

Town of Los Altos Hills

City Council Special Meeting Minutes

Thursday, January 13, 2011
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Summit called the City Council Special Meeting to order at 7:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Ginger Summit, Mayor Pro Tem Rich Larsen, Councilmember Jean Mordo, Councilmember John Radford and Councilmember Gary Waldeck

Absent: None

Staff: City Manager Carl Cahill, Planning Director Debbie Pedro, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Parks and Recreation Supervisor Eric Christensen, City Attorney Steve Mattas, and City Clerk Karen Jost

APPOINTMENTS AND PRESENTATIONS

1. Appointment(s) to Standing Committees

MOTION SECONDED AND CARRIED: Moved by Waldeck, seconded by Larsen and passed unanimously to appoint resident James T. Heintzelman to the Standing Emergency Communications Committee for a term of four years.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen and passed unanimously to appoint resident Bill Gibbons to the Standing Emergency Communications Committee for a term of four years.

2. Certificate of Appreciation: Sandra Humphries, Environmental Design and Protection Committee

Mayor Summit presented a Certificate of Appreciation to resident Sandra Humphries in appreciation for her dedicated volunteer service to the community. Ms. Humphries has served as a member in good standing on the Environmental Design and Protection Committee since 1997 and has been a tireless advocate for conserving the natural beauty of the Town. Council joined with the Mayor in thanking and acknowledging Ms. Humphries' service. It was noted that Ms. Humphries was moving from Los Altos Hills.

3. Presentation: Emergency Notification Procedure

Public Safety Officer Steven Garcia introduced Captain Carl Neusel, Santa Clara County Sheriff's Department to Council. Neusel was recently appointed as the Commander at the West Valley Substation to replace Captain Terrence Calderone who retired from the Department in December 2010.

Captain Neusel acknowledged that he was pleased to have the opportunity to continue the outstanding service the Sheriff's Department has provided to the Town. Neusel reviewed his service resume with the Council noting that a majority of his tenure had been working with the Sheriff Office's contract cities.

Neusel proceeded with an overview of the Town's Emergency Notification procedure. The Town utilizes the "Rapid Notify System" which provides a telephone alert to residents. Neusel advised that the system was engaged on a case by case basis. Before use, it is determined if the system is appropriate for the "emergency." Neusel reviewed the criteria and determinations required for use with Council. He noted that it was imperative that the system be used judiciously to prevent negative consequences that might impede the safe resolution of the event.

The City Council thanked Captain Neusel for the presentation and welcomed him to the Town and advised that they were looking forward to working with him in the future.

4. Presentation: Santa Clara County Vector Control –Jose Colome, Community Resource Specialist

Jose Colome, Vector Control thanked the Council for the opportunity to share the services of his agency. He proceeded with a PowerPoint presentation that included a summary of service requests by Town residents identified by vector type and a map of Lyme Disease Surveillance and Mosquito Sources (2002-present).

Council thanked Colome for the presentation. It was noted that the Town's Open Space Committee had hosted a well-attended forum on rats and Vector Control had provided educational materials to the residents at the event.

The agenda was reorganized by consensus of the City Council to address items out of order.

5. Council Appointments to Committees and Outside Agencies

Following a brief discussion, the City Council appointments were made as follows:

<u>Town Standing Committee</u>	<u>Council Liaison</u>
Community Relations	Radford
Education	Radford
Emergency Communications	Waldeck
Environmental Design and Protection	Summit
Environmental Initiatives	Larsen
Finance/Investment	Mordo/Radford (voting members)

