

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, May 8, 2008
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Jones called the City Council Regular Meeting to order at 7:10 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Vice Mayor Jean Mordo, Councilmember Breene Kerr, Councilmember Mike O'Malley and Councilmember Dean Warshawsky

Absent: None

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

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit public comments to two minutes with the exception of "Presentations from the Floor".

APPOINTMENTS AND PRESENTATIONS

1. Presentation on Tuolumne River Diversion Proposal– Vice Mayor Peter Drekmeier, City of Palo Alto

Palo Alto Vice Mayor Peter Drekmeier thanked the City Council for the opportunity to address them on the San Francisco Public Utilities Commission's Water System Improvement Program. Drekmeier explained that he was not before Council representing the Palo Alto City Council but rather as a member of the Tuolumne River Trust. He was seeking the Council's support in opposing the Commission's proposal to divert water daily from the Tuolumne River.

Drekmeier proceeded with a PowerPoint Presentation that highlighted the value of the Tuolumne River aesthetically, environmentally, and, as an educational and recreational resource. He reviewed the proposed water-diversion proposal and noted that the water diversion was imbedded in the proposal to upgrade the Hetch Hetchy water system. The Trust believed that the upgrade and seismic improvements to the system were critical and have recommended that the SFPUC focus on conservation, efficiency and recycling and decouple the water diversion from the Water System Improvement Plan (WSIP). Approximately 100 conservation groups have supported the Trust's position. Drekmeier

offered that if the plan were not amended, lawsuits opposing the diversion could delay the vital and much needed seismic upgrades.

Drekmeier thanked the City Council for the opportunity to speak to this very important issue.

Councilmember Kerr explained that the Town has reviewed the issue of residential water usage. He noted that the Town's water allotment was set years ago prior to the type of development that is now prevalent in the Town. Kerr suggested that the Town's usage per acre was probably less than that of Palo Alto.

Council thanked Drekmeier for his informational presentation.

A. Consideration of Resolution "In Support of Water Conservation, Efficiency and Recycling Rather than Increasing Diversions from the Tuolumne River"

Council discussion ensued. Council consensus was to extend an invitation to representatives from the Purissima Hills Water District Board to give them an opportunity to express their position on the issue before considering the resolution.

2. Presentation by the Supporters of Westwind Community Barn – Status Report on Fundraising Efforts

Jeanne Seeley, Supporters of Westwind Community Barn President, addressed Council and thanked them for the opportunity to present an update on their capital campaign. Seeley reviewed the mission of the Supporters which was "To restore the structural integrity of Westwind Community Barn (WCB), encourage community use through programs and events, and preserve the natural environment of the site."

Seeley offered that the primary and sole function of the Supporters was fundraising for the restoration of the Barn and spoke to the importance of a public/private partnership in achieving the financial goal. She believed that fundraising from the private sector would require a major effort and to assist them with their campaign, the Supports had engaged Skystone Ryan Consultants. The firm had experience in similar campaigns and had assisted with the fundraising for the restoration of the Folger Barn in Woodside.

Seeley reviewed the preliminary timeline that had been proposed by the Supporters. The expectation was for the campaign to proceed over the next eight to twelve months, with the final report and on-going pledge collection occurring in May, 2009.

Seeley emphasized that the stability of the Town's financial commitment was imperative to the success of the capital campaign and that an on-going visible support from Town leaders was a critical component of an effective public/private partnership. Seeley stressed that the match of funding from the Town was the cornerstone of the campaign and suggested than an MOU from the Town would give comfort to prospective donors

Seeley offered that the minimum goal of the campaign was to match the City Council's approved funding of \$880,000 for the Barn's restoration but they were hopeful that they could raise additional funds. Additionally, Seeley requested Council identification of

appropriate types of recognition for donors that would be amenable to the Town. The Supporters would provide a status report to the City Council as their fundraising efforts moved forward.

In conclusion, Seeley spoke to the importance of keeping an open, candid and direct dialogue with the Council on the campaign.

Mayor Jones thanked Seeley for her update and presentation. Council wished the Supporters success in their fundraising efforts.

3. PG&E Energy Conservation Incentive Programs – Papia Gambelin, Government Relations Representative

Ms. Gambelin was unable to attend the meeting due to illness. Her presentation was continued to a future meeting.

4. Appointment to Standing Committee

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to appoint Thomas McReynolds to the Historical Committee for a term of 4 years.

CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the items on the consent calendar; specifically:

5. Approval of Meeting Minutes: Regular City Council Meeting April 10, 2008
6. Review of Disbursements – April 2008 - \$1,361,293.46
7. Acceptance of Quarterly Investment Report for the Period Ending March 31, 2008 (Staff: N. Pegueros)
8. Approval of Proposition 1B-Local Streets and Roads Improvement Street List (Staff: R. Chiu)
9. Approval of Amendment to the Agency Agreements for Countywide AB939 Implementation Fee and Household Hazardous Waste (HHW) Collection Program Reso #24-08 (Staff: R. Chiu)
10. Notification of Fast Track Approval: Lands of Duke and Cadeddu; 11520 Old Ranch Road (File #9-08-ZP-SD-GD) A Request for a Site Development Permit for a new 5,987 square foot two story residence and swimming pool. (maximum height: 27') CEQA Review: Categorical Exemption per Section 15303(a) (Staff: N. Horvitz)
11. Approval of Payment of Encroachment Permit Fee for the Pine Lane Sanitary Sewer Diversion Project (Staff: R. Chiu)

12. Certificate of Commendation to Will Balson, Eagle Scout, Boy Scouts of America Troop 37

PRESENTATIONS FROM THE FLOOR

Councilmember Dean Warshawsky introduced Timothy Chou. He noted that the speaker's presentation would address the issue of reducing the Town's carbon footprint by engaging residents in becoming more "green" with an incentive-based program.

Mr. Chou thanked the Council for the opportunity to present their proposal. He suggested that the idea before Council was a software program that was an innovative approach to promoting a green economy and he was seeking a partnership with the Town. Given the Town's focus on solar and environmental issues, he believed they were an ideal candidate for the program.

Mr. Chou introduced his associate to provide an overview of the proposal. The program would allow Town residents through green actions to earn script that could be banked and then redeemed for green products via the Qenso website. He proposed that the Town's initial participation in the program be for three months, at a cost of \$15,000, with a suggested start date of June 2008.

Council thanked them for the informative presentation on the innovative proposal. Council suggested that the proposal be presented to the Environmental Initiatives Committee for their review and suggested that a more detailed report on the program be scheduled for a future Council meeting.

PUBLIC HEARINGS

13. LOS ALTOS HILLS GENERAL PLAN UPDATE: Consideration of a Resolution to Approve a Negative Declaration for General Plan Amendments and Amending the General Plan by Adopting the Updated Land Use Element and Pathways Element and Amending Page 8 of the Open Space & Recreation Element.

Councilmember O'Malley, liaison to the Ad Hoc General Plan Update Committee introduced the item. The Committee had been working on the project for two and half years and he thanked the members for their dedication and commitment to see the project through to its successful conclusion.

Leslie Hopper, Planning Consultant, stated that it was with great pleasure that she was introducing the third and final phase of the General Plan update. She acknowledged the leadership of Councilmember O'Malley and his guidance for keeping the Committee focused on the ultimate goal of completing the General Plan update and thanked the Committee for their efforts on the project.

Hopper reviewed the three phases of the General Plan update process. The first phase included the Introduction, Conservation Element, and Open Space & Recreation Element which was adopted April 26, 2007. The second phase included the Noise and Safety Elements and was adopted November 8, 2007. The third and final phase was before

Council for their consideration and included the Land Use and Pathways Element. The Circulation & Scenic Highways Element and the Housing Element had not required updating given their recent adoption in 1999 and 2002, respectively.

Hopper noted that the revision to the Elements had included: the inclusion of updated information, improved formatting, added graphics, and a review of the policies and programs to ensure that they were appropriate with current practices.

Participants of the Phase 3 update had included the General Plan Ad-Hoc Committee (Chair Councilmember Mike O'Malley, Planning Commisisoner Carl Cottrell, Elayne Dauber, Carol Gottlieb, Dot Schreiner, Janet Vitu), California Water Service Company, Standing Environmental Initiatives Committee, Standing Environmental Design & Protection Committee, Standing Open Space Committee, Standing Parks and Recreation Committee, Standing Pathways Committee, Standing Public Education Committee, and the Purissima Hills Water District.

Council had before them in their meeting packets the policies and programs under consideration.

Hopper proceeded with an overview of the key policies and programs via a PowerPoint presentation. They included:

Open Space Easements: Policy 2.5 (Land Use Element). Hopper explained that this was the most comprehensive statement regarding open space easements in the General Plan.

Green Building: Policy 2.8 (Land Use Element). The policy committed the Town to promoting the use of green building methods and practices. It encouraged the use of sustainable building materials and supported water and energy efficiency.

