

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, July 26, 2007
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 6:30 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Mayor Pro Tem Jean Mordo,
Councilmember Breene Kerr, Councilmember Mike O'Malley, and
Councilmember Dean Warshawsky
Absent: None
Staff: City Manager Carl Cahill, Interim City Engineer Cyrus Kianpour,
Finance Director Nick Pegueros, Planning Director Debbie Pedro,
City Attorney Steve Mattas, and City Clerk Karen Jost

Council adjourned to Closed Session at 6:35 p.m.

CLOSED SESSION

CLOSED SESSION: EMPLOYEE EVALUATION

Pursuant to Government Code Section 54957
Title: City Attorney

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6
Agency Designated Representative: City Manager
Unrepresented Employee: City Attorney

PUBLIC SESSION

Council reconvened to Open Session at 7:05 p.m.

City Manager Carl Cahill reported out of Closed Session: No reportable action.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to limit comments from the floor to two minutes.

APPOINTMENTS AND PRESENTATIONS

1 Appointments to Standing Committees

A. Appointment to the Pathways Committee

Council had before them an application from Nancy Ginzton. Ms. Ginzton was seeking re-appointment to the Standing Pathways Committee after completing her four year term.

Council thanked Ginzton for her volunteer service on the Committee and noted that prior to serving on the Pathways Committee, she had been a member of the Ad Hoc Pathways Map Committee.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint Nancy Ginzton to the Pathways Committee for a term of four years.

B. Appointment to the Environmental Design and Protection Committee

Mayor Jones announced that the applicant had withdrawn the application due to work commitments.

C. Appointments to the Emergency Communications Committee

Council had before them applications from Andrew Kirk, Miles Aaron Seiver and Charlie Ellinger. Mayor Jones explained that the Standing Committee Resolution currently limited the membership of the Emergency Communications Committee to twenty (20) members. Committee Chair Dru Anderson was recommending an amendment to increase the membership body to twenty five (25) members. This action, if approved by the City Council, would permit appointment of all three interested applicants. Mayor Jones suggested with Council concurrence, applicants Kirk and Seiver be appointed and Ellinger's appointment be formalized following the Council's review of the Standing Committee Resolution that appeared as Agenda Item 15 on the night's meeting agenda.

Council consensus was to move forward with the Committee appointments as recommended by the Mayor.

Council interviewed Seiver and Ellinger and thanked them for their interest to serve on the Committee.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint Andrew Kirk and Miles Aaron Seiver to the Standing Emergency Communications Committee for terms of four years; and to appoint Charlie Ellinger to the Standing Emergency Communications Committee for a term of four years subject to the City Council approval of the expansion of the Committee's membership.

2. Presentation Regarding the Recent Mountain Lion Sightings in and around O’Keefe Preserve – Henry Coletto, Wildlife Deputy, Santa Clara County Sheriff’s Office

Captain Terrance Calderon, Santa Clara County Sheriff’s Office introduced Wildlife Deputy Henry Coletto Coletto, a retired Santa Clara County Game Warden, currently is the Sheriff Department’s resident expert on mountain lions.

Coletto distributed handouts “How to minimize risks of mountain lion attacks” to the Councilmembers and audience. He provided a brief history on mountain lion attacks, noting that there had been 16 verified incidents since 1890 that had resulted in only five fatalities and suggested there was a greater threat from West Nile virus than the mountain lion. The animals co-exist well with people and tend to shy away from any contact with humans. There has never been an attack on a human by a mountain lion in a populated area. Generally, when they do move into a populated area, they are following a food source like deer.

Coletto recommended several precautions that residents could take to reduce the risk of encountering a mountain lion. They included: the use of deer-proof landscaping, the removal of dense vegetation around the home; and, the installation of outdoor lighting on motion sensors. He noted the importance of removing dead animal carcasses immediately from a resident’s property.

Coletto reviewed the different roles of jurisdictions and the response policy for mountain lion sightings with Council. At the state level, the Department of Fish and Game are responsible for all wildlife within the state. They work with the different agencies within the County and the Cities. Coletto explained that all mountain lion sightings are documented by Fish and Game and if repetitive, might solicit a review to determine the reason for the lion remaining in a specific area. The Sheriff’s department has a secondary role to Fish and Game, however, they are often the first responders to an incident. Coletto noted that he was also charged with training members of the Sheriff’s Department on appropriate responses to mountain lion incidents and offered that they were well prepared to handle any emergency situations with a mountain lion in a populated area.