History	Mordo
Open Space	Waldeck/Mordo (alternate)
<u>Town Standing Committee</u>	<u>Council Liaison</u>
Parks and Recreation	Mordo/Summit (alternate)
Pathways	Summit
Water Conservation	Waldeck/Mordo (alternate)
LA/LAH Volunteer Awards	Summit
LA/LAH Senior Committee	Summit
<u>Outside Agencies</u>	
Association of Bay Area Governments (ABAG)	Mordo/Cahill (alternate)
Emergency Preparedness Council	Waldeck/Summit (alternate)
League of California Cities- Peninsula Division	Waldeck/Summit (alternate)
North County Library Authority	Mordo
Joint Powers Authority Library Board	Mordo/Radford
Valley Transportation Authority (VTA) Board of Directors	Larsen
Santa Clara Valley Water Commission	Waldeck/Mordo (alternate)
SCVWD Lower Peninsula Flood Control District and Watershed Advisory Board	Summit
Santa Clara County Cities Association Board	Radford/Waldeck (alternate)
Santa Clara County Cities Association Selection and Legislative Action Committee(s)	Radford/Waldeck (alternate)

PASSED BY CONSENSUS: To approve the Council appointments as noted.

CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to approve the Consent Calendar; specifically:

6. Approval of Meeting Minutes: City Council Regular Meeting – December 16, 2010
7. Review of Disbursements: December, 2010 \$658,741.10
8. Authorization of Bank Account Signatories-Resolution No. 1-11

PRESENTATIONS FROM THE FLOOR

Kathy Evans, resident, suggested that the City Council consider setting aside funds during the budget review for the future purchase of identified parcels for Town use for potential parks, office space or a community building.

UNFINISHED BUSINESS

9. Town Goals 2011
 - Personal and Public Safety for All Residents

Mayor Summit provided an overview of the Town Goals for the year. She noted that she was not interested in focusing on new projects for the upcoming year but was proposing that programs with a nexus to public safety and that enhanced residents' personal safety be built upon. Summit noted that the Town had recently revitalized the Neighborhood Network Program and worked closely with the Los Altos County Fire District to develop CERT, PET and CPR training programs that were on going and greatly benefited the individual and community. She encouraged the residents to continue their training. In addition to the programs mentioned, the Los Altos Hills/Los Altos Senior committee has been charged with identifying the needs of the Town's senior citizens which integrate into the safety theme for the year.

Summit added that she would like to include traffic safety as an element of Town's Goals. Auto, pedestrian, equestrian, and bicycle were all components to be considered and addressed under the traffic "umbrella" and all of its dimensions. Summit noted the current projects that would benefit Town residents and were considered safety enhancements including the construction of the Stanford C-2 trail and the proposed new Fremont Road bike lane.

NEW BUSINESS

10. Discussion on Traffic Control Devices including Site Distance Mirror on Page Mill Road at Buena Vista Drive (Traffic Engineer's Report) (Staff: R. Chiu)

Public Works Director/City Engineer Richard Chiu introduced the item to Council. The item before Council was a discussion of traffic control measures at the intersection of Page Mill Road, Moody Road and Buena Vista Drive. Chiu proceeded with a PowerPoint presentation that included a vicinity map of the intersection; a slide that identified the three different agencies/jurisdictions that were germane to the area (Los Altos Hills, Santa Clara County and City of Palo Alto); and photos of the site. Chiu noted that Buena Vista Drive was a private road.

Chiu provided an overview of the options and that had been discussed including: installation of a sight distance mirror; installation of a stop sign; lowering the embankment and removing trees; and, the realignment of Buena Vista Drive to come off of Moody Road. Chiu shared photo simulations of the different options and photos of the area with Council.

Chiu reviewed the status of the options:

Sight Distance Mirror: The Town had engaged a traffic engineer to study an option of installing the sight distance mirror at the intersection. He had concluded that a mirror would not adequately improve sight distance at the subject intersection and did not recommend installation due to liability and maintenance concerns. His report had been provided to the City Council in the agenda staff report. The consultant had recommended that the installation of stop signs be investigated in more detail.

Installation of Stop Signs: Chiu offered staff had discussed the installation of stop signs with Santa Clara County. At this time, the County was not in support of stop signs at the intersection. It was noted that there was a stop sign located at Buena Vista but not at Moody Road or Page Mill Road.