Financing Public Services: Policy 4.2 (Land Use Element). Hopper noted that the policy reflected the Town's current practice and was not new. However, this was the first time it had been included in the General Plan. The policy called for new development to be required to pay their fare share if their project required the construction or expansion of public improvements.

Annexations: Policies: 5.1, 5.2 and 5.3 (Land Use Element). Hopper noted that the 1975 Land Use Element did not include language that addressed annexations. The proposed policies and programs were consistent with the Town's adopted procedures for annexations.

Maintenance of Pathways: Policy 1.6 (Pathways Element). Hopper offered that the majority of the modifications had been recommendations of the Standing Pathways Committee. The General Plan Committee had made minimal modifications to their suggestions. Hopper clarified Policy 1.6 regarding maintenance of Pathways and the payment of pathway fees. It called for the Town to maintain the pathways using both pathway fees and General Fund monies.

Hopper reported that the Planning Commission had reviewed the proposed updates at their April 3, 2008 meeting and had unanimously recommended approval of the updated

elements and the proposed amendment to the Open Space Element with several recommended modifications. A summary of their proposals had been included in the staff report.

Hopper reviewed the “Housekeeping Amendment” to the Open Space & Recreation Element. She offered that the amendment was necessary to correct an inconsistency with the Land Use Element. An additional modification had been recommended by the Planning Commission and Open Space Committee to staff’s recommendation and was called out in the slide.

The additional recommended modifications to the Land Use Element included: language regarding Foothills Community College’s (135) relationship to the Town and their requirement to obtain conditional use permits for certain uses such as wireless communications antennas; and, the inclusion of a FEMA flood insurance rate map for Los Altos Hills as Appendix B.

In summary, Hopper reiterated staff’s recommendation to adopt the resolution before Council. The resolution approved the Negative Declaration for the project, adopted the proposed amendments to the Land Use and Pathways Elements and approved the proposed amendment to page 8 of the Open Space & Recreation Element.

Council discussion:

Councilmember Kerr questioned if the Land Use Element referenced the “public school” zoning. Planning Director Debbie Pedro explained that the designation was included in the Land Use Diagram under institution. Gardner Bullis was identified as a public elementary school. The former Fremont Hills School, currently Pinewood School, was designated public/private school.

Kerr questioned if the Sphere of Influence map had been updated to include areas that have expressed an interest in sewers/annexation and if it could be modified to address future requests. Pedro acknowledged that the map was provided by LAFCO. With regards to Altamont Circle, LAFCO had determined that it was within the Town’s Sphere of Influence. She expected a revised map to be forthcoming.

Vice Mayor Mordo requested clarification on the inconsistency of the two examples of the Planning and Zoning language update for the Open Space & Recreation Element. Pedro acknowledged that it had been an oversight of staff and the language should have been stricken because buildings and development are permitted on land designated as an Open Space Reserve. She noted that the Little League fields were in an OSR.

Councilmember Warshawsky thanked the Committee and the staff for their efforts. He commended them on the process they had followed to update the General Plan and the inclusion of interested parties in the update. He offered that it had been very successful given there had been minimal comment on the final product.

Mayor Jones requested clarification on the proposed Green Building reference (128). He offered that the City Council was interested in promoting green building practices but questioned the language that the “Town should develop programs and development

standards regarding green building practices such as the use of recycled and renewable construction materials, energy-efficient heating and cooling systems, water conservation and reuse, and energy-efficient appliances.” Jones questioned if this was consistent with the decisions of the Council. O’Malley explained that it would allow the Council to adopt the State’s standards or adopt standards beyond the State’s if Council wished. Jones noted that he wanted to be sure that the intent of the proposed language was that the State’s standard would meet the direction of the proposal. City Attorney Mattas added that the inclusion of “should” in the language provided additional discretion to the Council to adopt or go beyond State requirements.

Jones asked for additional information regarding the proposed amendment to the Open Space & Recreation Element. Hopper offered that the majority of the text was from the original 1975 Land Use Element and that staff was recommending that the language that prohibited buildings or other development in an Open Space Reserve be stricken given the fact that development (homes) currently exist in the areas. She added that the language expressed the Town’s current practice.

OPENED PUBLIC HEARING

Ginger Summit, Pathways Committee Chair, thanked the General Plan Committee for the opportunity to participate in the update process. She believed that their final product had successfully achieved its goal and was consistent with the Town’s policies.

Duncan MacMillan, resident, questioned if it was possible to add language to the General Plan that would express the Town’s interest in returning the Fremont Hills school property to public use if it should become available.