Regarding the recent sightings of a mountain lion at the O’Keefe Preserve and concern that it had a den in the area, Coletto explained that mountain lions do not den in an area unless they had a litter of kittens and then it was for a very short period of time. He stated that he was confident that the mountain lion was not living in the O’Keefe Preserve.

Council thanked Coletto for his informative presentation.

CONSENT CALENDAR

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

3. Approval of Meeting Minutes: Regular City Council Meeting July 12, 2007
Special City Council Meeting July 12, 2007

4. Review of Disbursements: July 4, 2007 – July 16, 2007 \$149,396.54
5. Approval of City Council Meeting Cancellation-August 9, 2007
6. Approval of Sanitary Sewer Reimbursement Agreement between the Town of Los Altos Hills and John Husher – Resolution No. 51-07
7. Approval of Maintenance Service Agreement for Sanitary Sewer Systems and Overflow Emergency Response Services – Resolution No. 52-07
8. Notification of Fast Track Approval – Lands of Lang and Gallagher: 26070 Newbridge Drive and 13600 Golden Hill Court, (File#88-07-LLA); A request for a Lot Line Adjustment. CEQA Review-Categorical Exemption per 15305 Class 5 (a)
9. Notification of Fast Track Approval – Lands of Komo: 10250 Magdalena Road (File # 48-07-ZP-SD-GD): A Request for a Site Development Permit for a 4,729 square foot new residence with a 2,087 square foot basement (maximum height: 27'). CEQA Review: Exempt per Section 15303 (a)
10. Dedication of Right-of-Way; Lands of Elson, 14370 Miranda Road Resolution No. 53-07
11. Dedication of Right-of-Way; Lands of Covell, 26490 Orchard Hill Lane Resolution No. 54-07
12. Award of Contract: Land Surveying Services for Westwind Barn and Byrne Preserve – Resolution No. 55-07

PRESENTATIONS FROM THE FLOOR

Kathy Evans, La Loma Drive, reported on the 30th Anniversary Hoedown being sponsored by the Friends of Westwind at the Barn. Tickets to the event were selling out quickly and she encouraged the Council to purchase their tables if they had an interest in attending.

PUBLIC HEARINGS

13. Negative Declaration and Tentative Map for a Six-Lot Subdivision: Lands of Mad Manor, II, LLC, 27641 Purissima Road. File #22-06-IS-ND-TM-GD

Planning Director Debbie Pedro advised Council that the applicant was requesting a continuance of the hearing to a later date due to legal issues she wished to address.

Mayor Jones advised that the item would be continued to a future meeting, however, the date was uncertain. Following a brief assessment of the audience's interest to speak on the item, and with the concurrence of the Council, Jones determined it was appropriate to open the Public Hearing for comments. Public Comments would also be accepted at the future hearing of the application.

OPENED PUBLIC HEARING

Ray Collins, Planning Commission Chair, explained that she had not participated in the vote on the application when it was before the Commission for their review. The vote was 2-1-2 for approval with Planning Commissioners Cottrell and Collins absent. She advised Council that she would have voted no on the subdivision application.

Council requested that Collins forward her comments regarding the application to staff for inclusion in the staff report for the rescheduled hearing of the project.

Dot Schriener, Saddle Mountain Road, stated that she had two areas of concern regarding the proposed subdivision. First, she believed the name of the street should be reviewed by the Historical Committee to investigate any possible name with an historical significance to the area and the Fire Department to ensure that it was not a duplicate street name. Second, Schriener suggested that there should be two ways to enter and leave a property.

Councilmember Kerr requested that the relevant pathways in the area be included in the discussion of the project at the future public hearing.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to continue the public hearing to a date not certain and to direct staff to re-notice the public hearing .

