

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, September 16, 2021 – 6:00 p.m.

Council Chambers, 26379 Fremont Road, Los Altos Hills, California

Via teleconference according to the Governor’s Executive Order N-29-20, **Mayor Tankha** called the City Council Regular Meeting to order at 5:58 p.m.

Present: Mayor Tankha, Vice Mayor Tyson, Councilmember Mok, Councilmember Schmidt, Councilmember Swan
Absent: None
Staff: City Manager Carl Cahill; City Attorney Steve Mattas; Public Works Director Oscar Antillon; Administrative Services Director Sarina Revillar; Management Analyst II Cody Einfalt; City Clerk Deborah Padovan

CALL TO ORDER (5:30 P.M.)

A. Roll Call

B. Pledge of Allegiance

1. ADJOURN TO CLOSED SESSION TO DISCUSS THE FOLLOWING:

A. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Government Code Section 54957.6)
Unrepresented Employee: New City Manager
Agency Designated Representative: Steve Mattas

2. ADJOURN CLOSED SESSION

The Closed Session adjourned at 5:50 p.m.

Public Comment on Closed Session Item

Mayor Tankha asked for public comments. There were none.

City Attorney Steve Mattas said there was no reportable action.

3. OPEN SESSION (6:00 P.M.)

Mayor Tankha called the meeting to order at 5:58 p.m.

A. Pledge of Allegiance

Mayor Tankha asked for a moment of silence in memory of September 11th.

4. **AGENDA REVIEW AND REPORT OUT OF CLOSED SESSION**

Councilmember Swan asked to postpone Item #10.F.

Mayor Tankha said that the item is agendized as a report. Any action will be taken at a later meeting.

MOTION MADE AND SECONDED: Councilmember **Swan** moved that Agenda Item #10F be postponed to a future meeting. The motion was seconded by Councilmember **Mok**.

MOTION FAILED 2-3:

AYES: Mok, Swan
NOES: Tankha, Tyson, Schmidt
ABSTAIN: None
RECUSE: None
ABSENT: None

5. **PRESENTATIONS AND APPOINTMENTS**

A. Appointments to the Community Relations Committee

City Clerk Deborah Padovan presented the applications of **Lew Jamison** and **April Anair**.

Lew Jamison expressed his interest in serving on the committee.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to appoint **Lew Jamison** and **April Anair** to the Community Relations Committee for four-year terms. The motion was seconded by Councilmember **Schmidt**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

B. Annual Report of the Los Altos Hills Environmental Design and Protection Committee

Peter Brown, Vice Chair of the Environmental Design and Protection Committee, presented the committee's annual report.

The Council thanked the committee for all of their hard work. No action was taken.

- C. Presentation by the Environmental Initiatives Committee (EIC) of the Green House Gas Inventory, Accept the Inventory, and Provide Direction to the EIC on the Climate Action Plan

Anand Ranganathan, member of the Environmental Initiatives Committee, presented the Greenhouse Gas Inventory.

Council discussion ensued. The Council strongly supported the committee's initiatives.

Public Comment

Steve Schmidt, Los Altos Hills, thanked the Council for the supportive comments. He asked for direction on what target the committee could use. He said 56% might be a bit conservative. They are asking for more productive feedback.

Pat Lang, Los Altos Hills, thanked the Council for being so supportive. She said she has four grandchildren and wants the world to be in good shape when it is their turn.

Srini Srinivasan, Los Altos Hills, thanked the Council for their support. He serves on the EIC and said the goals are conservative. He thanked the Council for acting for the environment. He would like to push the agenda through this time around. The time to act is now. Asked for guidance on the general noise around the issues in our community, and how the committee can help.

Vrinda Bhandarkar, Los Altos Hills, appreciated the positive feedback and Council's support. In the first five years there is going to be a lot of investment by the state, county and federal government. They need the Council's support and intention to work with different levels of government. We really need the will to reach those targets.

Council discussion ensued.

The Council was inclined to support efforts to take us to the next level. The committee is to return with a plan and options. No action was taken.

- D. Presentation by the Los Altos Hills County Fire District on the Evacuation Hardening Project on Moody and El Monte Roads

Denise Gluhan, Los Altos Hills County Fire District, presented on evacuation hardening on Moody and El Monte Roads. This is an on-going plan for the Town.

