

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

January 8, 2009  
Council Chambers, 26379 Fremont Road

### CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Mordo called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky, Councilmember Breene Kerr, Councilmember Rich Larsen, and Councilmember Ginger Summit  
Absent: None  
Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to two minutes.

### 1. APPOINTMENTS AND PRESENTATIONS

Following interviews of those applicants present, the following appointments were made by Council:

#### A. Appointments to the Standing Education Committee

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to appoint Lee Hartley and Duncan MacMillan to the Education Committee for terms of four years.

With the consensus of the City Council, Mayor Mordo re-ordered the agenda to consider Agenda Item #9 prior to appointments to the Standing Community Relations Committee.

#### B. Appointments to the Standing Community Relations Committee

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Summit and passed by a voice vote of 4-0-1 (Kerr abstained) to appoint Joan Sherlock and Marc Sidel to the Community Relations Committee for terms of four years.

#### C. Appointments to the Standing Emergency Communications Committee

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Larsen and passed unanimously to appoint Bob Rowe to the Emergency Communications Committee for a term of four years.

### CONSENT CALENDAR

Item Removed: #4 (City Clerk)

MOTIONED SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the remainder of the consent calendar, specifically:

2. Approval of Meeting Minutes: City Council Meeting – December 11, 2008
3. Adoption of the National Incident Management System – Resolution No. 2-09 (Staff: S. Garcia)
5. Approval of Wood Chipper and New Fencing for Public Works Corporation Yard to Develop Additional Parking – Resolution No. 4-09 (Staff: R. Chiu)
6. Approval of Contract Amendment: Additional Inspection Services for Pine Lane Sanitary Sewer Diversion Project at Foothill Expressway – Resolution No. 5-09 (Staff: R. Chiu)
7. Acceptance of Fremont Road Pavement Rehabilitation Project as Complete Resolution No. 6-09 (Staff: R. Chiu)

Item Removed:

4. Acceptance of Grant of Conservation Easement: Lands of Wood, 12400 Melody Lane, File #111-08-ZP-SD-GD (Staff: D. Pedro)

The City Clerk advised Council that there had been an administrative error in the agenda title of the item. The item before Council was consideration of acceptance of an Open Space Easement. City Attorney Steve Mattas explained that the staff report identified the appropriate easement and both the agenda and staff report identified the correct property and reflected the same intent, acceptance of an easement. The error did not warrant a continuation.

MOTION SECONDED AN CARRIED: Moved by Warshawsky, seconded by Summit and approved unanimously to adopt Resolution No. 3-09 “Approving Agreement for an Open Space Easement”.

### PRESENTATIONS FROM THE FLOOR

No public comments.

### PUBLIC HEARINGS

8. Consideration of a Site Development Permit and Conditional Use Permit Request for an Unmanned Wireless Communications Facility Consisting of Six (6) Panel Antennas Mounted to a 65' Tall Tree Pole and Associated Ground Equipment: Lands of Episcopal Group of Los Altos (Applicant: AT&T Wireless) 26410 Duval Way, File #139-08-CUP-IS-ND. CEQA status – Initial Study/Mitigated Negative Declaration (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. Council had before them a request for a Site Development Permit and Conditional Use Permit for a wireless communications facility to be located at 26410 Duval Way (St. Luke's Church). Pedro began her presentation with several photo exhibits that included: an aerial map of the project area and surrounding single family residences; photos of the two existing wireless cell facilities on the site that were located in the church steeple and flagpole; and, photo-simulation of the proposed 65' treepole facility with six panel antennas and ground equipment. Pedro noted that the distance between the closest residence and the treepole was approximately 180 feet.

Pedro provided an overview of the Planning Commissions review of the project at their November, 2008 meeting. During the hearing, neighbors voiced their opposition to the project and expressed their concerns which included: the potential negative effect to property values; the number of wireless facilities currently on the site; inadequate landscape screening; and the potential of radiation from the facility. The Planning Commission voted 3-1-1 (Abraham no-Clow absent) to recommend denial of the request citing the property as already crowded with too many wireless communication facilities and the applicant's lack of research into the possibility of an alternative location.

Pedro displayed a map of AT&T's five year master plan for their facilities which included the proposed sites and a map of their existing coverage. Pedro clarified that the FCC pre-empts the Town from regulating cell sites based on the potential affects of radiation.