PLANNING COMMISSION REPORT

No Report

UNFINISHED BUSINESS

TOWN GOALS (14A-14F)

Mayor Jones reviewed the Town's Goals 14A-14F (bold) and the supporting language that had accompanied them on the agenda (italics) with Council. Historically, the Mayor at the beginning of his term would develop a list of goals for the year that had been referred to as the "Mayor's Goals". In recent years, the goals have been identified as the "Town Goals" to reflect the overall goals of the City Council. Jones offered that he had drafted the goals and they were subject to amendment by the Council. Suggested language modifications could be offered at the meeting as the goals were reviewed or if Council wished to tender any changes later, they could be forwarded to the Clerk who would incorporate the proposed language for consideration at a future meeting. Jones proceeded with an overview of each of the goals (14A-14F) individually and noted that he would seek comment following the discussion of each item.

14A. Significantly Enhance Resident Access to Recreational Facilities

Through a combination of improvements to existing Town-owned facilities, access to other facilities, or the building of new facilities, improve resident access to recreational facilities.

- Repair Westwind Barn to sustain long term viability

Develop a plan for the repair and restoration of the Barn. Fund the restoration through either private or public or a combination of funds.

- Enhance the Town Little League Fields

Develop a plan for the improvement of the Fields to reduce runoff of soil and water, reduce water use, evaluate the public safety features and add supplemental recreational facilities such as a sports court and “park like” features.

- Access adjacent recreational assets

Explore access to Foothills Park, Fremont Hills Country Club pool or Los Altos pool and joint use opportunities with LASD Bullis-Purissima Campus and Foothill Community College.

Jones explained that the three bulleted items were the three categories that had been identified by the Ad Hoc Committee on Recreational Facilities to be addressed. He suggested that the development of a master plan for the repair and the restoration of the Barn was the primary goal for the Barn with funding to be addressed secondarily. Jones added that the master plan would serve as a framework for any fundraising that would follow.

Mayor Jones added that Goal 14A was his primary priority for the next year.

Council comments: Councilmember O’Malley commented that he was comfortable with the goals as presented and could support them. Councilmember Warshawsky concurred and was supportive of the approach that had been suggested by Jones. He added that he could support funding repairs of Westwind but was hesitant to move forward with a costly restoration project. Councilmember Kerr requested that Hidden Villa be added to the discussion of “Access to adjacent recreational assets”. Kerr added for the record that he was opposed to tearing down Westwind Barn. He explained that the Ad Hoc Committee on Recreation was working on the development of a spreadsheet of recreational opportunities and reviewing, evaluating and eventually eliminating recreation options that are not feasible. Mayor Pro Tem Mordo agreed with Kerr’s comments regarding funding. He believed there were more funds available than viable projects and suggested that there would be a greater return on projects for assets currently owned by the Town including Westwind Community Barn and the Little League fields.

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

Monitor the return of public K-6 public education to our Town by Fall '08 accessible to all elementary school age children within Los Altos Hills. Continue to advocate for dialog between the Bullis Charter School and LASD concerning possible move to Los Altos Hills.

Mayor Jones commented that the Town had been served well by the volunteers on the former Standing Public Education Committee and the new Standing Education Committee. He offered that the current City Council had a major impact on education in Los Altos Hills and referenced the construction of new permanent buildings for the Bullis-Purissima campus as an example. Jones added that he believed there had been substantial progress with the school districts and that education was headed in the right direction. Going forward he believed it was imperative that education issues in the Town be vigilantly monitored and that the Town continue to encourage a dialogue between the Bullis Charter School and LASD concerning the possible location of the school to Los Altos Hills.

Council comment: Council supported the goal as presented.

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

Research the cost and viability of expanded sewer backbone infrastructure development and the financing of eventual universal sewer access to all residents.

Mayor Jones deferred to Councilmember O'Malley for an update on the goal. O'Malley reported that the Ad Hoc Infrastructure Committee was currently reviewing major sewer arteries in Town. He was hopeful that a report would be available for Council on costs and feasibility of extending sewer lines by the fall. O'Malley noted that the committee was comprised of committed volunteers who were also business people with a clear understanding of the value of time management in reviewing the issue. Former Mayor Bob Johnson recently joined the committee.

Council comment: Council supported the goal as presented.

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

Progress through the priorities for building and better maintaining the existing and approved pathways.

