Anita Siegel.

Matthew Francois presented the rebuttal.

Mayor Pepper closed the public hearing.

Action: Upon a motion by Councilmember Bruins, seconded by Vice Mayor Fligor, the City Council approved Resolution 2020-05, Approving a tentative map for a two-lot subdivision at 831 Arroyo Road by the following vote: AYES: Bruins, Enander, Fligor, Pepper; NOES: Lee Eng; ABSTAIN: None ABSENT: None.

## **ITEMS FOR DISCUSSION/ACTION**

10. Review and Adopt 2020 City Council Priorities: Adopt the 2020 City Council Strategic Priorities

City Manager Jordan presented the draft Council Strategic Priorities.

Public Comments: The following individuals provided public comments: Los Altos Residents Eric Steinle, Sue Russell, and Freddie Wheeler.

Council discussed each of the 8 priority areas and provided direction to staff. Staff will make edits and supply a draft workplan for Council review March 10.

8. EOC/Police Station Status Update for Emergency Operations Center (EOC) & Police Station Building Upgrades (Project CF-01003): Recommendation: City Council provide direction to staff on which option they want to pursue for improving Police facilities.

Engineering Services Director Sandoval and Project Manager Maslo presented the staff report

Public Comments: The following individuals provided public comments: Los Altos residents Art Whipple and Harry Guy.

City Council discussed the relative priorities of constructing a new EOC and moving toward a future public safety facility bond measure that could include the City's fire stations and a new police station. Council provided direction to staff to continue with the final design of the new EOC to prepare for bidding for the construction. Council also was supportive of beginning the process of toward a public safety facility bond measure that would go to the voters after 2020. No vote was taken.

9. City Hall Council Chambers Audio/Visual Upgrade Project CD-010021: Direct staff to proceed with soliciting bids for construction of the project as proposed. (J. Maginot)

Deputy City Manager Maginot presented the staff report which indicated the design would include a lift system to make the dais in the chambers accessible.

Action: Upon a motion by Councilmember Enander, seconded by Councilmember Bruins, the Council unanimously approved the design of the Council Chambers remodel project and directed staff to proceed with soliciting bids for construction of the project

Because it was past 11:00, the City Council continued item 5 (Resolution 2020-04 Approving the First Amendment to the North County Library Authority Joint Powers Agreement) and Item 9 (Pavement Management Program Update – 2019 Pavement Condition Index) to the next meeting.

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

Vice Mayor Fligor requested that staff schedule the Council Open Office hours and a City/LASD committee meeting.

Councilmember Bruins requested that the City prepare a letter of support for the Homestead intersection improvement project.

## **ADJOURNMENT**

Mayor Pepper adjourned the meeting at 11:45.

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Janis C. Pepper, MAYOR

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Dennis Hawkins, CMC, CITY CLERK



**CONSENT CALENDAR**

**Agenda Item # 2**

**AGENDA REPORT SUMMARY**

**Meeting Date:** March 24, 2020

**Subject:** Annual Development Impact Fees Report for Fiscal Year 2019

**Prepared by:** Thuyet Dang, Financial Services Manager

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

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

**Attachment(s):**

1. Annual Report on Development Impact Fees for Fiscal Year 2019 Pursuant to AB1600

**Initiated by:**

Staff

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- None.

**Summary:**

- Accept Annual Development Impact Fees Report

**Staff Recommendation:**

Move to receive Annual Report on Development Impact Fees for Fiscal Year 2019



**Subject:** Annual Development Impact Fees Report for Fiscal Year 2019

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### **Purpose**

State law requires the City to make this report available for public inspection at least 10 days before the City Council accepts the report and 180 days after the last day of the fiscal year. The notice on the availability of this report was posted on February 27, 2020.

### **Background**

The attached report provides information on the amount of park in-lieu fees and traffic impact fees collected in the amount of funds expended and the interest earned on unexpended funds from July 1, 2018 through June 30, 2019. If the City held developer fees for a period greater than five years, the City Council can make findings on an annual basis that uncommitted funds have a specified purpose and that there is a reasonable relationship between the fee and the purpose for which it was charged. As of June 30, 2019, there were no funds held by the City for a period greater than five years and as a result, no findings are needed for this year's report.