Reduction (Lowering) of Embankment and Removing Trees: Chiu advised that the option was specific to the jurisdiction of Palo Alto. Palo Alto would require additional study to justify the costs associated with a project of this magnitude.

Realignment of Buena Vista: Chiu explained that the option would require additional easement modifications from private property owners and might not eliminate the problem of exiting from Buena Vista Drive.

Chiu noted that additional options included the installation of flashing lights, pavement marking and additional signage. Representatives from Palo Alto and Santa Clara County had been invited to attend the meeting.

Mayor Summit reported that she had discussed the stop sign for the intersection with Santa Clara County Supervisor Liz Kniss. Summit had been advised that the County would review the sign.

OPENED PUBLIC COMMENT

Walt Wilson, Buena Vista Drive, commented that the intersection was very dangerous. He supported reduction of the embankment and offered that it was the optimum solution to the safety issue. He commented on the other proposals and noted that he believed a stop sign would be approved for the area. He did not support realignment of Buena Vista Drive as a solution. Wilson suggested that the installation of the mirror was a simple resolution that could be beneficial and cost effective until the other solutions were approved. He supported installing the mirror for a time period to be able to evaluate the effectiveness.

Eric Evans, Buena Vista Drive, thanked the Council for their discussion. He concurred with the comments of Wilson and noted that the installation of the mirror was only a partial solution to the traffic problem.

Jitze Couperus, resident, commented that the residents of the area were the most at risk and would benefit from the installation of the mirror.

Resident, Buena Vista Drive, commented that the intersection posed a serious problem. He offered that the combination of installing both a stop sign and a mirror would be a good solution.

Resident, Buena Vista Drive, noted that the history of traffic accidents at the intersection over the past ten years averages three reported accidents per year. She offered that many, many accidents in the area go unreported.

CLOSED PUBLIC COMMENT

City Attorney Steve Mattas reviewed the liability issues relative to the Town installing a mirror at the intersection. He noted that it was a very complicated intersection by the fact that there were three groups of ownership at the intersection (City of Palo Alto, Santa Clara County and private citizens). If the Town were to create the public improvement

there was a potential risk inherent with the installation of the mirror. The Town would be responsible for the maintenance of the mirror. If there were any negligence in the maintenance there could be a liability issue. Mattas noted that in addition, the Town was in receipt of the letter from the traffic consultant that outlined the problematic issues in effectiveness with installation of the mirror which increased the liability. The City Attorney added that the Town did not own Buena Vista Drive or the other two components of the intersection and did not have a liability based out of a condition of public property. Mattas suggested that the most appropriate way to address the issue was to pursue the stop sign with the County.

Council discussion ensued. There was a consensus to direct staff to continue to move forward and expedite the request to Santa Clara County for the installation of stop signs and to report back to the Council at the next meeting.

11. Consideration of Fence Netting at Purissima Park (Staff: E. Christensen)

Parks and Recreation Supervisor Eric Christensen introduced the item. He advised the Council that subsequent to the staff report distribution included in the Council packet, a new proposal that had concurrent approval of the Los Altos Little League and Los Altos Hills Horseman's Association (LAHHA) was being tendered to the Council. The installation of safety netting with a minimum 30 foot high safety net fence on poles on Field 1 was being proposed to protect equestrians using the horse ring and surrounding area from fly balls. He shared a slide of the proposed fence and the location it would encompass.

City Manager Cahill noted that both LAHHA and the Little League have been asked if they would contribute to the cost of the project. The Little League has agreed to participate in an amount up to \$4,000. LAHHA offered that they did not have any funds available for the project. In addition, the Town would be seeking grant monies from ABAG for the project.

OPENED PUBLIC COMMENT

Kathy Evans, resident and member of LAHHA, commented that the proposal before Council was a good compromise. She expressed an interest in revisiting the issue in six months to confirm that the netting had addressed the issue of fly balls.

Paul Kelleher, Los Altos resident, Los Altos Little League Fields Commissioner, concurred with the initial speaker that the proposal was a good compromise. He encouraged the Council to site the safety netting fence high enough to be successful.