*Applicant: AT&T*

Leon Beauchman, AT&T External Affairs addressed Council. Beauchman offered that the company was committed to working with the neighbors.

Philip Thomas, AT&T Mobility Representative, reviewed the topics that had been discussed at the Planning Commission and the company's efforts to address those issues. He hoped that his presentation would confirm that AT&T had provided the required documents to support the application and assuage the neighbors concerns. Thomas shared a map that identified alternative search sites that had been considered and explained the reasons they were not viable locations. Thomas offered that the church property was the only location per the Town's Wireless Policy that was compatible with the project.

Thomas reviewed the concerns of neighbors that the additional wireless facility at the church would have a negative impact on property values and create potential health problems. He commented that there was no documentation that could verify that property values would be adversely effected. Additionally, the estimate for emissions from the site including all three carriers would be one quarter of the maximum allowable

emissions. Thomas noted that AT&T was committed to mitigating the visual impact of the facility and ground equipment with landscape screening. Other sites with multiple carriers included: Foothill College; Little League Fields; and Page Mill. The facility at Town Hall (treepole) was constructed to accommodate multiple carriers.

### OPENED PUBLIC HEARING

Mary Ann Malcolm, Duval Way, encouraged the Council to deny the request. She offered that when the last facility had been approved by a previous Council, the neighbors were assured that no additional cell sites would be added to the Church property. Duval Way has eight residences and three cell towers that impact their neighborhood (two at the church and one at Foothill College). Malcolm suggested that St. Luke's had a value as an historic site and should be maintained as such. She reported that the current landscaping had not been maintained and there was no guarantee that once the applicant completed their project, the landscape screening would be maintained.

Joanne Sobel, Duval Way, opposed the project. She offered that cell towers posed a health risk and reduced property values. Sobel explained that she had chosen to live in Los Altos Hills for the beautiful, residential quality of life and believed the appearance of the towers was not compatible with a residential street and wished to preserve the residential character of her street.

Fritz Mueller, Duval Way, encouraged the City Council to deny the application and suggested that AT&T find an alternative location. Mueller explained that Duval Way was surrounded by cell antennas and believed this had a negative impact on his property value. He shared several newspaper articles regarding opposition to cell tower antennas and offered that those people campaigning against towers would not purchase his home that was surrounded by cell towers. Mueller reasoned that cell carriers pay people to have towers located on their property because they reduce the property value. He suggested there was no balance to the plan.

Al Jackson, Duval Way, requested that Council deny the application. He noted that the photos that had been shown by AT&T were taken from the opposite side of I-280 and were not an accurate representation of the proposal. Jackson shared photos of the site with Council taken from the adjacent property. He believed that properties would be devalued with the installation of another tower. Jackson suggested that if the project application was approved, the lease fees be shared with the neighbors. Additionally, Jackson requested that the any hearing on the landscaping proposal for the site be open to the public and a more substantial maintenance bond be required.

Sandeep Pombra, owner of property adjacent to the church stated that he had not been apprised of the existing antennas when he purchased his home. He noted his professional background and added that he was very concerned with the health risks from the towers and did not want any additional carriers on the site. He was a user of AT&T and had not experienced any connection issues and suggested that the new facility was being installed to serve drivers on I-280 not Los Altos Hills residents.

Jitze Couperus, Page Mill Road, suggested that it was the responsibility of the commercial enterprise to prove that the installation of the cell facility would not have a negative impact on property values, it was not as expressed by the applicant, the

responsibility of the residents. He requested in writing, documented to the Town, why the antenna placement on another site was not feasible.

Barry Smith, Estacada Drive, supported approval of the request for the new cell tower. He offered that every proposal for a cell tower goes through the same cycle with local neighbors opposing the project and the rights of the larger group that would benefit from the project being diminished. He suggested that cell phone service was very important to residents and improved coverage in Town, surrounding communities, and for commuters was critical.

Bob Sandor, Alta Tierra Road, expressed his support for the application and reiterated the importance of improved cell coverage for residents.

Resident, Duval Way, shared with Council that he had a twenty month old daughter and that both he and his wife were health care professionals. He encouraged the Council to reject the application and offered that there were too many unknowns with cell towers that include: health risks and the impact on property values. He also cited the negative aesthetic to the site with the additional cell tower and noted that the previous vendor had not met their obligations for landscape screening

#### CLOSED PUBLIC HEARING

##### *AT&T Applicant:*

Grant Heitman, Ericsson Inc., AT&T Mobility, offered that the application that had been submitted by AT&T had been complete and the necessary documentation had been provided. If the Council required supplemental information to assist them in making a decision, he would be happy to accommodate the request.