### **Discussion/Analysis**

The City has two developer impact fees in place, a Park in-Lieu Fee and a Traffic Impact Fee. The City's Park in-Lieu Fee requires developers to contribute land or an in-lieu fee per parcel when developing or subdividing a property. The City has identified park and recreation facility improvements in its Capital Improvement Program to be funded with these dollars.

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.

Section 66001 of the Government Code requires the City to review and report on the status of the fees collected annually.

### **Options**

- 1) Receive the Annual Report on Development Impact Fees for Fiscal Year 2019

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

**Disadvantages:** Will not be in compliance with state law requirements

### **Recommendation**

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, 2019**

**City of Los Altos  
Park In-Lieu Fees and Traffic Impact Fees  
For Year Ended June 30, 2019**

**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, 2019

Fiscal Year	Beg Bal	Fees Collected	Interest Income	Transfers In	FY 18/19 Expenditures	Transfers Out	End Bal
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	3,636,000.00	4,640.00				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
2019	5,253,335	127,500	35,466		243,104		5,173,197



**City of Los Altos  
Traffic Impact Fees  
For Year Ended June 30, 2019**

<b>Fiscal Year</b>	<b>Beg Bal</b>	<b>Fees Collected</b>	<b>Interest Income</b>	<b>Transfers In</b>	<b>FY 18/19 Expenditures</b>	<b>Transfers Out</b>	<b>End Bal</b>
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
2019	580,232	21,053	4,447		70,895		534,837

**City of Los Altos  
Park-in-Lieu Funds Expended  
For Year Ended June 30, 2019**

<b>Project</b>		<b>Amount of Impact Fees Expended on Project</b>	<b>Amount of All Funds Expended on Project</b>	<b>Percent Share of Impact Fees</b>
<b>CF01017 Annual Park Improvement</b>	Park-in-Lieu	\$ 243,054	\$ 243,054	100%
		<u>Total</u>	<u>\$ 243,054</u>	<u>\$ 243,054</u>
				100%

As June 30, 2019, there were no loans made by the Fund

For fiscal year ending June 30, 2019, there were no fee refunds issued by the Fund

As of June 30, 2019, 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, 2019**

Project		Amount of Impact Fees Expended on Project	Amount of All Funds Expended on Project	Percent Share of Impact Fees
<b>TS01022 Collector Street Traffic</b>	Traffic Impact	\$ 70,701	\$ 70,701	100%
<b>TS01007 Neighborhood Traffic Mgmt</b>	Traffic Impact	\$ 194	\$ 194	100%
	Total	<u>\$ 70,895</u>	<u>\$ 70,895</u>	100%

As June 30, 2019, there were no loans made by the Fund

For fiscal year ending June 30, 2019, there were no fee refunds issued by the Fund

As of June 30, 2019, 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 # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** March 24, 2020

**Subject:** Resolution No. 2020-06: Cities Keep It Clean

**Prepared by:** Jon Maginot, Deputy City Manager

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

**Attachment(s):**

1. Resolution No. 2020-06

**Initiated by:**

County of Santa Clara

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- Does the Council wish to adopt the attached Resolution recognizing and declaring May 2020 to be “Keep It Clean Santa Clara County” month?

**Summary:**

- The County of Santa Clara Board of Supervisors has initiated this movement
- The Board of the Cities Association of Santa Clara County requested the Resolution be distributed to the individual cities in the County for consideration
- The Resolution encourages businesses, governments, non-profits and residents to work to eliminate trash and debris along roadways throughout the County

**Staff Recommendation:**

Adopt Resolution No. 2020-06 declaring May 2020 to be “Keep It Clean Santa Clara County” month

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**Reviewed By:**

City Manager

*CJ*

City Attorney

*JH*

Finance Director

*SE*

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**RESOLUTION NO. 2020-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DECLARING MAY 2020 TO BE “KEEP IT CLEAN SANTA CLARA COUNTY”  
MONTH**

**WHEREAS**, every year litter on Bay Area streets, expressways, and freeways continues to pile up, which then blows and flows through storm drains, into creeks, and out to the San Francisco Bay and the ocean; and