Mayor Jones commented that goal 14D was a continuation of Mayor Warshawsky's goals. He added that Council had clearly identified their support for maintaining current pathways and the potential construction of new pathways. The focus was no longer on the identification of pathway easements but on projects on the approved Pathways Master Plan.

Council comments: Councilmember O'Malley noted that he and Pathways Committee Chair Ginger Summit have set a goal of producing and eventually publishing a new approved walking pathways map. His expectation was for the walking map to be ready

in early fall. Councilmember Kerr suggested that it would be of value for the Pathways Committee to consider the review of Town pathways that would potentially connect the Town's recreational assets.

Mayor Jones amended the goal to include the publication of a new pathways walking map.

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

Mayor Jones deferred to Planning Director Debbie Pedro for a progress report on the General Plan update. The Safety Element was in its final draft and the expectation was that it would be completed by September. The Noise Element was nearing completion. Pedro noted that staff might return to Council for funding of costs associated with engaging the noise consultant to review the noise contour map, a State requirement.

Council comment: Council supported the goal as presented.

14F. Complete the Undergrounding Pilot Project

Mayor Jones deferred to Councilmember Warshawsky. Warshawsky sought a status report from interim City Engineer Cyrus Kianpour. Kianpour reported that the project was currently under Bid. The Bid opening was scheduled for August 5, 2007. Staff was currently working to resolve the visual aesthetic issues regarding locating the above ground utility boxes. It was noted that the Bids were valid for 120 days and if there were any outstanding issues with them, there was an appropriate amount of time for assessment.

Council comment: Council supported the goal as presented.

Following the review of goals, Mayor Jones offered that there would be additional opportunities for Council to comment on and amend the goals.

15. Consideration of Amendments to Standing Committee Resolution 10-07

The City Clerk introduced the item to Council. Council had the draft resolution before them. The proposed amendments included; 1) the addition of the newly created Historical Committee; 2) revision to the membership of the Education Committee to designate two Councilmembers as voting members on the Committee; and 3) revisions to the term of office for Committee Chairs and Committee Officers.

Additionally, Council took under consideration the membership limit for the Emergency Communications Committee as discussed under Agenda Item 1C.

Following a brief discussion, there was Council consensus to approve amendments 1 and 2 as presented in the staff report and to increase the membership size of the Emergency Communications Committee to 25 members.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the following amendments to the Standing

Committee Resolution: the addition of the Historical Committee including their charter, duties and charges as presented in the staff report; the revision to the membership of the Education Committee to designate two Councilmembers as voting members on the Committee; and, to increase the membership of the Emergency Communications Committee to 25 members.

Council discussion ensued regarding options to amend the term of office for the Chairperson and Committee Officers. There was Council concurrence that certain circumstances could necessitate the Chair serving beyond the two one year term limit set in the resolution. It was determined that the appropriate process for granting such an exemption would be a request forwarded by the Committee to Council for their consideration.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to amend the Standing Committee Resolution Section 4 (b) regarding term limits of the Committee Officers/Chairperson to add the following language: "If at the time of the election, it is determined that there are no viable nominations for the slate of officers including the Chairperson, the Committee may request an exemption of the general rule from the City Council."

16. Consideration of Revision to the Proposal for Professional Services from Architect Carter Warr for the Westwind Community Barn Restoration Project

City Manager Cahill introduced the item to Council. He provided a brief overview of the item. Council at their July 12, 2007 regular had meeting approved a proposal from Architect Carter Warr for a maximum \$65,000 subject to a 1:1 matching fund contribution from the Supporters of Westwind. Cahill noted that he had met with Warr and reviewed his initial proposal. The proposal had been predicated on the Town having certain plans and documentation in its possession. A search of Town records revealed that the Town had minimal documentation of the Westwind Barn structure and property. The supporting documents were necessary for the Architect to proceed with the development project. The initial proposal had been modified to account for the additional plan preparation that would be done by the Architect with the cost estimate increased to a not to exceed amount of \$74,920.00 subject to a 1:1 matching contribution from the Supporters.

Councilmember Kerr offered that the proposal was a not-to-exceed amount and had been carefully reviewed by staff. He supported approval of the agreement.

