



AMENDED 7.12.2021

**MINUTES OF THE REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
7:00 P.M., TUESDAY, JUNE 22, 2021**

**Held Via Video/Teleconference Per California Executive Order N-29-20.**

**MEETING CALLED TO ORDER**

At 7:05 p.m., Mayor Fligor called the meeting to order.

**ESTABLISH QUORUM**

Present: Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg  
Absent: None

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Trinity Chen, Girl Scout Troop 60078, led the Council in the Pledge.

**REPORT ON CLOSED SESSION**

Mayor Fligor reported that there was no action taken and nothing to report from the Closed Session held earlier in the evening.

**SPECIAL ITEMS**

- Introduction of New Los Altos Traffic Manager Marisa Lee

Engineering Services Director Sandoval introduced and welcomed new Los Altos Traffic Manager Marisa Lee. Ms. Lee commented.

- Proclamation declaring the Month of July as Parks Make Life Better Month

Parks and Recreation Director Legge introduced the item and provided a brief presentation. The Proclamation was read by Parks and Recreation Commissioners Valadez, Wang, Morris, and Corrigan and Mayor Fligor.

**CHANGES TO THE ORDER OF THE AGENDA**

There were no changes. Mayor Fligor announced that Agenda Item #13 would be removed from the agenda and not considered.

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

Frank Martin commented.

**CONSENT CALENDAR**

Council Member Lee Eng removed from the Consent Calendar Items #6 *Contract Amendment: Authorize the Interim City Manager to execute a contract Amendment No. 4 on behalf of the City with Nova Partners for additional construction management services on the Los Altos Community Center project through August 31, 2021, in the amount of \$49,560* and #7 *Contract Amendment: Authorize the Interim City Manager to execute a contract Amendment No. 6 on behalf of the City with Noll & Tam Architects for added scope of services on the Los Altos Community Center Project in the amount of \$43,716.*

Vice Mayor Enander removed from the Consent Calendar Item # 3. *Environmental Commission Endorsement of AB 1346, Prohibiting Small Off-Road Engines (SORE)*

Mayor Fligor announced that Items #6 and #7 would be considered in order prior to Item #10 and that Item # 3 considered prior to Item # 15.

1. Council Minutes: Approve the amended Minutes of the June 8, 2021, Regular Meeting
2. Youth Commission Appointments: Accept the Youth Commission Interview Subcommittee appointment recommendations and make recommended appointments to the Los Altos Youth Commission
4. Resolution No. 2021-30: Adopt Resolution Accepting Completion of the Sewer System Repair Program, Project WW0100119 & Structural Reach Replacement, and authorize the Engineering Services Director to record a Notice of Completion as required by law.
5. Construction Contract Award: Fremont Avenue Pavement Rehabilitation, Project TS-01056 Award the Base Bid and the Additive Alternate for the Fremont Avenue Pavement Rehabilitation Project to Interstate Grading and Paving, Inc. and authorize the Interim City Manager to execute a contract in the amount of \$1,173,476.35 and authorize the Interim City Manager or his designee to execute change orders up to 15% contingency on behalf of the City.
8. Resolution No. 2021-37: Memorandum of Understanding between the City of Los Altos and the Los Altos Municipal Employees Association: Adopt Resolution No. 2021-37 approving the Memorandum of Understanding between the City of Los Altos and the Los Altos Municipal Employees Association
9. Ordinance No. 2021-476 At-Will Employee Urgency Ordinance: Consider and adopt an Urgency Ordinance of The City of Los Altos Amending Chapter 2, Section 2.01.060 Entitled "City Manager" of the Los Altos Municipal Code by repealing Section 2.01.060 in its entirety and replacing it with a new section 2.010.060

There were no members of the public wishing to comment on the Consent Calendar.

Council Member Weinberg moved to approve the Consent Calendar Items 1, 2, 4, 5, 8 and 9. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.  
NOES: None  
ABSENT: None

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ABSTAIN: None

**PUBLIC HEARINGS – None**

## **DISCUSSION ITEMS**

6. Contract Amendment: Authorize the Interim City Manager to execute a contract Amendment No. 4 on behalf of the City with Nova Partners for additional construction management services on the Los Altos Community Center project through August 31, 2021, in the amount of \$49,560.

Engineering Services Director Sandoval, along with representatives from Nova Partners answered questions from the Council.

The following individuals commented: Jon Baer, Joe Beninato and Teri Couture.

Discussion commenced.

Council Member Weinberg moved that the Council direct the City Attorney to work with staff to schedule a Closed Session meeting, as appropriate, to address issues raised and concern expressed by the Council that qualify for a Closed Session. The motion was seconded by Vice Mayor Enander and the motion passed 4-1 with the following roll call vote:

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

Council Member Weinberg moved to authorize the Interim City Manager to execute a contract Amendment No. 4 on behalf of the City with Nova Partners for additional construction management services on the Los Altos Community Center project through August 31, 2021, in the amount not to exceed \$49,560. The motion was seconded by Mayor Fligor and the motion passed 3-2 with the following roll call vote:

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

7. Contract Amendment: Authorize the Interim City Manager to execute a contract Amendment No. 6 on behalf of the City with Noll & Tam Architects for added scope of services on the Los Altos Community Center Project in the amount of \$43,716.