**WHEREAS**, between July 2014 and June 2015 alone, more than 21,000 cubic yards of trash were cleaned up from Silicon Valley waterways, enough to fill twelve football fields ten feet deep with trash; and

**WHEREAS**, keeping our streets clean allows for improved public safety by removing unnecessary debris that causes hazards on the roadways. Ensuring safe streets, sidewalks and surroundings is important to prevent vehicle and pedestrian accidents alike; and

**WHEREAS**, during the rainy season, trash that is on the streets clogs storm drains and leaves streets with deep puddles that cause safety hazards and put a strain on municipal resources; and

**WHEREAS**, trash on our streets often includes food wrappers, which attract disease-carrying pests such as mice, rats, pigeons, and flies. Keeping our streets clean reduces these vectors and can prevent the spread of disease throughout the City; and

**WHEREAS**, trash turns away tourists and residents alike in order to avoid public places that they find distasteful due to excess garbage; and

**WHEREAS**, excessive garbage along our streets can lower property values and discourage potential buyers; and

**WHEREAS**, the most effective mitigation strategy must be both to reduce litter before it reaches our roadways and focus on removing the litter that does make its way into the environment.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby recognize and declare May 2020 to be:

**“Keep It Clean Santa Clara County” month.**

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_\_ day of \_\_\_\_, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Janis C. Pepper, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK



**CONSENT CALENDAR**

**Agenda Item # 4**

**AGENDA REPORT SUMMARY**

**Meeting Date:** March 24, 2020

**Subject:** Resolution No. 2020-07: Distracted Driving Awareness Month

**Prepared by:** Jon Maginot, Deputy City Manager

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

**Attachment(s):**

1. Resolution No. 2020-07

**Initiated by:**

County of Santa Clara

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

- Does the Council wish to adopt the attached Resolution recognizing and declaring April 2020 to be “Distracted Driving Awareness” month?

**Summary:**

- The County of Santa Clara Board of Supervisors has initiated this movement
- The Board of the Cities Association of Santa Clara County requested the Resolution be distributed to the individual cities in the County for consideration
- The Resolution raises awareness of the dangers of distracted driving

**Staff Recommendation:**

Adopt Resolution No. 2020-07 declaring April 2020 to be “Distracted Driving Awareness” month

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City Manager

*CJ*

**Reviewed By:**

City Attorney

*JH*

Finance Director

*SE*

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**RESOLUTION NO. 2020-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
DECLARING APRIL 2020 AS “DISTRACTED DRIVING AWARENESS  
MONTH”**

**WHEREAS**, Americans send and receive more than 500 billion texts every month; and

**WHEREAS**, over 660,000 drivers in the United States are estimated to use cell phones each day; and

**WHEREAS**, one third of all teenage drivers admit to text messaging while driving; and

**WHEREAS**, talking on a cell phone makes a driver four times more likely to suffer an automobile crash resulting in hospitalization; and

**WHEREAS**, 26 percent of all motor vehicle crashes are related to the use of cell phones; and

**WHEREAS**, 48 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands prohibit text messaging for all drivers; and

**WHEREAS**, 20 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands prohibit all drivers from using hand-held cell phones while driving; and

**WHEREAS**, overall traffic fatalities fell by 22 percent and identifiable hand-held cell phone driver fatalities dropped by 47 percent following the enactment of California’s law prohibiting hand-held cell phone use.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby recognize and declare April 2020 to be:

**“Distracted Driving Awareness Month”**

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_\_ day of \_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

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





\_\_\_\_\_ CALENDAR  
Agenda Item # \_\_\_\_

### AGENDA REPORT SUMMARY

**Meeting Date:** March 24, 2020

**Subject:** Easement and Covenant Agreement for the Los Altos Community Center Project (California Water Service Company)

**Prepared by:** Peter Maslo, Project Manager

**Reviewed by:** James Sandoval, Engineering Services Director

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

**Attachment:**

1. Exhibit A – Location of the Easement for the California Water Service Company

**Initiated by:**

Staff – CIP Project CF - 01002

**Previous Council Consideration:**

October 22, 2019; July 9, 2019; April 23, 2019; March 12, 2019; September 11, 2018; July 10, 2018; March 13, 2018; December 12, 2017; September 26, 2017, August 22, 2017; May 23, 2017; April 25, 2017

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

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

None

**Summary:**

- Staff recommends approval of an Easement and Covenant Agreement with California Water Service Company for the Los Altos Community Center.

