

DATE: 10/11/22
TO: Councilmembers
FROM: City Manager
SUBJECT: COUNCIL Q&A FOR OCTOBER 11, 2022 CITY COUNCIL REGULAR MEETING

Item 1. Approve the 151 Hawthorne Avenue Historic Preservation Agreement

Question: What does the City do to ensure that residents in Mills Act contracts are fulfilling their obligation to maintain their property with money that would otherwise be used to pay for property taxes? Does the City regularly ask Mills Act property owners to comply with paragraph 6 of the contract (“Provision of Information of Compliance”)?

Answer: In Attachment 4 of the agenda report, it is the contract (Historic Property Preservation Agreement) that the homeowners and the City will sign prior to its effective date. Under Agreement Nos. 4-6 and 9, the City has all the mechanisms to enforce the Mill Act contract that the City approved.

For all the properties under the Mills Act contracts, the Planning Division did and will do regular inspections to ensure the homeowners have been fulfilling their obligations.

Question: Can the City amend our Mills Act contracts to mandate that property owners provide an annual statement with receipts for the maintenance of their properties?

Answer: Yes. We can amend the contract in the meeting and incorporate the language prior to the signoffs on the contract.

Question: Please clarify this sentence (pages 3-4 of the staff report):

“As the rehabilitation project just received Planning approval and has not started the building permit yet, the property value has not been reassessed by the Santa Clara County Assessor; therefore, staff is unable to determine the specific fiscal impact to the City.”

Answer: The recent rehabilitation’s approval granted by the Historical Commission to the subject property includes habitable and unhabitable additions. Once the building permit for the additions is approved by the City, a copy of the permit will be sent over to the County Assessor’s Office. The Assessor’s Office will reevaluate the property tax based on the new additions. The property tax will be increased after assessment. However, because the homeowners have not applied for the building permit yet, and the City is not involved in the reassessment of the property tax, it is the reason why we cannot determine the accurate property tax reduction for now.

Item 2. Approve the Agreement for Transportation Engineering Support with Traffic Patterns, LLC:

Question: What is the scope of working of the following projects ts-01013, ts-01060, and 4210-5270. No description of the project included.

Answer:

Projects to be included under each of the above are included in Attachment A, "Scope of Work and Fee Estimate." A brief project description is included in the final column.

Question: What is the "VRF" source of funding?

Answer:

Vehicle Registration Fees

Question: The staff report requests approval of the contract extension through FY 2023-24. But line item 14 in attachment "A" says that these services are only through FY 2022-23. Please clarify. Please identify costs expected to be incurred for FY 22-23 vs. FY 23-24.

Answer:

Services are intended to continue through FY23-24. Attachment A is referencing CIP name; CIP name for "Ongoing As Needed On-Call" would be "Professional Services 22-23" for FY22-23 and "Professional Services 23-24" for FY23-324

Item 3. Approve Emergency Declaration Resolution

Question: Can we continue extending the emergency resolution each month while still returning to hybrid or fully back in person meetings, so then we have the option to return to virtual meetings in case the situation gets worse again? In other words, does meeting in hybrid or in person preclude extending the emergency resolution every month "just in case"?

Answer: Yes, the City can and should continue extending the emergency resolution as long as the City is in a state of emergency. Per AB 2449, the City needs to extend the emergency declaration every 30 days to suspend elements of the Brown Act (namely, noticing of each teleconference location).

Item 4. Minutes

- Notes for Item 12 of the 9/20 minutes (pg 101 of the packet) say that "Vice Mayor Meadows provided comments.", but I believe all, or most, of Council participated in that discussion so that should be reflected.
- Additionally, on page 102 for this same item, the first sentence would be more accurately rephrased as shown in bold, "The Council agreed that it will not be appointing to the Parks and Recreation and Public Arts Commissions because **they lacked sufficient candidates and will not be recruiting for any commissions pending Council's discussion on commission roles and responsibilities.**"
- Item 9: "Council Members" should be singular before noting that CM Lee Eng seconded the motion.
- Minutes of Sept. 20, page 5, just above "Council/Staff Reports and directions on Future Agenda Items," the line "No further business was conducted per Council direction" would more correctly state, "In accordance with Council Norms, item 13 was deferred to the next regular Council Meeting." Otherwise, one is left to wonder what happened to that item.

Answer: Noted

Item 5. Approve a Memorandum of Understanding between City of Los Altos Police Officers Association:

Question: Background "...The parties reached a tentative agreement on all terms and conditions of employment on September 21, 2022. LAPOA members met and successfully ratified the tentative agreement for the side letter agreement on August 28, 2022." This seems weird, as it has the agreement on terms occurring AFTER the LAPOA ratification. Please clarify. (Compare with the timing indicated in the LAMEA staff report).

Answer: Noted. Thank you for bringing this to my attention. I will make the correction and have City Clerk upload the updated document.

Item 6. Approve a Memorandum of Understanding between City of Los Altos Municipal Employee Association:

Question: The Resolution (pg 121 of the packet) has the title for LAPOA (Item 5) rather than LAMEA.

Answer: Noted. Thank you for bringing this to my attention. I will make the correction and have City Clerk upload the updated document.

Item 8. Updated License Agreement with SFPUC for Hetch Hetchy Trail in Los Altos:

Question: Will there be any cutting between Los Altos Avenue and Mercedes needed?

Answer: The SFPUC has maintained this section of the trail. It is believed the trail is currently in compliance with their vegetation management standards, except for some vegetation that was planted by a property owner without SFPUC authorization. The SFPUC has not made a final determination on what will be removed on this section of trail, but it is probable the unauthorized plantings will be removed.

