



Friends of Los Altos, Inc. (FOLA)

A non-profit, non-partisan, volunteer-run organization

Happy Days are Here Again Why voting for City Council is an easy task this year

Happy days are here again. The origin of this phrase is a 1929 song by Milton Ager and Jack Yellen. The song is a standard that has been interpreted by various artists including Barbara Streisand who recorded it in 1963. It appeared in the 1930 film *Chasing Rainbows* and was the campaign song for Franklin D. Roosevelt's 1932 presidential campaign. People sometimes will say “happy days are here again” when a bad situation has ended and things are getting better again. And for many of us, the autumn of 2022 marks an emergence from the lockdown of the past couple of years and perhaps happier times are indeed here again. It also marks the beginning of election season and the job of choosing among candidates for the Los Altos City Council—the actual topic of this article.

However, we are using the expression “happy days are here again” for a very different reason. Unlike in years past where it took two hands to count all of the candidates running for the City Council, this year there are only three running for the two open seats. Two incumbents (Mayor Anita Enander and Council member Neysa Fligor) along with newcomer Park Commissioner Pete Dailey are vying for those open seats. There is another important factor in this election—the difference between the candidates in terms of qualifications and positions on key issues is very apparent, making it easier for us, and likely for you, to figure out who to vote for. We like simple.

So here is our bottom line in case you don't want to read the rest of the article. Vote for Enander since she is the most qualified and prepared Council member we have ever met, consider a vote for Fligor if you can get past some of her positions on key issues. And only vote for Dailey if you want to see a fundamental change in the character of our town—both the residential and business districts. A vote for Dailey also is giving him a pass for behavior and actions which are contrary to what we want to see in a Council member.

Our evaluation process

As we have done in the past, the FOLA Board invited each candidate to meet with us, answer questions, discuss plans, opinions, issues, and points of view, and get a better sense of who they are and how they will govern if elected. Unlike 2020, we actually got to meet the candidates face to face. For all of you who continue to live and work only via Zoom, you have our sympathies, as actually sitting across from someone is an entirely different and a much better experience. Our evaluation of each candidate is based on those interviews as well as one or more of us having observed each in their positions on Council/City commissions over the past few years.

While we will highlight the differences between candidates on specific issues, our primary

evaluation criteria have not changed since we began performing this bi-annual ritual in 2016.

- 1) Candidate's understanding how the City functions, particularly how the Staff works,
- 2) Candidate's ability to work cooperatively with others and build consensus,
- 3) Candidate's ability to understand and evaluate what the tradeoffs are in whatever decision is before Council, and
- 4) Candidate's experience in land use decisions.

Given the pandemic's effect on the City's finances and local businesses and the increased role Sacramento legislators are playing in our local zoning laws, we once again evaluated how well each candidate would be in:

- 5) Understanding and managing the City's financial health,
- 6) Dealing with demanding (and in our opinion, increasingly unrealistic) State-mandated requirements for additional housing in the City, including affordable housing.

Anita Enander

Ms. Enander has served on the City Council for the past four years and this year she assumed the additional duties of Mayor. Enander brings a wealth of experience from those four years, along with experience from her prior role on the Planning Commission. Land use issues, including zoning and design standards, have been and will continue to be among the most challenging issues facing the City. While the prior City Manager and his staff put the City's financial well-being at risk, Enander was one of the first on Council to raise that issue early. We think her clear grasp of finances—a skill she acquired as a business owner—will help keep the City out of trouble in the future.

Enander has always been well prepared for meetings, knows her facts, asks good questions and looks for ways to balance the interest of residents, the business community (including developers) and the City. We also like the fact that she ran for Council to make the City a better place, not fundamentally change its character. She isn't beholden to any special interest groups and has a track record of working well with her fellow Council members, including leading the effort to hire our new City Manager. She has worked tirelessly to meet the State design and housing mandates while seeking out ways within those laws to protect residents from over-reaching development. For many of us who moved to Los Altos because we like the character of our neighborhoods and of our various business districts, we believe Enander will continue to work hard to protect those good things and support the changes and improvements we do want to see in town.