**Staff Recommendation:**

Authorize the City Manager to execute an Easement and Covenant Agreement between the City of Los Altos and California Water Service Company for the Los Altos Community Center project.

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**Reviewed By:**

City Manager

*CJ*

City Attorney

*JH*

Finance Director

*SE*

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**Subject:** Los Altos Community Center – Easement and Covenant Agreement

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**Purpose**

Execute the Easement and Covenant Agreement between the City of Los Altos and California Water Service Company for the Los Altos Community Center project.

**Background**

The existing fire hydrant doesn't provide enough coverage for the new Los Altos Community Center building. The Santa Clara County Fire Department is requiring installation of an additional public hydrant to provide sufficient fire suppression coverage for the new Los Altos Community Center facility.

**Discussion/Analysis**

Staff is working with Noll & Tam's subcontracted civil engineering consulting firm BKF on the necessary documents for the recordation of the easement for the California Water Service Company water service.

**Options**

- 1) Authorize the City Manager to execute an Easement and Covenant Agreement between the City of Los Altos and California Water Service Company.

**Advantages:** An Easement and Covenant Agreement is required by California Water Service Company for the construction and maintenance of the required water service.

**Disadvantages:** N/A

- 2) Do not authorize the City Manager to execute an Easement and Covenant Agreement between the City of Los Altos and California Water Service Company.

**Advantages:** N/A

**Disadvantages:** The City would violate Santa Clara County Fire Department's requirement and the project would incur costly delays.

**Recommendation**

The staff recommends Option 1.

RECORDING REQUESTED BY

AND WHEN RECORDED RETURN TO:

This is a conveyance of an easement and the consideration and value is less than \$100.00

The undersigned Grantor declares that the documentary transfer tax due is \$ \_\_\_\_\_, computed on full value of property conveyed.

## EASEMENT AND COVENANT AGREEMENT

By this instrument dated \_\_\_\_\_, 2020 (the “Agreement”),

\_\_\_\_\_ (“Grantor”) hereby grants, subject to the terms and conditions set forth in this Agreement, to CALIFORNIA WATER SERVICE COMPANY, a California public utility water corporation, (“Grantee”), a non-exclusive easement in gross, consisting of the right from time to time to construct, reconstruct, install, inspect, maintain, repair, replace, remove, operate and use facilities of the type hereinafter specified, together with a right of way for such facilities and ingress to and egress from such facilities, upon, across and/or under the lands situated in the **County of** , State of California, described in Exhibit A attached hereto and made a part hereof:

The strip(s) or parcel(s) of land described in **Exhibit A** are referred to in this Grant of Easement as the “Easement Area” and is shown on the map attached hereto as **Exhibit B**.

The Easement Area and the facilities installed by Grantee thereon shall be used by Grantee for the conveyance, distribution and/or storage of water, and the installation, operation, inspection, maintenance, repair, improvement, replacement and removal of such pipes, conduits, meters, valves, fittings, boxes, vaults, hydrants, pipeline markers, and other facilities as Grantee deems necessary in connection with Grantee’s business as a public utility water company in its reasonable discretion.

Grantor hereby reserves, for itself, its successors and assigns, the right to use the surface of the Easement Area for parking, landscaping, walkways, signs and driveways; provided that Grantor shall not erect or construct any building, improvement, fencing or structure, plant trees (collectively, “Improvements”) or otherwise conduct activities in the Easement Area which may reasonably or materially impair or prevent Grantee’s use of the Easement Area for the purposes specified herein. To the extent removal of Improvements from the Easement Area is necessary for Grantee to exercise its rights under this instrument, Grantor shall be solely responsible for the costs of removal of such Improvements, and Grantee shall have no obligation to repair or replace any such Improvements. Grantor shall not, without Grantee’s consent, engage in any activity that will damage or is reasonably likely to damage, Grantee’s facilities and equipment in the Easement Area. Without limiting the foregoing, Grantor shall not, without Grantee’s consent, perform or permit any digging, tunneling or other forms of construction activity on the Easement Area which would substantially disturb, or are likely to substantially disturb the compaction and unearth Grantee’s facilities located within the Easement Area or endanger the lateral support to such facilities and Grantor agrees that it shall be responsible for any such damage, except to the extent such damages have been caused by Grantee’s negligence.