Councilmember O'Malley expressed his concern that a project with design costs of \$74,000 could potentially cost a \$1 million or more. He did not support the proposal and noted that there was very little use of the equestrian facility by residents

Councilmember Warshawsky commented that he was not surprised by the increase in the cost estimate from the Architect. He explained that his concept of restoration was to update the facility and make it sound for the future. He expressed his concern that the current project went beyond that scope and hoped there would be an opportunity to debate the project. Warshawsky questioned why there had not been competitive bids for the architectural services. He did not support the proposal.

Cahill explained that for similar projects it would not be uncommon for a municipality to circulate an RFP for architectural services. However, Mr. Warr had been selected by the Westwind Community Barn Committee and within that context, the staff had attempted to get the most detailed proposal at the inception of the project.

Councilmember Mordo offered that the project was small and very specialized. The scope of the work was not to build a new facility but to work within the framework of the Barn. Mordo added that it was also important that there be a good working relationship between the WCB committee and the Architect.

Mayor Jones clarified that the item before Council was not consideration of the use of public funds for the repair and restoration project. He supported the proposal noting that it included the preparation of documents that identified and documented the current condition of the Barn and he considered this an “owners” responsibility.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed by the following roll call vote to approve the revised agreement with Architect Carter Warr for professional services for an amount not to exceed \$74,920.00 subject to a 1:1 dollar match from the Supporters of Westwind.

AYES: Mayor Jones, Mayor Pro Tem Mordo, Councilmember Kerr,
NOES: Councilmember O’Malley, Councilmember Warshawsky
ABSENT: None
ABSTAIN: None

NEW BUSINESS

17. Consideration of Resolution to Support a Request to LAFCO for an Out-of-Agency Contract for Sewer Service to 10700 Mora Drive in an Unincorporated Area of Santa Clara County

Planning Director Debbie Pedro introduced the item to Council. The applicant, Melvin Vaughn, was requesting a resolution to LAFCO in support of an Out-of-Agency Contract for sewer service for a subdivision in the Town’s sphere of influence (unincorporated area). The subdivision application had been reviewed by staff in 2004 and it was consistent with the Town’s General Plan land use and residential density policies. The applicant had received tentative map approval for the subdivision from Santa Clara County.

Melvin Vaughn addressed Council. He offered that his septic system was failing. In response to Council inquiry, Vaughn offered that he would connect to the Husher sewer line. Mr. Husher’s sewer reimbursement agreement had been approved by the Council earlier on the night’s agenda.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Warshawsky and passed unanimously to approve Resolution No. 56-07 “A Resolution of the City Council of the Town of Los Altos Hills requesting LAFCO Action for an Out-

Of-Agency Contract for Sewer Service to 10700 Mora Drive in an Unincorporated Area of the County of Santa Clara”.

18. Request for Waiver of Costs Associated with the Out-Of-Agency Contract for Sewer Service to 10885 W. Loyola Drive

Councilmember Warshawsky requested clarification of the item.

Planning Director Debbie Pedro explained that it had been placed on the agenda following the request of Toni Casey at the previous Council meeting. City Manger Cahill added that staff was recommending that the applicant pay all fees associated with his application. He offered that this was in keeping with the requirement for residents. He was not aware of fees being waived in the past at the request of an applicant.

The current charges incurred by the applicant were approximately \$5,000 for attorney fees and \$2,000 for staff time.

David O’Keeffe addressed Council and explained that prior to his appearance before Council on June 14, 2007 to request a resolution for sewer service, he was not aware of the process required or the associated costs. O’Keeffe offered that no municipality (Santa Clara County, Los Altos, Los Altos Hills) or LAFCO had provided clear direction on how to get sewer hookups even though the sewer line was only several feet from his gate.

O’Keeffe spoke to the fairness of the charges. LAFCO had an \$8,000 fee for their application, a 14 step process. He noted that there were only two steps in the Los Altos Hills process. They included the resolution and the contract between the Town and LAFCO. He questioned the charges that included \$5,000 for legal fees and \$2,000 for staff time. He reviewed all of the costs that he had incurred for his sewer connection that totaled \$32,430.

O’Keeffe thanked the Council for hearing his request.

Council discussion ensued.

Mayor Jones explained that O’Keeffe’s request had aspects that were not “boiler plate” or standard as suggested by O’Keeffe but were individual to his application.