As Mayor she has gotten the Council to focus on policy decisions and allow the City Manager to run operations. This is a marked change from the prior Council, where many felt the Council was trying to both establish policy while also trying to run the City. Furthermore, Enander has been vocal about support for the City's efforts in climate action while allowing residents to choose those initiatives which best fit with their own priorities and budgets.

The downside on Enander is that she does occasionally talk too much at Council meetings, particularly when she is trying to explain the basis for her position. Some feel she has a tendency to be somewhat curt outside of Council meetings. We would agree, but prefer to think that rather

than being curt, she is a person who simply doesn't suffer fools gladly. And while we may not agree with her on every decision, more importantly she has thoughtfully weighed all the facts before making a decision. We respect that approach.

On balance we believe that Enander is the best qualified, most experienced and knowledgeable person to sit on Council in recent memory. We would wholeheartedly support her re-election.

Neysa Fligor

Like Enander, Ms. Fligor has served on City Council for four years and has likewise served on a Commission (Park) prior to her election. We like Fligor, we think she has substantial experience from her tenure on Council and has a clear understanding of the issues facing the City. She is polished, politically savvy and quite personable, all good attributes. And, as many of you know, we endorsed her candidacy when she ran for Council four years ago.

During her four years on Council, Fligor moved up the learning curve on land use and design issues despite her lack of prior experience in those areas. Although she is an attorney, land use and other legal issues the City faces are quite different from those she has dealt with during her prior legal work for the County of Santa Clara and at her current job at Hewlett Packard.

Unlike Enander, however, she doesn't push as hard to find ways to legally navigate some of the more unreasonable and onerous requirements that the State of California is imposing on communities like Los Altos. We were pleasantly surprised to learn during our conversation with her that she is willing to support some additional constraints around development (the height of individual floors in multifamily housing and roof decks for example) assuming the City Attorney indicates that those constraints would comply with existing State laws. Implementing those could reduce the height of buildings on First Street and along El Camino by 10-15 feet and help encourage more setback of buildings from the property line without reducing the number of housing units built. Other cities (such as Palo Alto) have adopted similar constraints, and there has been no legal exposure for doing so.

The places we take issue with Fligor are how she has handled some issues during and after her tenure as Mayor. First, during the controversy over what most residents had concluded were comparatively innocuous comments made by Council member Lynette Lee Eng, Fligor allowed public comments regarding Lee Eng to go on for hours. These interminable comments on the Lee Eng controversy, often from individuals who weren't even residents of Los Altos (because of Covid, Council meetings were held via Zoom with the result that anyone, anywhere—literally anywhere on the planet— had the capability to make public comment if they so wished) caused the public and Staff to wait for hours while listening to the same repetitive comments over and over again. And sadly, this unfortunate repetitive commentary substantially delayed the start of Council business over a period of months.

On the topic of public comment, we should note that we strongly support and respect the right of residents to speak directly to City leaders. That seems to us to be a fundamental right in a democracy and if a resident or group of residents wishes to comment to the Council on a specific issue, that is their legitimate right to do so. However, in this case, Council meetings were being hijacked by a group of residents and their supporters, many of whom no longer even lived in Los Altos, and were taking a substantial amount of Council time, meeting after meeting, making repetitive commentary all on precisely the same issue with precisely the same remarks. Knowing

that these multi-hour comments would occur meeting after meeting, Fligor, as Mayor, could have easily agendized the discussion of the Lee Eng topic so that it would be heard after normal business was completed. This would have allowed those who preferred not to be subjected to this time-delaying discourse to hear what Council had to say about the City-related items on the agenda, then leave should they wish. Fligor, unfortunately, never did this even though it was suggested to her more than once, and the so-called controversy and the interminable meetings went on long after the situation should have been cleared up, much to the frustration of residents interested in City business.

The second issue we have with Fligor was her unwillingness to allow the current Mayor (Enander) to serve on the Santa Clara County Government Association (SCCGA), despite a clear years-long precedent that the Mayor assume that position. We felt that this was not only breaking with a long-established City Council norm and precedent, it bordered on Fligor being willfully disrespectful of the Mayor because she (Fligor) was already serving on the Executive Board of the SCCGA and had absolutely no reason to prevent Enander from becoming a contributing member of the organization.

What we find especially troubling is that in both of these actions, which call into question Fligor's motives, the two Council members involved are those with whom she most often strongly disagrees on policy issues.