##### *Council Discussion:*

Council reviewed elevations of the project and the proposed equipment shed. Council expressed their concerns with the appearance of the equipment shed and supported further mitigation.

Councilmember Kerr sympathized with the neighbors regarding the aesthetics of the proposed equipment shed. He requested consideration of options to reduce the visual impact of the equipment structure. Kerr voiced his support for the project and offered that if it was denied, the applicant would most likely move on to another project outside the Town. He noted that historically, when Council had evaluated and considered applications for wireless facilities, there had been a concerted effort to facilitate the projects rather than oppose them.

Councilmember Larsen requested clarification on possible other sites in the area that could support the project. Planning Director Pedro reviewed the other possible locations, including private properties. City Manager Cahill noted that the Town's Wireless Policy could be amended by the Council if they deemed it appropriate. Larsen concurred with the comments of Councilmember Kerr that it was important to improve the cell coverage for residents but noted his concern for the neighbors. He questioned if the applicant had met with the neighbors. In response, Pedro offered that the neighbors had been invited to attend a meeting at Town Hall to introduce the project and discuss their concerns.

Councilmember Larsen supported the project but with a possible continuation to accommodate additional conversation between the applicant and neighbors regarding quality of life issues and the submittal of additional information from the applicant regarding the effect of the tower on property values.

Mayor Pro Tem Warshawsky spoke to the importance of improved cell phone coverage to the community. He noted that his residence was located less than 500 feet from a cell tower. Warshawsky encouraged the neighbors to direct their attention more towards addressing issues regarding the possible aesthetic improvements and mitigation options that could be required of the applicant. He supported approval of the application.

Councilmember Summit offered that she understood the value of broader cell coverage and noted that if she were considering a single tower, she could support the application. However, she believed the residents of Duval Way were overburdened with cell towers. She spoke to the unknown potential health risks and opposed approval of the application.

Mayor Mordo acknowledged that it was a difficult decision because it involved constituents, neighbors, friends and a corporation. However; he did not believe there was a valid basis for denying the application. He noted that the application had done their homework. Mordo added that he empathized with the neighbors and their concerns but clarified that the Council was not permitted by law to consider the potential health risk from the facility as a determining factor in denying the application. He supported approval of the project with additional mitigation measures.

Council reviewed potential amendments to the Conditions of Approval (Attachment 2 of the staff report). Amendments discussed included: an increase in landscape deposits of up to \$20,000.00 and maintenance terms of five years; mitigation requirements for the equipment shed; submittal of a landscape screening plan prior to the acceptance of plans for building check and all required landscape screening to be installed prior to the final inspection; and, modifications to the COA#6 to include language that changes may be required to correct reception problems to the extent that the problems were caused by operation of the facility in violation of applicable state and federal laws and regulations. It was noted that the Town's authority was preempted by the FCC.

Council provided direction on the siting and mitigation of the equipment shed. The ground equipment was to be housed in a solid enclosure with at least one side of the enclosure not taller than the current ground surface level and two sides either below or partially below the current surface level. No portion of the ground equipment enclosure was to be taller than five feet above the current ground surface level.

The applicant was asked for the record if they had any issues with the amendments that had been proffered by the City Council. They had no problem and accepted the revised terms and conditions.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Kerr and passed by the following roll call vote to adopt the Initial Study and Mitigated Negative Declaration and to approve the request for a Site Development and Conditional Use Permit for the proposed wireless communications facility subject to the

recommended additions and findings of approval in Attachment 2 of the January 8, 2009 staff report as amended by the direction of the City Council.

AYES: Mayor Mordo, Mayor Pro Tem Warshawsky, Councilmember Kerr,  
Councilmember Larsen  
NOES: Councilmember Summit  
ABSENT: None  
ABSTAIN: None

COUNCIL RECESSED AT 9:15 P.M.

COUNCIL RECONVENED TO THE PUBLIC MEETING AT 9:25 P.M.

