

# Town of Los Altos Hills

## City Council Special Meeting Minutes

Tuesday, August 7, 2007  
Council Chambers, 26379 Fremont Road

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

Mayor Jones called the City Council Special Meeting to order at 7:10 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, Associate  
Planner Brian Froelich, City Attorney Steve Mattas, and City Clerk Karen  
Jost

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

### APPOINTMENTS AND PRESENTATIONS

1. Appointment of Councilmembers to the Standing Education Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to appoint Mayor Jones and Councilmember Warshawsky to the Standing Education Committee as voting members.

2. Appointment of Councilmember Representative to the Los Altos/Los Altos Hills Library Commission's "Expansion Committee"

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to appoint Mayor Pro Tem Mordo to serve as the Los Altos Hills Councilmember Representative on the Los Altos/Los Altos Hills Library Commission's Expansion Committee.

3. Consideration of Grant Funding Requests from Community Services Agencies

Mayor Jones welcomed the representatives from the Community Services Agencies and reviewed the format that would be followed regarding their presentations. Due to potential conflicts of interest, Councilmember Kerr would recuse himself and step down

from the dais during the discussion and consideration of the funding for the Community Health Awareness Council (CHAC) and Mayor Pro Tem Mordo would similarly recuse himself and step down from the dais during discussion and consideration of funding for the American Red Cross. To facilitate this, Council would hear first from the CHAC representative and then note their allocation of funding for the agency on a ballot and follow the same procedure for the Red Cross grant consideration.

Additional presentations were made by representatives from the following Community Service Agencies:

Community Services Agency  
Support Network for Battered Women and Children  
Los Altos Chamber of Commerce  
Joint Venture Silicon Valley Network  
Community School of Music and Arts  
United Way of Silicon Valley  
Next Door Solutions

Council thanked the agencies for their presentations and participation in the grant review process. Following a brief discussion, Council directed staff to tabulate the City Council's balloted recommendations for funding and to return the grant allocation requests to the next City Council meeting for further action.

#### CONSENT CALENDAR

Items Removed: Item 11 (Mordo); Item 13 (Mordo)

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the remainder of the consent calendar, specifically:

4. Approval of Meeting Minutes: Regular City Council Meeting July 26, 2007
5. Review of Disbursements: July 17, 2007 – July 31, 2007 \$267,605.36
6. Approval of City Council Resolution Establishing Standing Committees and Adopting General and Special Rules Pertaining Thereto – Resolution No. 58-07
7. Approval of Cancellation of City Council Regular Meeting- September 27, 2007
8. Resolution Approving Amendment No. 2 to the Professional Services Agreement between the Town of Los Altos Hills and Meyers, Nave, Riback, Silver and Wilson Resolution No. 59-07
9. Notification of Fast Track Approval: Lands of Rossi, 24800 Tiare Lane: (File #93-07 ZP-SD-GD); A request for a Site Development Permit for a new 4,996 square foot two story New Residence with a loft (maximum height 30' 6") CEQA Review: Categorical Exemption per Section 15303(a)

10. Award of Certificate of Commendation to John Camm Melen, Eagle Scout, Boy Scouts of America, Troop 33
12. Grant of Pathway Easement: Lands of Legates, 11308 Magdalena Road  
Resolution No. 60-07

Items Removed:

11. Resolution Amending the City Engineer/Public Works Director Job Classification and Salary Range for a Public Works Director

Mayor Pro Tem Mordo requested clarification on the item.

City Manager Cahill responded that the Town's recruitment consultants, Avery and Associates, had recommended a modification to the Town's City Engineer/Public Works Director's job/class specifications to include language that the applicant's background include experience in capital improvement program management with licensing as a registered civil engineer "highly preferred". Cahill noted that the P.E. license was not required for the majority of the work performed by the position and the consultants believed that the modification to no longer require the license would increase the qualified candidate pool and enhance the probabilities of the Town's success in locating a new hire suitable to the Town's needs.

Cahill added that if the Town did select a Director who could not perform the duties of the City Engineer as outlined in the municipal code, a contract City Engineer might be necessary for specific projects.