Lastly, Fligor has been a supporter of a new downtown performing arts theater, a position we don't agree with as we think renovating and expanding the Bus Barn theater in its present location makes much better sense. It would be less expensive to construct with the required parking, and perhaps equally important, not take away a parking plaza. We can certainly agree to disagree on this matter, at least for the time being.

What we do take issue with is her belief (shared by fellow Council members Meadows and Weinberg) that "park in lieu funds" (PIL) can be used to fund a new theater. While technically legal (PIL funds can be used for recreational facilities and one could construe a theater as form of recreation), we believe most residents want PIL funds to go for maintaining and expanding our city's parks, which was the original intent of the PIL fund. Funding a theater will also certainly require an ongoing subsidy, presumably by the City—at a cost to the City which currently is unknown, and may not be known, unless and until a theater is built. For our money we would rather have more and better parks, not a money-losing theater in downtown.

All of the foregoing to the contrary notwithstanding, we believe Fligor is well qualified to serve on City Council. We would strongly endorse her as we did four years ago were it not for the fact that we are troubled by her willingness to play politics for what appear to be completely unnecessary reasons, to the detriment of fellow Council members with whom she sometimes disagrees on policy issues. In our judgment this is indicative of an inability to be a good team player and put the best interests of Los Altos first.

Peter Dailey

Mr. Dailey is a current Park commissioner, now serving his second term on that Commission. Dailey retired from working at a relatively young age and has done volunteer work in the

community, attended graduate school and has participated in other endeavors.

What is particularly striking about Dailey, and in fact quite different from the usual City Council candidate, is how forthright he is about his positions on key issues which are of interest to him. In his discussions with us, he was articulate, clear, candid, and forthright on these issues as well as his plans were he to be elected. For example, he strongly recommends that Los Altos prohibit all use of gas stoves, fireplaces, hot water heaters, and other appliances in new construction as well as the phase-out of gas for cooktops in both new construction and existing homes. He does not favor requiring existing homes to convert from gas to electric for hot water or space heating, though he does want the City to explore ways to encourage the switch. He supports the City employing up to a dozen additional City Staff members to administer these policies. When asked about how these additional Staff positions would be financed, his answer was that we need more and larger developments in town, and the fees resulting from those developments can be used to finance the additional employees. We see this as wishful thinking, the arithmetic for which simply does not pencil out.

Unlike fellow candidates Enander and Fligor, he is opposed to adopting any provisions whatsoever (such as those adopted by Palo Alto) that may limit the height and density of developments. Instead, he would like to do the reverse – increase the allowed height and density of our downtown and residential areas. We very much disagree with that since it would permanently damage what we see as a major component of the unique charm of our downtown and neighborhoods.

Dailey has little or no experience with land use, zoning or design issues. We think that is a major weakness as a candidate, particularly since the only people on Council with that experience are Mayor Enander and Vice Mayor Meadows. Those issues; land use, zoning, and design, are some of the most critical issues the Council deals with.

While we find Dailey refreshingly candid, we are concerned that his command of facts is sometimes lacking. During a Park Commission discussion, he made a number of comments about construction that simply were not true. While we all make misstatements from time to time, in that particular case he insisted that he was factually correct and continued to strongly support his conclusion.

Another example which we find disturbing is that Dailey continues to blame two of our current Council members for the poor cellular service in the downtown. We find this both confusing and somewhat bizarre because the City Council has absolutely no power, nor legal right, to require wireless carriers to provide better service (or any service at all, for that matter). Furthermore, to date none of the carriers have come to the City Council for any kind of proposal to provide better coverage. As many of you know, we wrote an article in early June on this very subject entitled *Can You Hear Me Now?*

We asked Dailey about his position on rezoning the offices along San Antonio Road to allow multifamily housing; he thought it was a great idea and could add 200-300 additional housing units. He believes the area was ideal to upzone and a good place to locate tall multifamily housing since the area already has multifamily housing. When it was pointed out that those properties directly abutted single family residential housing, he then stated he really wasn't familiar with the area. We were surprised that he would have reached a conclusion when he didn't have complete information. Collecting the facts before making a judgement or a decision

on an issue is key for someone who wants to serve on Council.