President Los Altos Little League, Los Altos Resident, noted that the League officials were all in agreement with the resolution that was being presented to the Council. He acknowledged that he had been authorized to approve participation in the funding for the netting project in an amount up to \$4,000. He requested that the fence be as high as possible (30 feet) and noted that the location of the fence was the appropriate site for the netting.

Dr. Jerry Wittenauer, Los Altos Hills resident, addressed Council. He noted that he was a Little League parent and a horse owner. Wittenauer complimented the Council on the maintenance and equestrian trail upgrades that have been ongoing offering that they were an asset to the equestrian community. Wittenauer commented that he supported the compromised solution that was being tendered to Council but did not support placing addition fencing in other areas of Purissima Park.

Bob Sandor, Los Altos Hills resident, commented that he believed safety projects in Town should be justified by the cost rather than a likelihood of an occurrence. He suggested that the path installation was currently providing a safe route for pedestrians and equestrians and the funding could be used for more beneficial safety projects.

Jolon Wagner, Los Altos Hills resident and member of LAHHA, addressed Council. She supported the project. Wagner noted that the association did not have funds available to participate financially in the project.

David Rock, Vice President Los Altos Little League, thanked staff and LAHHA for developing resolution to the issue that was acceptable to everyone. He concurred with the other speakers to make the netting as high as feasible and noted that the Little League players that are assigned to the age appropriate field were not the problem but unauthorized users of the field that try to hit balls out of the park were.

CLOSED PUBLIC COMMENT

Council discussion ensued. There was a consensus to support the new recommendation presented by staff. City Manager Cahill reviewed the “next step” scenario with Council. Staff will garner project costs and the item will return to the City Council if it is beyond his approval authority at their next regular meeting for final approval.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to proceed with the installation of safety netting with a minimum 30 foot high safety net fence on poles on Field 1 as presented.

12. Transmittal of Audited Financial Statements for the Fiscal Year ending in June 30, 2010 (Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. Pegueros proceeded with a PowerPoint presentation that provided an overview of the financial reporting process and main points of the Annual Financial Report for the year ended June 30, 2010. Pegueros reported that over the last several years the Town’s net assets have steadily increased. Net assets totaled \$41.2M as of June 30, 2010, including capital assets, restricted assets and unrestricted assets. Pegueros reported that the \$10.45M unrestricted assets is approximately three-quarters belongs to governmental activities and the remaining one-quarter belongs to the sewer fund. Included in the unrestricted net assets for governmental use is \$3.8M of general fund balance, \$1.25M in emergency and disaster contingency reserve and \$350,000 operating contingency reserve for a total of \$5.41M. Revenues were slightly down from last year, however over last several years revenues are up by about 56%. Taxes and franchises held steady as did charges for services. Grants for capital projects, investment income and sale of assets revenues

decreased. In 2008 the Town sold the Story Hill Lane property which significantly increased revenues for that period. Total revenues closed at \$10.1M. Expenditures for 2009-10 were \$8.7M, an approximate 46% increase. Parks and Recreation expenses include facilities and pathways, as well as an expansion in 2009 to include Westwind Barn.

Council Questions: Councilmember Waldeck asked if the Town currently had any unfunded pension liabilities and if so, what the size is.

Pegueros responded that the information available to the Finance Investment Committee (FIC) is old, as of June 30, 2009 the rough estimate was \$0.5M. The market has recovered since that time and the unfunded liability has likely decreased since then but enough information is not immediately available to state that the liability is gone.

Councilmember and FIC member Mordo added that the Finance and Investment Committee is fairly confident that the next valuation should show zero liability. The retired medical liability is estimated to be fully funded in six to seven years. Mordo added that due to market recovery, the plan to fund an estimated \$70,000 pension shortfall is no longer necessary and that money can soon be reassigned as general reserve.

Mayor Summit expressed great appreciation for the excellent work of staff and FIC volunteers.