Question: Does Public Safety feel that the removal of the light pole would potentially result in adverse public safety issues? If so, is there a reasonable alternative or possible replacement in a nearby location?

Answer: No, the removal of this light pole will not cause any issues for public safety. Staff will review if an alternative or replacement pole is warranted after the vegetation management plan in the license agreement is fully executed.

Item 9. City of Los Altos Non-Profit and Civic Organization Contributions Policy:

Question: On page 2 of the staff report (pg 241 of the packet), it lists discretionary payments to Women SV and to the Chamber, didn't we also make a contribution to CSA, and if so, what was that amount?

Answer: The City of Los Altos provided \$25,000 to CSA in discretionary funding for the current fiscal year. The staff report illustrates the different funding categories (nondiscretionary vs non-discretionary) but was not intended to be inclusive of all funding requests the City Council approved.

Question: I would like to confirm that we can have the audit conducted by the Finance Department.

Answer: The audit will be conducted as directed by the City Manager.

Question: Can the application form include: What is the organizations sources of income? E.g. membership fees, grants

Answer: The intention of the application form is to provide organizational information to City Council. This question can be included.

Question: Can we require a financial statement from the organization for the last 2 years so we can better determine need.

Answer: The City can request additional information as necessary. However, staff would not recommend requiring this as part of the application process.

Question: It states that the City Manager will make a recommendation on funding based on Council priorities. Please clarify what list of priorities this is based on.

Answer: The City Council's priorities for the year are set at the annual City Council retreat. For 2022, the Council priorities are: Housing, Land use, Fiscal Sustainability, Community Safety, Asset Management, Environmental Sustainability, Community Engagement, Staffing, and Business Communities.

Item 10. City of Los Altos Fee Waiver Policy

Question: On page 1 of the Resolution (pg 251 of the packet), 3b states that, "The City Manager or their designee will have the authority to approve fee waivers for nonprofit or civic organizations **annually in an amount not to exceed the Council approved expenditure authority of the City Manager.** Does this mean that the annual total of all fees and waivers for all organizations combined must be equal to or less than the expenditure authority? Is there a recommendation as to how to allocate amongst all eligible waiver requests or is it first-come, first-serve until the expenditure authority is met?

Answer: The policy is designed to comply with the purchasing policy, where the City Council approves an authorization limit for the City Manager. In the proposed policy, the City Manager may approve waivers for each individual organization annually up to the authorization limit. The policy is not intended to be applied cumulatively.

Question: What criteria would we establish as to who qualifies to have their fee waived?

Answer: Per the proposed policy, the criteria are as follows: "The organization must be a nonprofit or civic organization. The organization and the event must provide a direct benefit to the Los Altos community. The event may not be political or religious in nature. All programs or events must be open to the public with no charge to attend and provide services on a non-discriminatory basis. The organization must provide insurance coverage as required by the City."

Question: Would it demonstrate bias or preferential treatment if some get their fees waived and others do not?

Answer: No.

Question: Can we request a non-profit or organization to demonstrate the need for a fee waiver?

Answer: The City can request additional information as necessary.

Question: Can we request that the organization provide the amount of money they have in reserves when they ask for a fee waiver?

Answer: The City can request additional information as necessary.

Question: What was the fiscal impact prior to Covid?

Answer: City staff is unsure of the question asked.

Question: Can individual residents or resident groups ask for a Waiver if they demonstrate a need?

Answer: This program is for non-profit and civic organizations conducting an event that provides a benefit to the Los Altos community. The event may not be political or religious in nature. If a resident group meets these criteria, they may apply for a fee waiver.

Question: Should we revisit the fee schedule to make it equitable for everyone

Answer: The City Council reviews the fee schedule annually. The current fee schedule was created at Council direction. Additionally, per the policy, “the Parks & Recreation Department will designate weekdays (Monday through Thursday) during non-peak use for the Apricot room in the Los Altos Community Center for non-profit and civic organizations to use at no cost. Use will be limited to once per month (pending availability) and will only be available for reservation 45 days in advance of the requested date of use.”

Item 11. Hybrid City Council meetings:

Question: If we return to hybrid, would a majority of the Councilmembers have to attend in person?

Answer: No. Per AB 2449, if the Council chooses a hybrid option, a majority of Council members must be at locations within the jurisdiction during a teleconference meeting but need not be at the same location.

Question: Please provide some hybrid models that we may want to consider implementing.

Answer: Staff is unsure of what is requested by “hybrid models.” Agencies within Santa Clara County that currently operate hybrid meetings include Los Altos Hills, Palo Alto, Santa Clara, Campbell, Cupertino, Milpitas, Monte Sereno, San Jose and Santa Clara.

Item 13. Tentative Council Calendar

Question: The tentative calendar for Nov 15 shows Commission Appointments will be an agenda item, but this should be removed since there is no recruitment for additional appointments.

Answer: The title of this agenda item has been changed to “Commission Appointment Process” to more accurately reflect the expected discussion. The City Council requested a topic to discuss changes around how Commission vacancies are advertised and how appointments by Council are made.

Question: When will the Council consider the Open Government policy? Please provide the responses staff gave to the questions posed by the Open Government Subcommittee.

Answer: The Open Government Committee has not met since the answers were provided by staff. In speaking with the Committee, they intend to schedule a meeting soon. The staff responses will be available when the agenda for the Open Government Committee is published.