Council discussion ensued. No action was taken.

Public Comment

Jitze Couperus, Los Altos Hills, thanked **Captain Gluhan**. He asked that she include hardening on Moody Road and the fire access roads in that neighborhood.

Dru Andreson, Los Altos Hills, talked about a firewise project in Zone 2. They had an evacuation drill a year ago. The firewise program is national and they have 8 to 10 properties participating.

6. PRESENTATIONS FROM THE FLOOR

*Persons wishing to address the Council on any subject **not** on the agenda may do so now. Please complete a Speaker Card located on the back table of the Council Chambers and submit it to the City Clerk. Comments are limited to two (2) minutes per speaker. California law prohibits the Council from acting on items that do not appear on the agenda. Under a Resolution previously adopted by the Council, such items can be referred to staff for appropriate action, which may include placement on the next available agenda.*

There were no public comments.

7. CONSENT CALENDAR

Councilmember Schmidt asked what Plan JPA pooled liability is for. **Administrative Services Director Revillar** provided an overview on liability insurance.

MOTION MADE AND SECONDED: Councilmember **Schmidt** moved to approve the **CONSENT CALENDAR** as presented. The motion was seconded by Councilmember **Swan**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan
NOES: None
ABSTAIN: None
RECUSE: None
ABSENT: None

- A. Approval of City Council Special Meeting Minutes: August 19, 2021
- B. Approval of City Council Regular Meeting Minutes: August 19, 2021
- C. Approval of City Council Special Meeting Minutes: August 30, 2021
- D. Approval of City Council Special Meeting Minutes: September 8, 2021
- E. Review of Disbursements: August 1-31, 2021 \$1,435,568.84

- F. **Resolution 61-21** Authorizing increasing the Standing Purchase Order with PLAN JPA-Pooled Liability Assurance in the amount not to exceed \$19,243; Authorize the City Manager to Execute Standing Purchase Orders for Fiscal Year 2021-2022 in an Amount not to Exceed \$265,127, and Appropriate \$19,243 for Liability Assurance for FY2021-22 Budget (Staff: S. Revillar)
- G. Revise **Resolution 62-21** Delegation of Authority to Request Disbursements from Other Post-Employment Prefunding (Staff: S. Revillar)
- H. **Resolution 63-21** Accepting the Grant of an Open Space Easement at 26724 Palo Hills Drive; Lands of Wen Family Trust (Staff: S. Padovan)
- I. **Resolution 64-21** Accepting Dedication of Right-of-Way Easement; Lands of Wen Living Trust; 26724 Palo Hills Drive (Staff: O. Antillon)
- J. **Resolution 65-21** Accepting Dedication of Right-of-Way Easement; Lands of SA 96 LLC; 14096 Seven Acres Lane (Staff: O. Antillon)
- K. **Resolution 66-21** Accepting Dedication of Right-of-Way Easement; Lands of Vista Grande Trust; 13781 Cicerone Lane (Staff: O. Antillon)
- L. **Resolution 67-21** Accepting the 23520 Ravensbury Avenue Sanitary Sewer Main Extension Project and Approving a Sanitary Sewer Offer of Dedication and Dedication Agreement Between the Town and James and Jennifer Doran (Staff: O. Antillon)
- M. **Resolution 68-21** Approving Application and Sewer Construction and Dedication Agreement for the 13254 East Sunset Drive Sanitary Sewer Main Extension Project (Staff: O. Antillon)
- N. **Resolution 69-21** Accepting the 2020 Pavement Rehabilitation and Drainage Improvement Project (Staff: O. Antillon)
- O. Notification of Fast Track Approval: Lands of AAAA 2019 Revocable Trust; 12500 Minorca Court; Site Development Permit for a new 4,551 square-foot, one-story residence with a 2,157 square-foot basement, and a detached 1,198 square-foot accessory dwelling unit. CEQA Review: Categorical Exemption per Section 15303(a) Appeal deadline: Tuesday, September 28, 2021 at 5:00 p.m. (Staff: J. Loh)

8. ONGOING BUSINESS

- A. Resolution Approving an Addendum to the Sheriff's Contract for an Additional Swing Shift Deputy in an amount not to exceed \$450,000 Annually (Staff: C. Cahill) – Continued from the August 19, 2021 Regular City Council Meeting

City Manager Carl Cahill presented the staff report.