Mordo explained that his initial concern with the proposed modification to the requirements was the possibility that it might dilute the level of qualifications of the staff member. After consulting with the City Manager, he has been assured that it would not be problematic due to the minimal number of projects that require the license. The majority of projects under the charge of the Director require a strong background in project management.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt Resolution No. 61-07 "Amending the City Engineer/Public Works Director Job Class Specifications and Salary Range".

13. Approval of Recreation and Community Center Bathroom Remodel

Mayor Jones explained that funding for the refurbishment of the building had been previously approved by the Council. However, specific projects that exceed the City Manager's signature authority, including the item on the night's agenda, required Council approval.

Mayor Pro Tem Mordo explained that he had called for separate consideration of this item to voice his request that any additional renovation work on the site be included with a summary of the project as a whole.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to adopt Resolution No.62-07 “Authorizing the City Manager to Execute the Attached Agreement with “The Bathroom” for Remodeling Services as Described in the Attached Scope of Work”.

#### PRESENTATIONS FROM THE FLOOR

None

#### PUBLIC HEARINGS

14. Consideration of a Request for Conditional Use Permit Amendment for a Benefit Event hosted by the American Cancer Society–Lands of Fremont Hills Country Club (American Cancer Society), 12889 Viscaino Place; (#149-07-CUP). CEQA Review: Categorical Exemption per Section 15304 (e)

Associate Planner Brian Froelich introduced the item to Council. The application before Council was two fold: first, a request for a Conditional Use Permit Amendment to allow one time “Special Event” that exceeded 200 participants; and, second, a request by the Grandview League on behalf of the American Cancer Society for the proposed Special Event to be held on September 29, 2007 at the Fremont Hills Country Club with an estimated attendance of 700-900 guests and volunteers.

Froelich reviewed condition #13 of the Fremont Hills Country Club Conditional Use Permit that limited the capacity for special events to a maximum of 200 participants. The proposed amendment to COA #13 would allow one (1) special event per year at the facility where the size of the event would exceed 200 persons, subject to neighborhood notification and approval by the City Council. The Planning Commission had reviewed the application and proposed amendment on August 2, 2007 and unanimously recommended that the City Council amend the Fremont Hills Conditional Use Permit and approve the proposed Special Event.

Froelich proceeded with a PowerPoint presentation that included: a vicinity map; site plan of the facility; a schematic of the proposed event to be held in the equestrian arenas; lighting plan for the event; and, photos of the arena. Froelich noted that valet parking and a shuttle service were planned to accommodate parking for the event. Additionally, the hosts had contracted the services of a parking director, security firm and onsite paramedics. The Sheriff has been advised of the event and had no substantial concerns. The Fire Department had granted a permit for the event with the requirement that they inspect the site after it has been prepared for the event. The event was to conclude at 11:00 p.m.

Council requested clarification on the maximum number of people that the approval would authorize. Staff advised that the application called for approximately 800 attendees.

#### OPENED PUBLIC HEARING

Bess Wiersema, San Jose, Event Co-Chair addressed Council. She noted that the planning process had been lengthy and vigorous. Wiersema thanked staff for their support during the application review and offered with Council's approval, they were looking forward to a very successful fundraiser.

Rich Larson, member of Fremont Hills Country Club, stated that he supported the efforts of the American Cancer Society and encouraged the Council to vote in favor of the application.

#### CLOSED PUBLIC HEARING

Council discussed the first component of the application regarding the amendment to Fremont Hills Country Club's Conditional Use Permit. Council consensus was that the amendment to allow one special event per year that would exceed the 200 persons, subject to neighborhood notification and Council approval was appropriate.

Council determined that the second component of the application, the special event request from the Grandview League for the Baron's Ball, should identify a maximum number of attendees in the permit.

During discussion of the application, Council agreed that there was an interest in revisiting Fremont Hills Country Club's CUP regarding the 200 participant limitation to events at the facility. Staff was directed to return the item to the Planning Commission for further review of an amendment that would amend the maximum number of guests at an event from 200 to potentially 240-300.