#### UNFINISHED BUSINESS

9. Consideration of Amendments to the Resolution 70-08 Establishing Standing Committees and the Formation of the City Council Sub-Committee on Westwind Community Barn (Staff: K. Jost)

At the direction of Council, several amendments had been proposed to the standing committee resolution. The City Clerk reviewed the draft resolution before Council that incorporated the modifications, which included: an increase in the membership of the Community Relations Committee to between 8-10 members; a revision of the Councilmember participation in the Education Committee from voting member to Council liaison; and the sunseting of the Westwind Community Barn Committee.

In addition to the draft resolution, Council had also requested that the City Council subcommittee that had been recommended to review issues at Westwind Barn at the previous Council meeting be agendized for Council confirmation. Councilmembers Summit and Kerr had volunteered to serve on the subcommittee.

Council consensus was to approve the draft resolution as presented and to formally establish the City Council subcommittee on Westwind Community Barn.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Summit and passed unanimously to adopt Resolution No. 1-09 "Establishing Standing Committees" and approve the formation of a Council Subcommittee on Westwind Community Barn with Council representatives Summit and Kerr.

10. Update on Town Goals
  - Emergency Preparedness
  - Environmental Initiatives
  - Parks and Recreation Assets and Programs

#### 10A. Naming of Little League Fields

Motion Seconded and Carried: Moved by Kerr, seconded by Summit and passed unanimously to name the new, enhanced recreation facility on Purissima Road to Purissima Park.

- Sewers and Infrastructure

*No additional reports were given.*

### NEW BUSINESS

11. Discussion of Westwind Community Barn Capital Planning for 2009. Consideration of Budgetary Appropriations (Staff: Nick Pegueros)

Mayor Pro Tem Warshawsky recused himself from consideration of the item and stepped down from the dais.

Finance Director Nick Pegueros introduced the item to Council. At their December 11, 2008 meeting, the Council had directed staff to prepare a complete analysis of the capital improvement needs at Westwind Community Barn. The report had been structured to allow Council to consider the two components for capital planning for the Barn individually: 1) the Barn Structure and 2) Equestrian facilities.

#### *Barn Structure:*

Pegueros reviewed the staff recommendation for the seismic retrofit project at the Barn. In December 2007, the Town had received a report that the oldest section of the Barn was constructed of unreinforced masonry and at risk of collapse in the event of an earthquake. Council at that time approved a budget of \$880,000 of matching funds that would be matched by private funds for the project. The staff recommendation before Council was to authorize the City Manager, given the current economy, to solicit bids for the retrofit project at the earliest possible opportunity. The economic condition could potentially provide a cost benefit given the prospect that the Town was likely to receive very competitive bids. It was suggested that the bid package could include several scaleable options to better evaluate the cost benefit of moving forward with the project. Pegueros offered that the solicitation of bids did not obligate the City Council to the project and the bids would be returned to the City Council for consideration once received.

#### *Equestrian Facilities:*

Pegueros provided an overview of the Barn's users. They included: the Town's recreation programs including the Year Round Riding Program; Westwind Riding Institute's therapeutic horse riding programs for physically challenged youth; the Pacific Ridge Pony Club; and boarders. The Town also hosts a number of community events at the facility including Earth Day and the Holiday Barn Lighting event.

Four projects had been identified as necessary within the next twelve months. The required repairs would mitigate safety issues and increase the capacity for programs. Pegueros reviewed the projects, cost and funding source for each project. Staff was recommending adoption of a capital improvement program that included the four projects: 1) round pen replacement; 2) upper riding arena renovation; 3) feeding pasture shelters and base rock; and, 4) paddock repairs and upgrades. The total cost of the four projects was \$150,000. The recommended funding was an appropriation of the funds from the sale of surplus property that had been dedicated to parks and recreation/open space; donations from community groups; and; cell tower rental revenue from the site.

*Council Discussion:*

Councilmember Kerr reviewed the items before council. He noted that they were two different issues related to the Barn. At the request of Council, staff and the Barn Manager had prepared a list of repairs and needs of the facility for the next twelve months. A majority of the work would be performed by staff and much of the requested funding would be used for materials. The second issue to be considered by Council related to the collapse prevention needs of the Barn. He noted that if this was not addressed, the north wing of the Barn would eventually have to be closed. Kerr suggested that going out to bid for the work at this time could provide an opportunity for competitive bids for the renovation project.