Grantee hereby agrees that Grantee shall vacate the Easement Area and any improvements constructed by Grantee thereon and relocate its facilities to a reasonable alternative Easement Area, at Grantor's sole cost and expense upon ninety (90) days written notice from Grantor to Grantee. Upon such relocation, Grantee shall deliver to Grantor a quitclaim deed releasing Grantee's interest in the vacated Easement Area.

Grantee agrees, at its sole cost, to keep all facilities and equipment of Grantee in the Easement Area in good condition and repair, subject only to ordinary wear and tear. In the event Grantee damages the surface of the Easement Area or improvements thereon, permitted by this Agreement and installed by or for Grantor, Grantee shall, at its cost, repair the damage caused by the activities of Grantee and restore the surface of the Easement Area, as reasonably as possible, to the condition in which such surface area and improvements existed at the commencement of the activities of Grantee which caused such damage. In no event shall Grantee be obligated to repair damage caused by activities or causes other than the activities of Grantee, its agents, officers, representatives or employees.

NEITHER PARTY WILL BE LIABLE (UNDER ANY THEORY OR CIRCUMSTANCE) FOR LOST REVENUES OR INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, OR PUNITIVE DAMAGES.

The terms hereof shall be binding upon, and inure to the benefit of the successors and assigns of the parties hereto. As used herein, the term "Grantor" shall include all subsequent owners of the land subject to the easement granted hereby. The terms hereof shall run with Grantee's Easement Area. As used herein, the term "Grantee" shall include all subsequent owners of the easement in gross granted hereby.

That Grantor covenants that Grantor has good right and title to grant the foregoing easement, and that Grantor and its successors and assigns shall warrant and defend the same unto Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons. That Grantee, its successors and assigns, hereby release and forever discharge Grantor and its past and present agents, employees, officers, directors, shareholders, tenants, successors, and assigns (the "Released Parties"), and each of them, from any and all claims, causes of action, proceedings, losses, damages, liability, costs, and expenses (including, without limitation, any fines, penalties, judgments, and attorneys' fees and costs) for damage to property and for injuries to or death of any person (including, but not limited to, the property and employees of each party, and Grantee's tenants, guests, invitees, licensees, agents and contractors) related to the condition of, or conditions on, the Easement Area or the use of the Easement Area by any person ("Claims"). The release shall apply regardless of the cause of the Claims, except to the extent arising out of the negligence or wrongful acts of Grantor or the other Released Parties.

Grantee shall indemnify, defend and hold harmless Grantor and the Released Parties from and against any and all Claims sustained by Grantor and/or the Released Parties arising out of the negligence or wrongful acts of Grantee, its tenants, subtenants or any of their respective agents, employees or invitees on or about the Easement Area; provided, however, the obligations hereunder shall not apply to any Claims to the extent arising out of the negligence or wrongful acts of Grantor or the other Released Parties.

Grantee shall maintain in full force and effect a policy or policies of commercial general liability insurance insuring Grantee against any liability arising out of the use of the Easement Area. Such insurance shall be in an amount not less than \$1,000,000 combined single limit for injury to or death of one or more persons in an occurrence, and for damage to tangible property (including loss of use) in an occurrence; shall name Grantor and its affiliates and lenders as additional insureds; and shall be written as primary policies, not contributing with or in excess of any coverage which Grantor may elect to carry. Upon Grantee's execution of this Agreement, Grantee shall deliver to Grantor a certificate of insurance evidencing the above coverage with limits not less than those specified above.