Council discussed the applicant's request to waive the processing fees. The consensus was to waive fees for the American Cancer Society (Grandview League) on a one time basis but to retain the deposit to cover any potential costs that could be incurred by the Santa Clara County Sheriff's Department. The City Manager would have the discretion to use the Sheriff if required with the deposit to be refunded if no costs were incurred.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by O'Malley and passed unanimously to approve the Conditional Use Permit Amendment to allow one time "Special Events" that exceed 200 participants and approve the Special Event hosted by the Grandview League for September 29, 2007 subject to the conditions and findings appearing in the staff report as Attachments 1, 1A and 2 with the additional condition that the maximum attendance at the event be set at 1,000 persons. All fees associated with the application were waived. A refundable deposit was required to cover any costs associated with the event that might be incurred by the Sheriff's Department.

#### 15. Consideration of a Resolution Increasing Sewer Service Charges in Both the Palo Alto and Los Altos Sewer Basins

Interim City Engineer Cyrus Kianpour introduced the item to Council. The Town had undertaken a comprehensive sewer rate study with the assistance of HF&F Consultants to evaluate the revenues needed to operate the sewer enterprise fund. The consultant had presented their findings and recommendations to the Finance and Investment Committee

and the City Council. The study recommended an increase of the sewer service charge of \$570.34 to \$733 per year for typical residential use. The study and the consultants recommendations had been approved by the Council at their June 14, 2007 Special Meeting.

Kianpour provided an overview of Proposition 218 requirements that were applicable to the sewer service charge. The required 45 day public hearing notice was sent out by the City Clerk's office on June 21, 2007 to all residents affected by the rate increase. 1974 notices were mailed with 1680 parcels affected. The procedure to tender a written protest to the increase was identified in the notice. Kianpour advised members of the audience interested in protesting the rate increase to submit their written protests to the City Clerk prior to the close of the public hearing.

Councilmember O'Malley clarified that the rate increase for sewer service was for repair and maintenance of the existing system with none of the funds being used for expansion.

#### OPENED PUBLIC HEARING

Mr. Pfefer, Todd Lane, expressed his support for sewers but questioned the fee increases that had been predicted by the consultants in their study that would be needed in the next ten years. He noted that the Town had the third highest rates of neighboring communities and suggested that the Town review the policies of the other cities and postpone the rate increase until more information was known.

Toni Casey, Ravensbury Avenue, spoke on behalf of resident Allan Epstein. Casey referenced Epstein's email to Council that had outlined his questions and comments regarding the proposed rate increase. She recommended that Council postpone their decision until his questions, as well as the prior speakers concerns, could be addressed.

Roddy Sloss, Normandy Lane, suggested that the increase of 7% over four years was considerable for a fixed facility. He offered that if the increase was for general maintenance it was substantial but if it was for rehabilitation, it probably was not adequate. Sloss stated that he believed the issue required more study.

Wayne Kelly, La Loma Drive (unincorporated area) spoke to his observations of crews doing camera investigations of the sewer lines and the numerous difficulties they encountered with offset pipes. He suggested that contractors responsible for sewer lines be more responsive to problems of maintenance.

#### CLOSED PUBLIC HEARING

The City Clerk reported that no written protests had been submitted during the public hearing. To date, the Clerk's office had received eight (8) written protests with seven hundred and eighty seven (787) required to successfully protest the sewer rate increase.

Council discussion ensued.

Councilmember O'Malley advised the audience that a majority of the Town's sewer system was aging and required maintenance. The fee would be dedicated to maintain the

system that served those paying the charges. He noted that maintenance and rehabilitation costs for the sewers in Los Altos Hills were costly due to the topography and the limited number of users per mile of pipe. Any future rate increases could be studied after these fees were evaluated.

Councilmember Warshawsky commented that the Council had carefully considered and studied the sewer charge issue. He considered sewers an important service that the Town provided residents and noted that given the Town's geography it was a very complicated subject. He noted the importance of the Council being proactive and maintaining the current system. Warshawsky supported the increased fee. He thanked the public for their input and encouraged them to participate in future discussions regarding maintenance and expansion of the Town's sewer infrastructure.

Mayor Pro Tem Mordo offered that he was sympathetic to the concerns that had been expressed by the public regarding the fee increase. He explained that it had been necessary to move forward on the increase to ensure that the fees were included on the upcoming tax rolls. Mordo suggested that there was a probability that if this fee had not been adopted, a larger fee would have been required next year. He proposed that the sewer fee would be re-evaluated next year with a thorough review, and if warranted, the fee could be reduced in the future. Mordo voiced his support of the proposed fee.