Captain Rich Urena presented the Sheriff's response times in 2021.

Councilmember Mok asked how long it would take to hire a second deputy.

Captain Urena replied that the beginning of fiscal year would work best because of budgeting.

Councilmember Schmidt understood that the second deputy was already working in town at times.

Captain Urena confirmed this.

Vice Mayor Tyson thanked **Captain Urena** for an excellent report that covered the additional data Council had asked for.

Councilmember Swan said that response time goals were met before the second deputy was added. She wondered if the motorcycle officer was really needed. She suggested that the contract for the motorcycle officer be ended and a patrol car be placed at Gardner Bullis School as a deterrent. Gathering data from the license plate readers, once they are in use, would be more prudent than adding another deputy at this time.

Public Comment

Anand Ranganathan, Los Altos Hills, said we spend \$205 per capita. If we add the second deputy, we will be spending more than Saratoga and Cupertino. He was not in support of the additional deputy and extra money. Why do we need to commit the extra money, if we will already pay for it only if we use it?

Kjell Karlsson, Los Altos Hills, said the Council should figure out the budget for license plate readers for two patrol cars.

Pat Lang, Los Altos Hills, suggested the Council see the effect of the license plate readers before making a decision.

MOTION MADE AND SECONDED: Councilmember **Swan** moved that no decision be made on this item at tonight's meeting. The motion was seconded by Councilmember **Mok**.

MOTION PASSED 3-2:

AYES: Tankha, Mok, Swan
NOES: Tyson, Schmidt
ABSTAIN: None
RECUSE: None

ABSENT: None

9. **REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES**

A. Report by the Undergrounding Subcommittee (Vice Mayor Tyson)

Vice Mayor Tyson presented his undergrounding report.

No action was taken.

B. Report by the Fire Taskforce Subcommittee (Councilmember Schmidt)

Councilmember Schmidt presented the fire taskforce report. There will be a Fire Fair at Town Hall on October 23rd and the FireSafe Council has been very helpful. She asked how we can prioritize tree / brush removal on city rights-of-way? Can we start coming up with a plan to deal with this? We need a good solid plan to accomplish this.

Council discussion ensued regarding the possibility of using swimming pool water to fight fires.

Public Comment

Denise Gluhan, LAHCFD, explained that the fire department has maps on the trucks that include the majority of pools. If that pool is considered part of the property's fire protection system, it's required to be plumbed to the road to make it possible to use the pool water to fight fires. That also shows up on the maps and becomes part of the annual hydrant inspection. Fire trucks also carry a hard suction pump that can extract water from pools in a firefighting situation.

No action was taken.

C. Status Reports from All Councilmembers on Subcommittee and Outside Agencies Activities

Councilmember Swan said she is on the Joint Volunteer Awards Committee. She encouraged nominations for Los Altos Hills volunteers.

10. **STAFF REPORTS**

A. City Manager

No report.

B. City Attorney – Report on AB 361; Consideration of Options and Possible Direction to Staff

City Attorney Mattas said that **Governor Newsom** signed AB 361 allowing cities to continue to use teleconference meeting capabilities without having to comply with historic teleconference standards. This law would allow public agencies to continue to use teleconferencing through early 2024. It does require the Town proclaim a state of emergency by determining that in-person meetings would create a risk to the health and safety of attendees, and to renew it monthly. Agencies must allow members of the public to address the legislative body, and to fully participate in the meeting. Agendas must include information for the public on how they can participate in the meeting.

The new law prohibits public agencies from requiring that public comment be submitted prior to meetings and requires that public comment be taken during the meeting. If there is any disruption in the video or Zoom connection during the meeting, the legislative body must suspend the meeting until the issue has been resolved.

This is an urgency statute, so it takes effect immediately. It applies to all legislative bodies; i.e., the Council, Planning Commission, and standing committees. It would require a Consent Calendar item each month to reaffirm the state of emergency. To discontinue teleconferencing and return to in-person meetings, that item would simply not appear on the Consent Calendar.