Councilmember Mordo commented that he was sympathetic to O’Keeffe’s situation. However, he concurred with Jones’ assessment of the application that it was not standard and had required time and research. He offered that it was the Town’s policy to charge applicants all costs associated with their applications. Mordo did not believe there was an adequate justification to waive the fees.

Councilmember Kerr suggested that the deposit request should have alerted O’Keeffe to the charges. Kerr noted that the application had taken a great deal of Council time and they had been very studious about their responses. The application had also required legal review to ensure that correct procedures were followed within the limits of the law. Kerr suggested that the applicant had achieved his goal and received sewer hookups to

his property and was able to move forward on his subdivision which could prove to be a very profitable development.

Councilmember O'Malley commented that this was one of the few times that he disagreed with staff. He noted that Mr. O'Keeffe had received a letter from former City Engineer Henry Louie stating that the Town would provide him sewer connections. He then proceeded with his application to LAFCO and the County. Subsequently, the Town reversed its opinion. O'Malley suggested that it would be appropriate to waive the legal fees and only charge staff costs. He believed that the review had been a higher level than necessary and added that the Town had an interest in providing and encouraging sewer connections.

Councilmember Warshawsky stated that he concurred with the recommendation of staff.

MOTION MADE AND FAILED: Moved by O'Malley to waive Mr. O'Keeffe's \$5,000 legal charges and limit the charges to the \$2,000 fees associated with the staff charges. Motion failed due to lack of a second.

19. Consideration of Resolution Establishing a Preferential Parking District in the Town of Los Altos Hills for Crescent Lane

Planning Director Debbie Pedro introduced the item to Council. Staff had received an application from the residents on Crescent Lane to establish a preferential parking district on their private street. The application had been signed by a majority of the residents. The applicants had reported problems with Foothill College students parking, loitering and littering on their street and then using the neighborhood path to access the college.

Mike Weimar, Crescent Lane, spoke on behalf of the applicants. He offered that the students were using his street to avoid parking fees charged by the campus. Weimar spoke to the disruption the students caused to their neighborhood. A letter from the President of Foothill College supporting the application had accompanied their request.

Resident, Crescent Lane, stated that she supported the request for the Preferential Parking District. She had not had an opportunity to sign the petition.

Mayor Jones advised that the Town would incur a minimal fiscal impact in association with the application. The residents would pay all costs associated with the signage.

Council directed staff to use the same template that had been used previously for the Dawnridge preferential parking district.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt Resolution No. 57-07 Establishing a Preferential Parking Area (Crescent Lane).

20. Consideration of Amendment to the Town's Development Area Policy

Planning Director Debbie Pedro introduced the item to Council. Council at their May 24, 2007 meeting had directed staff to research and prepare proposed amendments to the Town's Development Area Policy to allow additional development area, particularly for

constrained lots (one acre properties with maximum development area (MDA) of 7,500 square feet or less).

The Town's original policy had been approved by Council in 1995 and had a two fold purpose: 1) to protect natural features and the rural character of the Town; and, 2) to minimize runoff and erosion concerns related to construction on slopes. Pedro reviewed the list of items that previously had been identified as areas where development credits could not be granted for the use of semi-permeable materials due to aesthetic concerns and the potential amount of grading that would be required. They included tennis or sports courts, driveways, required parking areas, turnarounds and above ground decks. However with the development of newer materials and technology, Pedro suggested that erosion and runoff concerns could potentially be addressed.

The Planning Commission had considered the revisions to the Development Area Policy at their June 28, 2007 meeting and recommended approval of development area credits when semi-permeable materials were used for three areas. Specifically; driveways, required parking, and turnarounds on constrained lots.

Pedro proceeded with a PowerPoint presentation that included slide representations of the acceptable materials and their respective credits. They included Grasscrete (50% credit), permeable concrete (30% credit), permeable pavers (10% credit), and artificial turf (90% credit). Pedro explained the artificial turf market had varied products-both in quality and appearance. For this reason, staff was recommending that the use of artificial turf be limited to the side and rear yards of a property. Pedro reviewed slides of different development scenarios and examples where semi-permeable materials could be used for the outdoor parking, fire truck turnaround and driveway. For example, if grasscrete was used in a 400 square foot area for outdoor parking, it would result in a development area credit of 200 square feet. Pedro explained that the MDA of the constrained lot was not being changed with the new proposed Policy and was still governed by the formula of acreage and slope but the way that the area was counted where the semi-permeable products were used would result in a development area "credit".