Councilmember Kerr advised that the Town's sewer system required emergency repairs consistently and it would be ill advised to deplete the sewer enterprise fund. He thanked staff and Councilmember O'Malley for their efforts on the study. Kerr supported the fee increase and offered that this was not a precipitous decision.

Mayor Jones noted that costs associated with the Town's infrastructure were always surprisingly high. He cited the \$100 million estimated cost of undergrounding the Town's utilities and the costly expansion of the sewer system. He predicted that there would be additional increases needed for the aging system and spoke to the reality of the high costs for such a system in a rural and hilly community. Jones offered that the study had been thorough and was a reflection of the actual costs of running and maintaining the existing sewer system. He supported the fee increase.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by O'Malley and passed unanimously to adopt Resolution No. 63-07 Increasing Sewer Service Charges in Both the Palo Alto and Los Altos Sewer Basins.

16. Consideration of Initiating Annexation Proceedings for Territory Designated as West Loyola, consisting of **65** parcels in **82.83** acres Unincorporated Residentially Developed or Vacant Land generally bounded by West Loyola Drive, Berkshire Drive, Ravensbury Avenue and Consideration and Review of Initial Study and Adoption of a Negative Declaration

Planning Director Debbie Pedro introduced the item to Council. Before Council was a request to approve a resolution initiating annexation proceedings for an area of approximately 83 acres in the unincorporated area within the Town's Urban Service Area known as "San Antonio Hills". The area was rezoned for annexation in 2001 and was

adjacent to the Town's southeastern boundaries. Pedro proceeded with a PowerPoint presentation that included a parcel map of the annexation area, Town boundary and rezoned-San Antonio Hills area; and, a summary of information for the parcels under consideration that included the average lot size, number of dwelling units, vacant lots, and the assessed valuation for the combined area.

Pedro advised Council that a street assessment of the West Loyola neighborhood had been performed by the Town's consultant and noted that the Town would be negotiating with the County prior to the finalization of the annexation to bring the streets up to the Town's standards.

Pedro reviewed the process to be followed for the annexation proceedings. Because not all of the landowners or registered voters in the subject annexation area had agreed to the annexation, it was not considered a "100% Consent annexation". Following City Council approval of the resolution, the annexation process would commence. A protest hearing for the proposed annexation was tentatively scheduled for the September 13, 2007 Council meeting.

Councilmember Warshawsky requested information regarding the timing of the annexation and transfer of the properties to the tax rolls to ensure that it was included in the Town's property tax revenues. Pedro explained that the deadline for the 2008 property tax rolls was December 1<sup>st</sup> and the process needed to be completed by that time.

Mayor Pro Tem Mordo asked what the property tax revenues to the Town would be from the proposed annexation area. Finance Director Nick Pegueros explained that staff had reviewed the figures with the Town's property tax consultant and it was estimated that approximately \$51,000 would be generated from the taxes.

#### OPENED PUBLIC HEARING

Rich Larson, Berkshire Drive (W. Loyola neighborhood), addressed Council. He noted that he was representing several his neighbors in his request to formally initiate the annexation. Larson proposed that there was 80% support of residents in the area for the annexation and believed that the annexation would assure that the integrity of the "Los Altos Hills" style neighborhoods would be maintained. He stated that a majority of the parcels in the neighborhood were in compliance with the Town's zoning regulations. The annexation process had taken the supporters approximately six (6) years and if adopted, would provide a solution for many of the septic system problems by providing sewers. He encouraged the City Council to move forward with the annexation.

Marjorie Green, W. Loyola (W. Loyola neighborhood), commented that she and her neighbors have worked for the past six (6) years to bring the annexation to fruition. There had been changes in ownership of properties in the area, but the support level for the annexation had never fallen below 80%. Green noted that of the 58 families that resided in the area, 84.5% supported the annexation. Additionally, 81% of the registered voters and 81% of the parcels supported the annexation. She hoped that the Council would vote unanimously to formally begin the annexation process.

Merle Claubiger, Ravensbury Avenue (W. Loyola neighborhood), thanked the City Council for hearing their request and expressed her support for the annexation. She had owned her property for 35 years and believed the interest of her neighborhood was with the Los Altos Hills community.

Steve Beebe, W. Loyola Drive (W. Loyola neighborhood), on behalf of his wife and himself, expressed his support for the annexation. He believed that his neighborhood would be better served by local government with regards to neighborhood issues and property (land) development issues.