Engineering Services Director Sandoval answered questions from the Council.

Jon Baer provided public comment.

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Mayor Fligor moved to authorize the Interim City Manager to execute a contract Amendment No. 6 on behalf of the City with Noll & Tam Architects for added scope of services on the Los Altos Community Center Project in the amount not to exceed \$43,716. The motion was seconded by Council Member Meadows and the motion passed 3-2 with the following roll call vote:

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

10. Emergency Measures for Addressing COVID-19: Receive an update from the Deputy City Manager and provide direction on additional potential measures to address COVID-19.

Deputy City Manager Maginot provided a presentation.

There were no public comments and no action.

11. FY 2021/22 – 2022/23 Operating Budget and FY 2022-2026 Five-Year Capital Improvement Plan: Adopt Resolution No. 2021-31 adopting FY 2021/22 – 2022/23 Operating Budget; adopt Resolution No. 2021-32 adopting the FY 2022-2026 Five-Year Capital Improvement Program; adopt Resolution No. 2021-33 establishing the FY 2021/22 Transient Occupancy Tax; adopt Resolution No. 2021-34 establishing the FY 2021/22 Utility Users Tax; adopt Resolution No. 2021-35 establishing the FY 2021/22 Appropriations Limit; adopt Resolution No. 2021-36 adopting the FY 2021/22 Salary Schedule

Deputy City Manager Maginot introduced Finance Consultant Jaime Fay of Eide Bailly and provided a staff report.

At 9:02 p.m., Mayor Fligor called for a brief recess. At 9:08 p.m., Mayor Fligor reconvened the meeting.

Mr. Maginot and Ms. Fay answered questions from the Council.

Mayor Fligor, for clarification, provided an explanation of her position as City representative on the CHAC board.

Marsha Deslauriers, CHAC Executive Director, Elizabeth Ward, Executive Director of the Los Altos history Museum and Tom Myers, Community Services Agency (CSA), spoke and answered questions relative to their funding requests.

The following member of the public commented: Roberta Phillips.

Council discussion commenced.

Vice Mayor Enander moved to Adopt Resolution No. 2021-31 adopting FY 2021/22 – 2022/23 Operating Budget as discussed and amended relative to the grants from the general fund and one-time grants from anticipated federal funds (ARP) to the Community based organizations and the adjustment to the Public Arts fund. The motion was seconded by Council Member Lee Eng and the motion passed with the following 5-0 roll call vote:

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

Vice Mayor Enander moved to adopt Resolution No. 2021-32 adopting the FY 2022-2026 Five-Year Capital Improvement Program with the caveat that the projects identified by staff in the June 22, 2021, staff report as those that could potentially be deferred, be deferred from further Council action for 6 months, based on forthcoming information and revenue. The motion was seconded by Council Member Lee Eng and the motion passed with the following 5-0 roll call vote:

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

Vice Mayor Enander moved to adopt Resolution No. 2021-33 establishing the FY 2021/22 Transient Occupancy Tax. The motion was seconded by Council Member Weinberg and the motion passed 5-0 with the following roll call vote:

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

Vice Mayor Enander moved to a adopt Resolution No. 2021-34 establishing the FY 2021/22 Utility Users Tax. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote:

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

Vice Mayor Enander moved to adopt Resolution No. 2021-35 establishing the FY 2021/22 Appropriations Limit. The motion was seconded by Council Member Meadows and the motion passed 5-0 with the following roll call vote:

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

Vice Mayor Enander moved to adopt Resolution No. 2021-36 adopting the FY 2021/22 Salary Schedule. The motion was seconded by Mayor Fligor and the motion passed 5-0 with the following roll call vote:

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

12. Regional Housing Needs Allocation RHNA: Consider appeal of the City's ABAG RHNA allocation and provide appropriate direction and share information regarding other legal actions challenging the RHNA numbers.

Vice Mayor Enander and Council Member Lee Eng provided information on the matter and answered questions.

Mayor Fligor noted her position on the ABAG Committee that worked on the methodology of the distribution of the RHNA numbers and stated that after review of her position and the matter before the Council it had been determined that she, on this particular matter, did not have a conflict of interest and would participate in the Council discussion.

The following members of the public commented: Ron Packard, Teri Couture, Anne Paulson, Salim, Jon Baer, and Roberta Phillips.

Discussion commenced.