All notices required or permitted herein shall be made and given in writing to the parties at the respective addresses set forth below and shall be effective as of actual receipt or refusal of delivery. Should any act or notice required hereunder fall due on a weekend or holiday, the time for performance shall be extended to the next business day. Either party may change its address for the purpose of providing notice by delivering written notice to the other party which specifies the new address.

Grantor:

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

Grantee:

California Water Service Company  
\_\_\_\_\_  
\_\_\_\_\_  
Attention: \_\_\_\_\_

This Agreement shall be governed by and construed in accordance with the law of the State of California. Invalidation of all or a portion of any provision of this Agreement by judgment or court order shall in no way affect the remaining portion of such provision or any other provision which, to the extent possible, shall remain in full force and effect. This Agreement shall not be amended except by written agreement executed by Grantor and Grantee.

GRANTOR:

By: \_\_\_\_\_  
(Signature)

Name:

Title:

GRANTEE:

By: \_\_\_\_\_  
(Signature)

Name:

Title:

**Proj. No.** \_\_\_\_\_

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.

State of California                    )  
  ) ss  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
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

(Seal)

**EXHIBIT A**

Legal Description

**EXHIBIT B**

Depiction of Easement





REVIEWED  
OK ✓

February 12, 2020  
Project No. 20170208

**EXHIBIT A**  
**PUBLIC WATER EASEMENT**  
**LEGAL DESCRIPTION**

All that certain real property situate in the **City of Los Altos, County of Santa Clara, State of California**, being a portion of the lands described in that certain Quitclaim Deed, recorded **December 17, 2002** as **Document Number 16690221**, Official Records of said County, and being more particularly described as follows:

**Area 1:**

Being a strip of land having the uniform width of 20 feet, the centerline of which being more particularly described as follows:

**BEGINNING** at the **southeasterly corner** of said lands described in said Quitclaim Deed, said corner being also the **southwesterly corner** of lands described in that certain Grant Deed, recorded **December 20, 2007** as Document Number **19688564**, Official Records of said County, said corner also being on the **northerly right-of-way line of Hillview Avenue;**

Thence along said **northerly right-of-way line** and along the southerly line of said lands described in said Quitclaim Deed, **North 89°59'11" West, 101.00 feet** to a point hereinafter known as **Point A**, and the **TRUE POINT OF BEGINNING** of Area 1;

Thence at a right angle, **North 00°00'49" East, 154.53 feet** to the **POINT OF TERMINUS of Area 1;**

Containing an area of **3,091 square feet**, more or less.

**Area 2:**

Being a strip of land having the uniform width of 20 feet, the centerline of which being more particularly described as follows:

**BEGINNING** at aforementioned **Point A;**

Thence **North 00°00'49" East, 18.00 feet** to the **TRUE POINT OF BEGINNING** of Area 2;

Thence at a right angle, **South 89°59'11" East, 30.00 feet** to the **POINT OF TERMINUS of Area 2;**

**Excepting therefrom that portion that lies within the bounds of said Area 1;**

Containing an area of **400 square feet**, more or less.




ENGINEERS  
SURVEYORS  
PLANNERS

100+  
YEARS

February 12, 2020  
Project No. 20170208

A plat showing the above described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



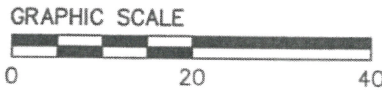
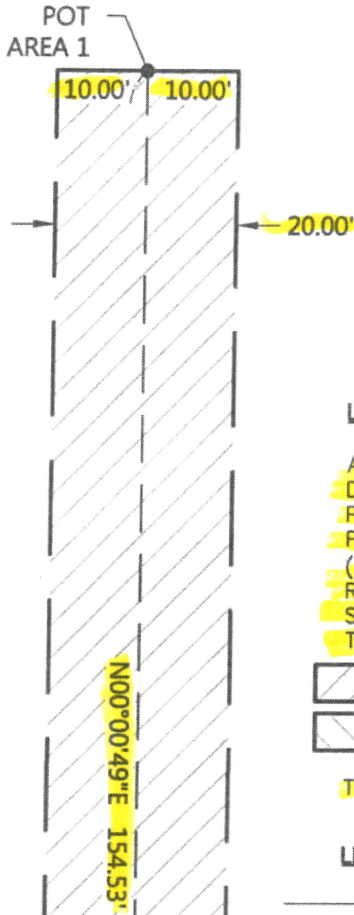
David C. Jungmann  
PLS 9267