MOTION MADE AND SECONDED: Councilmember **Swan** moved that because the Town is operating under a state of emergency, locally declared and by state action, the Town utilize the authority provided in AB 361 to continue teleconference meetings, given the imminent risk to health and safety of attendees from the current pandemic. The motion was seconded by Vice Mayor **Tyson**.

MOTION PASSED 5-0:

AYES: Tankha, Tyson, Mok, Schmidt, Swan

NOES: None

ABSTAIN: None

RECUSE: None

ABSENT: None

C. City Clerk

No report.

D. Administrative Services Director

No report.

E. Public Works Director

Public Works Director Oscar Antillon responded to questions about the Town’s sewer system.

F. Planning/Building Director - Zoning Analysis on Microwave Antennas Installed at 12648 La Cresta Court on behalf of Los Altos Hills Community Fiber

City Manager Carl Cahill presented the report. He said that the dishes appear to be governed by the Town’s wireless ordinance and we will need to follow the process to get a use permit. No action was taken.

11. COUNCIL INITIATED ITEMS

A. Discussion and Possible Action on Forming a Task Force Comprised of Two Members of the Planning Commission to Review Fire Department Requirements for New Construction (Mayor Tankha)

Mayor Tankha presented the item. She suggested a task force comprised of **Jitze Couperus** and another individual selected by the Planning Commission.

There was Council consensus to allow the Planning Commission to form a two-person subcommittee to review Fire Department requirements for new construction.

MOTION MADE AND SECONDED: Mayor **Tankha** moved to direct the Planning Commission to appoint a two-member subcommittee to work with the Fire Department regarding requirements for new construction and explore options to find a solution with County Fire. The Planning Commission shall decide who shall serve on the two-member subcommittee. The motion was seconded by Councilmember **Swan**.

Public Comment

Jitze Couperus, Los Altos Hills, said it would be best to appoint two members of the Planning Commission who are serving their first terms.

MOTION PASSED 5-0:

- AYES: Tankha, Tyson, Mok, Schmidt, Swan
- NOES: None
- ABSTAIN: None
- RECUSE: None
- ABSENT: None

B. Discussion on LAH Municipal Code Title 4 “Public Safety”, Chapter 2 “Fire Prevention” and the Need for Dedicated Fire Prevention Code Enforcement Services (Councilmember Schmidt)

Councilmember Schmidt asked if Town staff could be used for fire-related code enforcement.

City Attorney Mattas confirmed this was acceptable.

Council discussion ensued.

City Manager Cahill suggested a job description be created.

Councilmember Schmidt said this could be a new job for an individual, either part time or full time.

Council discussion ensued regarding what entity should pay for the enforcement services.

Vice Mayor Tyson noted that the issue of private property fire hygiene is of great concern and should be addressed quickly for the overall safety of this town. This is a relatively small expense. We are going to apply an inspection and have the homeowners take care of the problems themselves. If they don't, we can pay a contractor and issue liens. That is a normal approach.

Councilmember Schmidt reaffirmed the need to develop a position. Her first priority is the town's safety.

Public Comment

Allan Epstein, Los Altos Hills, the audit findings dealt with the fact the district paid to mediate the risk on individual properties. **Councilmember Schmidt** is talking about enforcement and the policies in place needing to be followed.

There was general consensus to allow **Councilmember Schmidt** to work with staff to develop a plan to be discussed in detail.

C. Discussion on Placing Deed Restrictions on Units Built Under Senate Bill 9 (SB9)
(Mayor Tankha)

Mayor Tankha presented the item. She asked if staff could work on guidelines to make sure that developers don't take advantage of what SB9 allows them to do. What kind of restrictions could be put in place?

Council discussion ensued.

There was general consensus to allow staff to work on this.

Public Comment

Barry Smith, Los Altos Hills, said it would be good for us to see what can be

done. Staff could be working with similar communities to explore this.

12. ADJOURN

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Deborah L. Padovan

Deborah Padovan
City Clerk

The minutes of the September 16, 2021, regular City Council meeting were approved as presented at the October 21, 2021, regular City Council meeting.