Planning Director Pedro reviewed the policy and program (3.1) language that encouraged the restoration of public schools by the Districts. City Attorney Mattas explained that the dual designation of the Fremont Hills property recognized what currently exists on the site.

Mayor Jones suggested that a cross reference to 131 be included on the Land Use Diagram for referenced school sites and suggested that the staff investigate potential opportunities to allow additional access to the Pinewood fields and return to Council for additional discussion at a future meeting.

Council discussed the limited permitted use of the Pinewood School site. Councilmember Kerr suggested that the site was a public recreation asset whose access had been greatly restricted. He wondered if any language could be added to the General Plan that would preserve the Town’s rights.

Councilmember O’Malley suggested that the issue could be revisited as a General Plan modification, noting that four were permitted each year.

Dot Schreiner, General Plan Update Committee member, reviewed her memo on slope restrictions with Council. She commented on the 2007 Godbe resident survey’s findings that supported the Town’s current policies regarding development.

Richard Partridge, Open Space Committee member, thanked the committee and Councilmember O'Malley for their efforts on the General Plan. His Committee had been included in the review. He spoke to policy 1.1 and stated that he strongly supported the policy and believed it was the heart of the Land Use Element. He offered two comments: he supported the additional language proposed by the OSC that open space easements may be required to conserve the natural quality of the area; and two, he suggested Policy 1.1 should include the term "architecture" which had been stricken by the Planning Commission.

Carol Gottlieb, General Plan Update Committee member, suggested that the Council consider requesting additional access to the Pinewood School site during the review of their Conditional Use Permit. She thanked Planning Consultant Leslie Hopper and Planning Director Debbie Pedro for their guidance during the update process.

CLOSED PUBLIC HEARING

Vice Mayor Mordo supported the Open Space Committee's recommendation to include the language "such as open space easements may be required".

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt the Resolution No. 25-08 approving a Negative Declaration for General Plan Amendments and Amending the General Plan by Adopting the Updated Land Use Element and Pathways Element and Amending Page 8 of the Open Space & Recreation Element with the following modifications as discussed by Council:

1. All modifications recommended by the Planning Commission on April 3, 2008.
2. The revision to page 8 of the Open Space & Recreation Element recommended by the Open Space Committee.
3. In the Land Use Element, the additions to Paragraph 134 on Foothill College as shown in the powerpoint presentation (staff recommendation).
4. The addition of FEMA flood insurance rate map as Appendix B of the Land Use Element and revisions to the cross-reference in the text box in Paragraph 151 (staff recommendation based on advice of City Attorney).
5. The following modification of Policy 3.1 of the Land Use Element regarding public schools: add "particularly on the public school sites listed in Paragraph 131."

Following approval of the resolution and the successful conclusion of the General Plan Update Mayor Jones presented awards of recognition to Leslie Hopper, Debbie Pedro and General Plan Committee members present Carol Gottlieb and Dot Schreiner for their dedicated service and commitment to the General Plan update. The committee had graciously donated their time over two and half years to the project and the Town was exceedingly grateful. The Council joined in his salutation and applauded their efforts.

COUNCIL RECESSED 9:55 P.M.

COUNCIL RECONVENED TO OPEN SESSION 10:00 P.M.

UNFINISHED BUSINESS

TOWN GOALS (14A-14F)

14A. Significantly Enhance Resident Access to Recreational Facilities

- Repair and Restore Westwind Barn to sustain long term viability
- Enhance the Town Little League Fields

No report.

- Access adjacent recreational assets

14A (1) Status Report on Los Altos/Los Altos Hills Recreation Collaboration

Vice Mayor Mordo introduced the item to Council. He explained that during the initial discussions of the Town's participation in the City of Los Altos' Rosita Park swimming pool project, he had proposed the concept of a recreation collaboration with the City that could potentially increase recreation opportunities for Town residents. The Town's monetary participation in the Rosita pool project in the amount of \$500,000 and the collaboration would have guaranteed equal access to residents of each community to the Town's and City's recreation programs including the pool.

Mordo noted that staff and Council from the two cities have met several times to discuss the proposed collaboration. In the interim, the plans for the pool project have dramatically changed. At this time, Los Altos is considering the possible inclusion of the pool as part of their major civic center project with the possibility that it might not be built for several years. During the course of the last meeting with the City, their Council representatives requested that the Town as a condition of participation in the collaboration agree to commit to \$500,000 to fund construction of the pool at the Civic Center. If the pool were not constructed, the funds would be returned to the Town.