13. Consideration of Sanitary Sewer Standard Details and Specifications
(Staff: R. Chiu)

Public Works Director/City Engineer Richard Chiu introduced the item to Council. The item before Council was a consideration of sanitary standards and specifications for privately constructed sewer projects, including a new requirement for when there is more than one structure on one property; a 45-degree Y-lateral can be used to supply the entire property instead of the current requirement of a separate lateral. Backflow/overflow devices can serve to prevent backup effecting two structures with a common lateral and it will also reduce costs for property owners and there will be fewer taps into the main itself. Another new requirement will be for traffic control designed by a registered Traffic Engineer. There will be some added costs to the applicant but the Town feels this is necessary for safety.

Councilmember Larsen commented that he had reviewed the new standards and feels the common lateral requirement will be good for the Town in terms of in-law units and conformance to low cost housing element.

Mayor Summit thanked Richard Chiu for so clearly addressing the traffic safety issue in these new requirements.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen to accept the new Sanitary Sewer Standard Details and Specifications and passed unanimously.

14. Consideration of Revisions to the Newsletter Policy and Amendments to the Standing Committee Resolution (Staff: S. Gualtieri)

Mayor Summit introduced the item by providing background on the newsletter. Historically it was put together by members of the Community Relations Committee until Duffy Price took over and expertly handled its production for many years. On examining other local municipalities' newsletter policies, staff handles the task. With Price's departure, there is to be a change in policy, moving the newsletter responsibility to staff.

City Manager Cahill added that it is the Town's intention to have newsletter responsibility moved to the Parks & Recreation Department as well as with considerable continued volunteer involvement.

Mayor Summit asked who will fill the Editor In Chief role going forward.

Duffy Price introduced resident Glen Reed to the Council, stating that he will be an Associate Editor. Reed has 20 years of professional writing and editing experience. Marita Vargas, Reed, staff and other volunteers hope to hold to the same high standard as in the past. Price outlined the basic information flow for the newsletter as follow: submissions will be sent to Sarah Gualtieri, who will organize and prioritize information and forward to the Editor and Associate Editor who will work with City Council and staff to produce each issue of the newsletter.

Price thanked Council and staff for her wonderful experience of 16 years with the newsletter.

Councilmembers Mordo and Larsen thanked Price for her tremendous contributions.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen to accept the Revisions to the Newsletter Policy and Amendments to the Standing Committee Resolution and passed unanimously.

Amendments to the Standing Committee Resolution will be made and brought back to Council on consent calendar in February.

15. Consideration of Draft Ordinance Amending Title 11, Chapter 1 of the Los Altos Hills Municipal Code Section 11-1.01 Pertaining to the Town Historian and deleting Section 11-1.02

Councilmember Mordo introduced the item as simply a cleaning up of the existing Municipal Code language to match the current reality of the History Committee.

Mayor Summit commented that there are a great number of very elderly, long term residents in Los Altos Hills and she would like to see the History Committee add to their Mission to take the Town's living (oral) history.

Councilmember Mordo stated this was a good idea and he would ask Committee Chair Nobuko to add this to the next Committee Meeting agenda to discuss.

Motion to Waive Reading

Motion to Introduce the Ordinance

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Radford to accept Draft Ordinance Amending Title 11, Chapter 1 of the Los Altos Hills Municipal Code Section 11-1.01 Pertaining to the Town Historian and deleting Section 11-1.02 and passed unanimously.

PLANNING DIRECTOR'S REPORT

No report. The Planning Commission has not convened a meeting since the last Council Meeting.

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

16. Status Report and Consideration of Possible Retention of Consultant Regarding Lehigh Cement Quarry (Councilmember Waldeck)

Councilmember Waldeck and resident Jitze Couperus introduced the item to the Council regarding the environmental effect of Lehigh Quarry and their intended expansion.