John Miller, Project Architect, reviewed the project with Council. To facilitate the discussion, Miller divided the project into three areas: 1) collapse prevention seismic upgrade for the north wing facility with a cost of \$500,000; 2) collapse prevention seismic upgrade for the south and east wings of the facility with a cost of \$700,000; and 3) infrastructure repairs that included sewer, electric system and fire sprinkler upgrades.

OPENED PUBLIC COMMENT

Deborah Reuter, Pacific Ridge Pony Club Vice Chairperson, addressed Council. The Club is part of a United States organization and currently members account for 25%-33% of stall rentals. She noted that the Club worked very closely with the Town's Year Round Riding Program. Reuter congratulated the Town on the recent management changes at the facilities and offered that the improvements were much appreciated. She encouraged the Council to approve funding for the improvements that would improve safety for the venue.

Pacific Ridge Pony Club members introduced themselves to Council. The ten youth were Los Altos Hills residents and spoke to the important role that the riding program played in their lives. They encouraged the Council to approve the capital projects noting that they would be beneficial to the safety of both the riders and the horses.

Tom Burdon, Brionnes Court, parent of Pacific Ridge Pony Club member, stated that the role of the club in his daughter's life was very similar to the role that the Little League program played in his sons' lives. He appreciated the passion of the volunteers that worked with the girls and noted that the training was of "Olympic" quality.

Eric Clow, resident and neighbor of the Barn, commented that he had been a Board member of the Friends of Westwind. He congratulated the Town on their recent efforts at the facility and suggested that they were beneficial to the neighborhood. He supported the improvements.

Kathy Evans, resident, encouraged the Council to move forward with the improvements to the facility. She noted that the public restrooms and Barn Manager's office were in the north wing. Evans offered that the increase in community events at the Barn was an additional factor in making the suggested improvements.

CLOSED PUBLIC COMMENT

Council discussion ensued. Council concurred with the staff recommendation to move forward with the solicitation of bids for the Barn facility project. Councilmember Larsen suggested that the capital improvement projects for the equestrian facilities be delayed until the Barn's safety issues were addressed. It was noted that the projects to the equestrian areas were also addressing safety issues, would be performed over twelve months and funding was available. The majority of the identified work would be performed by staff.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Summit and passed by the following roll call vote to authorize staff to prepare the bid package and solicit bids for the Westwind Community Barn project and to approve funding for architectural services of John Miller, Project Architect, to prepare the documents, as needed. The bid package would be modular and provide options. In conjunction with the preparation of the bid documents, staff would perform a "worst case" cash flow analysis to evaluate the Town's finances.

**AYES:** Mayor Mordo, Councilmember Kerr, Councilmember Larsen,  
Councilmember Summit  
**NOES:** None  
**ABSENT:** Mayor Pro Tem Warshawsky  
**ABSTAIN:** None

City Attorney Steve Mattas advised Council that the resolution before them for their consideration should be amended to remove item #1 relating to the solicitation of bids given that it had been already approved by a Motion of the Council.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Summit and passed by the following roll call vote to adopt as amended Resolution No. 7-09 "Adopting Capital Improvement Program for Westwind Barn".

**AYES:** Mayor Mordo, Councilmember Kerr, Councilmember Larsen,  
Councilmember Summit  
**NOES:** None  
**ABSENT:** Mayor Pro Tem Warshawsky  
**ABSTAIN:** None

Mayor Pro Tem Warshawsky returned to the dais following the roll call vote.

## 12. Consideration of Council Meeting Schedule for January 22, 2009

The Clerk advised Council that the next City Council meeting conflicted with the scheduled League of California Cities Academy for new Councilmembers and Mayors. In the past, Council has attended the session and found it to be beneficial.

**MOTION SECONDED AND CARRIED:** Moved by Summit, seconded by Warshawsky and passed unanimously to cancel the January 22, 2009 regularly scheduled meeting.

13. Consideration of Resident's Request for Alternative Design for Eastbrook Avenue Sanitary Sewer Diversion Project (Staff: R. Chiu)

City Engineer/Public Works Director Richard Chiu introduced the item to Council. He provided a brief overview of the 2007 Sewer Agreement between the City of Los Altos and Town requirement that called for the diversion of flow from the sewer line on Eastbrook Avenue away from the siphon crossing Permanente Creek. The requirement included the abandonment of an existing siphon under the creek. Chiu reviewed a site plan of the existing sewer line, proposed flow diversion, and the neighboring properties. The requirement minimized the potential need for installation of a flow meter and would eliminate the environmental impact of a siphon going through the creek. Staff was recommending that the Town, in conjunction with the agreement, move forward with the diversion plan that called for the construction of a parallel line and diversion of the flow away from the siphon. If the line were to remain, staff recommended that the line not be publicly owned line. This would require an amendment to the Sewer Agreement with the City of Los Altos. It was noted that the Eastbrook Avenue properties were in the unincorporated county area but within the Town's Sphere of Influence.