Vice Mayor Mordo recommended that the Mayor be authorized to send a letter to the Los Altos City Council expressing the Town's continued interest with the exploration of a possible collaboration for access to programs and the publication of a joint guide but discussions of participation by the Town in the swimming pool project be deferred and examined as a separate issue. Mordo offered that he concurred with the substance of the staff memo in the Council packet but not the tone of the report. Mordo acknowledged that the collaboration concept was not as attractive now, given that the City of Los Altos might not be continuing their Redwood Grove summer program.

Councilmember Kerr expressed his concern on opening Westwind Barn to additional participants noting that its use was nearing capacity and the amount of funding that was needed for improvements of the facility.

OPENED PUBLIC COMMENT

Valerie Metcalfe, Parks and Recreation Committee Chair, commented that the Committee was very grateful for the current City Council's expenditure of their time and energy on recreation issues and the funding commitments they have made on recreation facilities. The Committee at their April 21, 2008 meeting had discussed the potential collaboration. She noted that the Town's recreation facilities were currently open to residents of other communities. At this time, the Committee had no expectation or request for additional funding for recreation but was recommending that if any additional money was to be

spent on recreation, it be spent on a Los Altos Hills project and suggested that the installation of artificial turf on Field #2 at the Little League facility would be a good project.

There was a consensus of the City Council that a joint program brochure would be an acceptable collaborative project. However, at this time, the Town could not commit to any funds for the Los Altos swimming pool project. Vice Mayor Mordo volunteered to draft a letter to the City of Los Altos expressing the intent of the Council on the issue. Council concurred.

14B. Return Public Elementary School Education to Los Altos Hills

14B. (1) Status Report-Bullis-Purissima Elementary School Naming Options

No report given.

14C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that the Committee had sent out letters to residents neighboring two proposed projects to determine their level of interest. The next step for the Committee would be to review the responses.

14D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

- Old Altos On Road Pathway
- Taaffe Off Road Pathway

City Engineer Richard Chiu reported that the Old Altos Pathway was currently being advertised as part of the Fremont Road project. Project bids were expected by the end of the month. Staff had received two design proposals for the Taaffe project and staff would be returning to the City Council at their next meeting with a contract for their consideration.

14E. Complete the Redrafting and Approval of the Town General Plan

Update completed. Item considered as Agenda Item #13.

14F. Complete the Undergrounding Pilot Project

City Engineer Richard Chiu reported that the undergrounding construction was nearing completion. The next step in the process was for the utilities to underground their service lines.

NEW BUSINESS

15. Request for Town-wide Mailing for Public Notice of the Proposed Green Building Ordinance

Following a brief discussion, Council determined that the request for approval of the Town-wide mailing was premature and could be addressed at the Council's study session on the proposed ordinance.

16. Consideration of City Council Meeting Schedule – June, 2008

Mayor Jones offered that he had a scheduling conflict with the June 12, 2008 Council meeting. It was noted that the second Council meeting in June had been cancelled.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to cancel the June 12, 2008 regular Council meeting and to schedule a Special Council meeting on June 11, 2008.

17. Request from Friends of Westwind Barn for Amendment to the Operating Agreement-Right to Cancellation, Section 3.2

City Manager Carl Cahill introduced the item to Council. Staff had received a request from the Friends of Westwind Board President to modify Section 3.2 of the Operating Agreement to allow the Friends an option to provide less than six months notice to cancel the Operating Agreement. He noted that since the letter was received, the Board President had resigned, however, the Board at their last meeting had voted unanimously to support the request. Cahill offered that his staff reported had suggested not less than thirty days for the actual notice period but he could support the Friends' request that the time period be not less than sixty days.

Cahill advised that staff would be returning to Council at the May 22, 2008 meeting with recommendations regarding the Agreement including whether to renew or not renew the Operating Agreement.

Council discussion ensued. Council declined the request.

PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission had not convened a meeting in May.

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

Councilmember Kerr reported the VTA Board was having discussions on possible governance changes relating to Board member selection and terms of service. He noted that he would keep Council apprised.

Councilmember O'Malley reported on the Santa Clara County Water District's Adobe Creek Collaborative Reach 5 project groundbreaking at Edith Park. The park will serve

as the staging site for the project. O'Malley commented on the long process that had been undertaken to bring the project to fruition.

STAFF REPORTS

City Manager- No report

City Attorney-No report

City Clerk- No report

ADJOURNMENT

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

Respectfully submitted,

Karen Jost

City Clerk

The minutes of the May 8, 2008 regular City Council meeting were approved as presented at the June 11, 2008 special City Council meeting.