Vice Mayor Enander moved to direct staff to prepare an appeal of the draft RHNA allocation to the City of Los Altos to be timely filed and with the assistance from Council Member Lee Eng and Vice Mayor Enander, to the best of their ability. The motion was seconded by Council Member Lee Eng and the motion passed 5-0 with the following roll call vote.

AYES: Council Members Lee Eng, Meadows, Weinberg, Vice Mayor Enander, and Mayor Fligor.

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NOES: None  
ABSENT: None  
ABSTAIN: None

Vice Mayor Enander reported on a recent legal action taken in Alameda County against ABAG relative to HCD RHNA allocations.

City Attorney Houston commented and advised the Council.

Vice Mayor Enander moved that Council direct the City Attorney to assess the information on the subject case and prepare a brief to Council as to options and advise on the matter, recently filed in Alameda County. The motion was seconded by Council Member Lee Eng and the motion passed 4-1 with the following roll call vote:

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

Mayor Fligor called for a brief recess at 11:52 p.m., and resumed the meeting at 11:58 p.m.

Mayor Fligor again noted that Item 13 had been removed from the agenda and tabled.

14. City Manager Employment Agreement: Approve the City Manager Employment Agreement appointing Gabriel Engeland as Los Altos City Manager based on terms set forth in the City Manager Employment Agreement.

Mayor Fligor provided background information on the recruitment process and the chosen candidate.

There were no members of the public wishing to speak.

Mayor Fligor moved that the Council approve the City Manager Employment Agreement, as presented, appointing Gabriel Engeland as Los Altos City Manager based on terms set forth in the City Manager Employment Agreement. The motion was seconded by Vice Mayor Enander and the motion passed 5-0 with the following roll call vote.

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

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Council Members commented and welcomed Mr. Engeland.

Mr. Engeland thanked the Council and provided comments.

3. Environmental Commission Endorsement of AB 1346, Prohibiting Small Off-Road Engines (SORE): Support the request of the Environmental Commission and authorize the submission of their letter to Assembly Member Berman

Vice Mayor Enander explained that she had pulled the matter from the Consent Calendar based on a procedural concern or question as to whether the matter should have come before the Council Legislative Subcommittee for consideration before Council action and if there is or should be a clear process.

City Attorney Houston advised that process or development of a process be considered during the Council Norm's discussion.

There were no members of the public wishing to comment.

Mayor Fligor moved that the Council Support the request of the Environmental Commission and authorize the submission of their letter to Assembly Member Berman. The motion was seconded by Council Member Meadows and the motion passed 3-0-2 with the following roll call vote:

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

10. Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785. (Vice Mayor Enander; Council Member Weinberg)

Vice Mayor Enander and Council Member Weinberg provided a report, commented on their positions on the various pending legislation and answered questions from the Council.

Discussion commenced.

The following members of the public commented: Freddie, Teri Couture, Anne Paulson, Salim, Roberta Phillips, Jon Baer (with time ceded from Dottie) and Joe Beninato

Discussion commenced.



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Vice Mayor Enander moved that the Council take the position of Oppose SB 16. The motion was seconded by Council member Lee Eng and the motion failed 2-3 with the following roll call vote:

AYES: Council Member Lee Eng and Vice Mayor Enander  
NOES: Council Member Meadows and Weinberg and Mayor Fligor  
ABSENT: None  
ABSTAIN: None

Council Member Weinberg moved that the Council take the position of Support for SB 16. The motion was seconded by Mayor Fligor and the motion passed 3-2 with the following roll call vote:

AYES: Council Member Meadows and Weinberg and Mayor Fligor  
NOES: Council Member Lee Eng and Vice Mayor Enander  
ABSENT: None  
ABSTAIN: None

Vice Mayor Enander moved that the Council take the position of Oppose AB 989. The motion was seconded by Council Member Lee Eng and the motion passed failed 3-2 with the following roll call vote:

AYES: Council Member Lee Eng, Vice Mayor Enander and Mayor Fligor  
NOES: Council Member Meadows and Weinberg  
ABSENT: None  
ABSTAIN: None

Council Member Lee Eng moved that the Council take the position of Oppose AB 1401. The motion was seconded by Vice Mayor Enander. The motion failed 2-2-1 with the following roll call vote:

AYES: Council Member Lee Eng and Vice Mayor Enander  
NOES: Council Member Meadows and Weinberg  
ABSENT: None  
ABSTAIN: Mayor Fligor

#### **INFORMATIONAL ITEMS ONLY**

- Community Center Construction Monthly Update – May 2021
- Tentative Council Calendar

No comments/No action taken.

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

Council Member Lee Eng inquired about ensuring that residents are effectively notified, in a timely manner, of upcoming rolling blackouts. Interim City Manager responded.

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**ADJOURNMENT**

At 1:05 a.m., Wednesday, June 23, 2021, Mayor Fligor adjourned the meeting.

ATTEST:

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Neysa Fligor, MAYOR

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Andrea M. Chelemengos MMC, CITY CLERK

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