Pedro concluded her report with a chart that summarized the proposed revisions and included: the four products under discussion, the percentage of development area credit that would be gained with their use, the areas where they could be used and if they could be used in the setback. Pedro noted that under the constrained lot scenario (1 acre minimum and a MDA of 7,500 or less) the maximum "credit" for the use of the semi-permeable materials was 2,200 square feet.

Council discussion ensued. The consensus was that the proposed amendment to the Development Area Policy was a step in the right direction. Council questioned if the credits for the semi-permeable materials should be extended to other lots with restrictions beyond constrained lots with possible higher limits. It was suggested that the location of the property might be a factor in the review process and their proclivity to runoff.

OPENED PUBLIC COMMENT

Richard Partridge, Briones Lane, suggested that it was positive for Council to be encouraging the use of semi-permeable materials but believed that the policy amendment

was too significant not to have a wider review. He questioned what would happen if someone had 7,600 square feet of development and could not take advantage of the proposed policy.

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed by a 4-1 voice vote (Councilmember O'Malley-No) to approve the revised Development Area Policy as presented in the staff report.

Councilmember O'Malley offered that he would prefer to review the proposed policy inconsistencies and revisit the application to include additional lots with a threshold determined by Council.

MOTION TO RECONSIDER: MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed by the following roll call vote to rescind the prior action of Council.

AYES: Mayor Pro Tem Mordo, Councilmember Kerr, Councilmember O'Malley
NOES: Mayor Jones, Councilmember Warshawsky
ABSENT: None
ABSTAIN: None

REOPENED PUBLIC COMMENT

Jitze Couperus, Page Mill Road, commented that he was concerned with coupling the use of semi-permeable materials with a reward of more increased development. He suggested Council consider different reward options.

CLOSED PUBLIC COMMENT

Council consensus was to direct staff to draft a revised Development Area Policy that would expand the allowance for development credits to other lots not directly in the definition of the constrained lots and as a more general policy for the Town. The revised policy would be reviewed by the Planning Commission and ultimately considered by the City Council.

21. Designation of Voting Delegate and Alternates – League of California Cities Annual Conference Scheduled for September 5-8, 2007

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to appoint City Manger Carl Cahill as the Town's voting delegate to the League of California Cities Annual Conference.

22. Consideration of Date for City Council Strategic Goal Setting Session

Following a brief discussion, Council consensus was to cancel the regular City Council meeting scheduled for September 27, 2007 and schedule the City Council's annual Strategic Goal Setting Session for that date. The session would convene at 6:00 p.m. Council expressed a preference to an off-site location and directed staff to make all necessary arrangements.

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

Councilmember O'Malley reported that he had attended the Santa Clara Valley Water District meeting and currently there were on-going discussions regarding water conservation plans for this year. No rationing was expected, however, the issue would be revisited next year.

O'Malley reported that he had walked the Town's paths with Ginger Summit, Pathways Chair, and had discussions regarding the publication of a new pathways walking map.

O'Malley noted that the Ad Hoc Infrastructure Committee was making progress and he had been additionally called upon to review several other sewer issues in Town and had a planned meeting with staff to review the subject.

Councilmember Kerr reported that the Environmental Initiatives Committee had completed the specifications for the enhanced monitoring of the Town Hall solar system. Change orders for the project have been signed with all associated costs within the contingency budget of the project. The new performance-based metering would permit accurate monitoring of the system; allow the comparison of performance of the tracking solar panels to the fixed; and monitor the building's energy in a more efficient manner. The information would be available on the Town's website.

STAFF REPORTS

City Manager
City Attorney
City Clerk

No staff reports were presented.

COUNCIL INITIATED ITEMS

None

ADJOURNMENT

There being no further business, the July 26, 2007 Regular City Council meeting was adjourned by consensus of the Council at 9:55 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The meeting minutes were approved as presented at the August 7, 2007 City Council Special Meeting.