2/12/2020  
Date

END OF DESCRIPTION

LANDS OF  
RAMGOPAL  
(PARCEL 2)  
(228 PM 49)  
APN 170-42-008



**LEGEND**

- APN ASSESSOR'S PARCEL NUMBER
- DN DOCUMENT NUMBER
- POB POINT OF BEGINNING
- POT POINT OF TERMINUS
- (R#) DENOTES RECORD BEARING
- R.O.W. RIGHT OF WAY
- SQ.FT. SQUARE FEET
- TPOB TRUE POINT OF BEGINNING
- EASEMENT AREA 1 = 3,091± SQ.FT.
- EASEMENT AREA 2 = 400± SQ.FT.

TOTAL EASEMENT AREA = 3,491± SQ.FT.

**LINETYPES**

- LOT LINE
- EASEMENT CENTERLINE
- EASEMENT LINE

**RECORD REFERENCE**

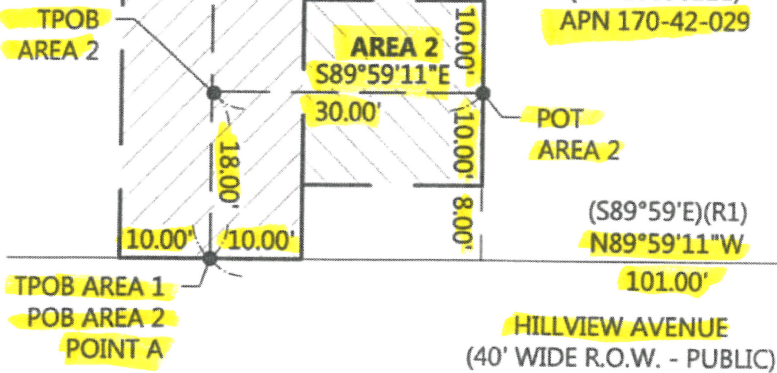
R1 BOOK 17 OF MAPS, PAGE 38, OFFICIAL RECORDS OF SANTA CLARA COUNTY

LANDS OF  
LOS ALTOS  
COMMUNITY  
FOUNDATION  
(DN 19688564)  
APN 170-42-003

LANDS OF THE  
CITY OF LOS ALTOS  
(DN 16690221)  
APN 170-42-029



*[Signature]*  
02/12/2020



HILLVIEW AVENUE  
(40' WIDE R.O.W. - PUBLIC)



**DISCUSSION ITEMS**

**Agenda Item # 6**

**AGENDA REPORT SUMMARY**

**Meeting Date:** March 24, 2020

**Subject:** Adoption of 2020 City Council Strategic Priorities and Workplan

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

**Attachment(s):**

- Draft 2020 City Council Strategic Priorities and Workplan

**Initiated by:**  
City Council

**Previous Council Consideration:**

- Council Retreat – February 5, 2020
- February 25, 2020

**Fiscal Impact:**  
Not Applicable

**Environmental Review:**  
Not applicable

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

- Does the City Council wish to adopt the 2020 Strategic Priorities and Workplan as discussed at the February 5, 2020 Council Retreat and February 25 Council meeting?

**Summary:**

- Annually the Los Altos City Council adopts a list of Strategic Priorities to guide the Council staff work plan for the year
- The Council met on February 5, 2020 and February 25, 2020 and provided guidance to staff regarding the Council's Strategic Priorities for 2020
- The Council also determined that these Strategic Priorities should not just guide the work plan for 2020, but many are multi-year projects and should continue into the future
- City staff has taken the Council's direction for the Strategic Priorities and provided a tentative workplan for accomplishing each

**Recommended Motion:**

Move to adopt the 2020 City Council Strategic Priorities and Workplan

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**Reviewed By:**

City Manager

CJ

City Attorney

JH

Finance Director

SE

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## **ITEM6, ATTACHMENT 1**

**This attachment will be distributed following final preparations by the Council Ad Hoc Subcommittee.**