Chiu explained that a resident of Eastbrook Avenue had proposed an alternative design that called for the existing line and siphon to remain under the creek and the installation of a pump to pressurize the system. The details of the design had not been completed. Chiu reviewed the 1976 agreement that had been made between the Town, Santa Clara County, City of Los Altos and the developer of Eastbrook Acres subdivision. The 1976 Agreement required the ten property owners and/or successors to construct sanitary sewer improvements as those requirements became necessary. At this time, the Town is of the opinion that the 1976 Agreement is valid.

#### OPENED PUBLIC COMMENT

Diana Perkins, Eastbrook Court, commented that after reviewing the 2007 Sewer Agreement between the Town and the City of Los Altos, she believed the Town was solely responsible for the installation and maintenance of a parallel sewer line and accordingly was withdrawing the compromise proposal that had been submitted.

City Attorney Steve Mattas clarified that there were two agreements "at play" in the discussion. The 2007 Sewer Agreement between the Town and City of Los Altos which changed the maximum number of permitted connections to the sewer system to permissible connects based on the amount of flow generated. The Agreement included a requirement for the replacement of the identified sewer line located under the creek. The 1976 agreement between the Town, Santa Clara County, City of Los Altos and the developer of Eastbrook Acres subdivision that was approved at the time of the subdivision's creation specifically anticipated the future replacement of the sewer line and specifically placed the obligation of the replacement on the developer and subsequent owners of the properties. Mattas stated that the 1976 agreement was still valid. The Town has an obligation to replace the line pursuant to the 2007 Sewer Agreement, however, that does not terminate the first obligation as defined in the 1976 Agreement for the subdivider or current property owners' obligation to pay for the replacement of the line at the time it is necessary.

Perkins referenced the 2007 Agreement language that stated that no other agreement, statement or promise not contained in the agreement shall be valid or binding. Additionally, Perkins stated that the meeting minutes and staff report relevant to the Council's consideration of the Sewer Agreement called for the Town to be responsible for the installation, associated costs and maintenance of the sewer line on Eastbrook Avenue. Ms. Perkins withdrew the request for consideration of the alternative design.

Mattas noted that staff had spoken with the attorney who had drafted the 2007 Sewer Agreement and the City Engineer at the time and the 1976 agreement was never a consideration in the discussions. He noted that the obligations placed on the property owners by the 1976 agreement could only be terminated by an express termination of the obligations. The 2007 agreement did not expressly terminate those obligations.

#### CLOSED PUBLIC COMMENT

Council consensus was to direct staff to continue discussions with the property owners to see if there was a mutually acceptable approach to the project.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Larsen and passed unanimously to direct staff to move forward with staff's recommendation for the original design of the new sewer line that was consistent with the 2007 Sewer Agreement.

#### 14. Consideration of Formation of City Council Ad Hoc Housing Element Subcommittee

Planning Director Debbie Pedro introduced the item to Council. She requested Council consideration of the formation of an ad hoc subcommittee of the City Council for the Housing Element Update that was due in June, 2009. The subcommittee comprised of 2 councilmembers would provide staff with input and guidance. The expectation was that the subcommittee would hold approximately 2-3 meetings to discuss strategies, policies, programs and goals before bringing the draft Housing Element to the City Council for review. The subcommittee meetings would be open to the public.

Mayor Mordo and Councilmember Summit volunteered to serve on the subcommittee.

#### PLANNING COMMISSION REPORT

No Report – The Planning Commission has not met since the last City Council meeting.

#### REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

#### 15. Report from the Environmental Initiatives Committee on Next Steps for the Energy and Water Home Audit Program and Consideration of Funding Requirements

Steve Schmidt, EIC member, clarified that the presentation would focus on Green House Gas emission targets. The Town has chosen to follow the ICLEI (Local Government for

Sustainability) process to reduce its carbon footprint. The steps that comprised the process included a “Leadership Commitment;” and five milestones: Milestone 1) Inventory Emissions; Milestone 2) Establish Targets; Milestone 3) Develop Climate Action Plan; Milestone 4) Implement Climate Action Plan; and Milestone 5) Monitor/Evaluate Progress. Schmidt reported that with Council’s approval for the Town to become a member of ICLEI, the initial step had been completed. Additionally, the emissions inventory had been completed. The EIC had presented their findings to the City Council at the November 13, 2008 Council meeting. Schmidt proceeded with a PowerPoint presentation titled “Los Altos Hills GHG Emissions Targets”.

Schmidt reviewed California’s emission reduction targets set by AB32. The law sets a target to match emissions of 2000 levels by 2010, 1990 levels by 2020 and 80% below 1990 levels by 2050. The Standing Environmental Initiatives Committee had chosen a baseline of 2005 for the purpose of setting emission reduction targets. Schmidt explained that the 2000 levels were unknown and 2005 data was currently available to calculate a viable baseline.

Schmidt provided an overview of the emissions inventory report for government operations and the current government mitigation activities. They included: a switch to GreenWaste Recovery for solid waste disposal; improvements in the vehicle fleet; reduction in electricity consumption; an energy audit of the Town’s buildings; and, benefits from the solar installations at Town Hall. The EIC Committee was forecasting a 40% reduction using the identified mitigation activities by 2015.

Schmidt reviewed the Los Altos Hills community estimated and measurable emissions using 2005 as the baseline. Mitigation activities included home audits and education programs, continued promotion of residential solar PV and the availability of Green Energy options from PG&E by 2012. The EIC Committee is forecasting a 30% reduction using the identified mitigation activities by 2015.

Schmidt summarized his report and reviewed the “next steps” in the program. The EIC was recommending that Council adopt the following proposed emission reduction targets:

- Government Operations: 40% below 2005 levels by 2015; and
- Community Emissions: 30% below 2005 levels by 2015.

Schmidt explained that by adopting the proposed targets, the Town would be ahead of the AB32 state targets.

The next ICLEI milestone to be addressed was the development of a ‘Climate Action Plan.’ The EIC proposed: the continuation of Green Building Initiatives; continuation of the promotion of residential solar; continued education of the issues for residents; the creation of a residential energy audit program; and, continued monitoring of GHG emissions. The monitoring program would include annual reporting and updates to track maturing standards. Schmidt noted that he would be returning to Council with a proposal for the residential energy audit program.

Council suggested that a water audit program be developed in corporation with the water agencies. John Harpootlian, Planning Commissioner and EIC member, spoke to the

requirements of state legislation AB1881 that focused on landscaping requirements. The Bill was currently under review in Sacramento. He noted that the model ordinance would be reviewed by the Planning Commission and recommendations forwarded to the City Council for their consideration.

Jay Schideler, EIC Chair, offered that the Committee was being challenged to manage numerous tasks. In addition to the development of the home energy audit program, educational handouts (pamphlets) were being developed by the Committee to be distributed to all remodel and new construction applicants. Schideler suggested that the Committee's primary focus be directed to the home energy audits given that AB 1881 would allow the Town to develop its own ordinance that would be compliant with the state law.

#### OPENED PUBLIC COMMENT

Los Altos Hills resident stated that he believed the program was a wasted effort and there was zero scientific proof that carbon dioxide was harmful to the environment.

#### CLOSED PUBLIC COMMENT

Councilmember Kerr offered that AB 32 had been adopted by the State and the targets that the Committee had identified were ones that could be achieved. He recommended that the City Council adopt the targets and provide direction to the Environmental Initiatives Committee to move forward with the development of the home energy audit program as their major focus. Kerr suggested that Purissima Hills Water District and California Water Service be encouraged to participate in developing a water conservation and audit program in conjunction with the Town as a cooperative effort.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Larsen and passed unanimously to adopt the proposed as identified in the presentation: Government Operations: 40% below 2005 levels by 2015; and Community Emissions: 30% below 2005 levels by 2015.

#### STAFF REPORTS

City Manager  
City Attorney  
City Clerk

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 10:30 p.m. by consensus of the City Council.

Respectfully submitted,

Karen Jost

City Clerk

The minutes of the January 8, 2009 regular City Council meeting were approved as corrected at the February 12, 2009 regular City Council meeting.