Our impression is that Dailey sees things in black and white and seems to expect others to be persuaded by his point of view. While we appreciate that he openly shares his strong beliefs and opinions, we are concerned that it will be difficult for him to listen to input from fellow Council members or residents who may have a different perspective on issues. Analysis and facts matter, and we don't see those as rising to the top as Dailey makes a decision. Refusing to acknowledge facts that don't support your position is not what Los Altos needs in a Council member. But perhaps the most troubling aspect of Dailey's candidacy is his desire to fundamentally change Los Altos. If you like Los Altos the way it is and the how it's slowly evolving, then we strongly encourage you to not vote for Dailey. On the other hand, if you want Los Altos to look more like Mountain View, Sunnyvale or other nearby cities, then by all means cast your vote for Mr. Dailey.

True or False?

Since the time we met with Dailey and the other candidates there have been a number of candidate forums at which each candidate had the opportunity to speak. While we realize the code of politics allows some leeway in characterizing the position of other candidates, misrepresentations and distortions of the facts should not be tolerated. We are dismayed that Dailey, in particular, has taken to making false accusations about Enander and her position on issues. A few of his claims (and our fact checking) are below.

1. Enander voted against the community center.

FALSE

Not true, she voted in favor of the budget for the project. She did vote against approving the bid from a single contractor since there were no other bids. No one would do a major home remodel project without getting at least several bids, yet the City failed to do so for a \$38M project. Such action also runs contrary to City policy which requires multiple bids on a project

2. Enander is the reason the City wasted millions in legal cost.

FALSE

Also not true. In fact, the major legal expense was for the project at 40 Main Street. The blame for mishandling this project rests entirely with former City Manager Chris Jordan and his staff. Because of staff errors, a key report was not submitted on time, which meant the City had to produce the report under a different set of rules for multifamily projects such as 40 Main. Unfortunately, the City Council was not informed of this mistake by staff and agreed to staff's recommendation to hear an appeal of the project after staff initially denied it. The City Council vote to deny the project was unanimous. Obviously Enander bears no more responsibility than Fligor, Pepper, Bruins or Eng for the legal cost for settling the lawsuit. When the applicant for 40 Main threatened another lawsuit, Enander (and Council member Meadows) were able to negotiate an agreement that was approved unanimously by Council. Sure sounds to us like Enander has helped to minimize legal expenses and recover from an unfortunate error that cost the City substantial legal fees.

3. Enander didn't vote for the Climate Action Plan which makes her a climate change denier.

PARTIALLY TRUE

Actually a half truth. She didn't vote for the Climate Action Plan because it had an obviously unworkable and unrealistic budget for implementing it along with unenforceable penalties for residents who didn't electrify their homes. We think Enander's vote was a responsible decision on her part. And by the way, we know for a fact that she believes climate change is both real and accelerating. Somehow distorting her motives for her negative vote and to then claim she's a "climate denier" is an unfortunate crossing of a line in Los Altos politics. Among the measures she had advocated for are protection of our tree canopies and addressing the City's sewage treatment plant which is at risk from rising sea levels.

4. Enander doesn't support the community since she is against a downtown theater.

FALSE

This one is really a trick question because it requires looking at the situation. In fact, Enander does not support the City spending money (contributing \$38K of parks money to a private effort on studying a downtown theater) when other more urgent projects languish. These include repairs to Grant Park facilities and replacing obsolete/unsafe playground equipment in City parks. This negative assertion about Enander is similar to number 3 above — Enander clearly supports the community. The problem is that the downtown theater is being advocated by a small group of theater enthusiasts who want the City to underwrite the cost of a new building. Using money from the parks maintenance / upgrade budget to spend it on our deteriorating parks, is, in Enander's opinion, a much more important way to spend this money. While Fligor and Dailey talk about fiscal responsibility, Enander is the only one who actually acts responsibly.

Our bottom line

We believe that each Council member should more or less represent the values of the community. We would encourage you to vote for Anita Enander if you want a proven, hardworking Council member who understands the issues and works to represent the best interests of the community. We also suggest you consider voting for Neysa Fligor, who is certainly experienced and well qualified; that is, if you can get past some of the unfortunate missteps she has made during her current tenure on Council. Vote for Peter Dailey only if you want to see fundamental changes in the character of our town. We certainly don't. We hope you feel likewise.

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