Council discussion ensued and consensus was reached for Councilmember Waldeck to proceed on the following points and report back at the next meeting:

- Find out if someone is willing to analyze existing data to determine if it is problematic
- Continue to advocate and educate with other local municipalities
- Investigate an independent servicer to perform water sampling and analysis

17. Status Report – City Council Ad Hoc Committee on Employee Compensation (Councilmember Radford)

Councilmember Radford introduced the item as a review of employee retirement compensation. The committee has held one meeting and recognizes that the Town already has a conservative benefit. A second meeting is scheduled in which Cahill and Pegueros will present more detailed information and report to the Council in February.

Councilmember Mordo providing the background that this issue arose from the Grand Jury Report which recommended in some cases for the retirement age to be moved from 55 to 60 years of age. The committee's preliminary conclusion is to not change benefits for existing employees but look more closely at changing new hire benefits to the 2% @ 60 formula.

Councilmember Mordo stepped down from City Council Ad Hoc Committee on Employee Compensation as Councilmember Radford will take over the position.

18. Presentation: Environmental Initiatives Committee: LAH Greenhouse Gas Inventory Update – Steve Schmidt, High Energy Audits, Inc. and Peter Evans, Standing Environmental Initiatives Committee Chair

Peter Evans, Standing Environmental Initiatives Committee Chair introduced the item on Greenhouse Gas (GHG) Inventory Update. CA AB32 has very ambitious goals and it is likely in the near future the Town's land use decisions may be subject to GHG Impact Evaluations.

Steve Schmidt presented information on the Town's GHG inventory that started in 2008 which will establish a track record for the Town. Government operations emissions have been trending down in recent years. The Town will need to make some reduce consumption or make more use of green technology to reach its 2015 target of a 40% reduction, based on a 2005 baseline. Overall community emissions were up but overall community analysis shows strong waste reduction, average home electric use trending down, whereas PG&E grid electricity and natural gas use up. Upcoming programs include EECBG residential audits and Foothill PV system coming online in 2011.

Mayor Summit commented that she was glad to see the home audit program and wondered if there was a way to incorporate estimated potential energy use on new home construction into the Town's planning process, as with CA AB1881 and water allocation.

Schmidt responded that CA Title 24 does a lot for new home design and energy usage but mostly for heating and cooling. Other new elements, such as pools or fountains are not currently considered.

Councilmember Larsen thanked Schmidt for his continued work on this subject on behalf of the Town and asked if there could be more done to encourage new residential solar power.

Evans concluded that the EIC decided not to put forward any recommendations based on the inventory findings, but continue to review in more detail as well as continue to educate and empower residents to make changes on their own. Regarding solar power, the inventory actually showed that photovoltaic installs were doing well in new construction and remodels. Regarding PG&E alternatives, Community Choice Aggregation may be an option. Marin is working a similar matter and the EIC hopes to watch and learn from their progress. Additionally, if the Property Assessed Clean Energy financing program goes through, it should open up the photovoltaic market in LAH.

Council discussion ensued. There was a consensus for the EIC to provide direction regarding possible design guidelines.

19. Consideration of Request from the Standing Water Conservation Committee (WCC) for Review and Update to the Committee's Charter, Membership and Meeting Schedule: John Harpootlian, Standing Water Conservation Committee

Councilmember Mordo introduced the item as an effort to reduce the committee size and reduce the WCC charter. John Harpootlian continued saying that the WCC put a huge effort forth to pass AB1881. With that goal met, the WCC asks that the Council update its charter and make any changes that the new council feels appropriate. The WCC also submitted for Council consideration, reducing the WCC size from 12 to 7 members and make the meetings quarterly or bi-monthly rather than monthly. Should the Council prefer

to review and reappoint WCC members and open the committee to new members, the WCC would support that action as well.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen to narrow the WCC charter and reduce membership to seven members and was passed unanimously.

STAFF REPORTS

City Manager

City Attorney

City Clerk

No reports were given.

COUNCIL INITIATED ITEMS

No Items Scheduled

ADJOURNMENT

There being no further business, the meeting was adjourned by the consensus of the City Council at 11:55 p.m.

Respectfully submitted,

Karen Jost

City Clerk