Victor Riches, W. Loyola Drive (W. Loyola neighborhood), stated that he strongly supported the annexation.

Susan Johnson, W. Loyola Drive (W. Loyola neighborhood) commented that her family had been residents of the neighborhood for 43 years and believed that character of the neighborhood was consistent with the Los Altos Hills lifestyle.

Mr. Miles, W. Loyola Drive (W. Loyola neighborhood), supported the annexation and looked forward to being a member of the Los Altos Hills community.

#### CLOSED PUBLIC HEARING

Council discussion ensued.

Mayor Jones requested information on the non conforming parcels and development (structures) included in the annexation and an update on the negotiations with the County.

Planning Director Pedro clarified that the development standards in the County were similar to the Town's. The Town's were generally a bit more restrictive. She referenced a chart provided in the staff report that compared the County and Town zoning standards. Her expectation was that there would be some structures in the area that would be "legal non-conforming". Pedro noted that non-conforming provisions in the Town's zoning and site development codes would allow for legal non-conforming structures in the project area to continue as they currently exist. Replacement, reconstruction, or remodel of legal non-conforming structures would have to comply with the Town's requirements for non-conforming uses and structures.

In response to Mayor Jones' second question, Interim City Engineer Cyrus Kianpour explained that the street report was currently being reviewed by the County.

Councilmember Warshawsky questioned the availability of sewers for the area. Councilmember O'Malley commented that he believed there was adequate capacity for the parcels to connect to the sewer and that he did not foresee any adverse effect on the Town's capacity.

Councilmember Kerr offered to contact the Supervisors if any problems should arise during the negotiations pertaining to the streets.

Mayor Pro Tem Mordo commented that it was rewarding to hear from individuals that were interested in joining the Los Altos Hills community and being under the governance of the City Council.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt resolution No. 64-07 "Setting a Date for Consideration of Reorganization of Area Designated "West Loyola" Consisting of 82.83 Acres Located on the Southeast Boundary of Los Altos Hills.

CITY COUNCIL MEETING RECESSED: 9:10 P.M.

CITY COUNCIL RECONVENED TO PUBLIC SESSION: 9:20 P.M.

### PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission had reorganized at their Special meeting held on June 28, 2007. Commissioner Bart Carey had been elected to serve as Chair and Commissioner John Harpootlian as Vice Chair. The terms were for one year.

The Commission had considered three projects including the Conditional Use Permit that had appeared as item #14 (Public Hearing) on the Council's agenda. They reviewed and approved: a request for a Site Development Permit for landscape and hardscape improvements and exception to the Town's Grading Policy for retaining walls and decks (Lands of Shimmon); and, a request for a Site Development Permit for a 5,895 square foot new residence (Lands of Durekas).

### UNFINISHED BUSINESS

#### TOWN GOALS (17A-17F)

#### 17A. Significantly Enhance Resident Access to Recreational Facilities

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

Considered in conjunction with agenda items #18, #19 and #20.

#### 17B. Return Public Elementary School Education to Los Altos Hills

Mayor Jones reported that significant construction was currently underway at the Bullis-Purissima campus. The next meeting of the Standing Education Committee was scheduled for August 8, 2007 and a status report would be presented at the next Council meeting.

#### 17C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that former Mayor Bob Johnson had joined the Ad Hoc Infrastructure Committee. The group had met earlier in the day and had identified

the 6 to 7 areas that were likely candidates for sewer expansion that would be the most cost effective and beneficial to the greatest number of residents.

The sewer survey was scheduled to be mailed in the near future and the expectation was to have the results and identify and assess the resident interest level in sewer expansion to their area by October/November.

17D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

- Publish a pathways walking map
- Progress through the priorities for building and better maintaining the existing and approved pathways.

Councilmember O'Malley reported that a study session had been scheduled for the Pathways Committee and City Council in October. Councilmember Kerr suggested that any proposals for pathways that would have a regional benefit be identified. He noted that the process for funding was multi-year.

17E. Complete the Redrafting and Approval of the Town General Plan

Councilmember O'Malley reported that the Ad Hoc General Plan Committee was on summer hiatus. He expected them to reconvene their meetings in September.

17F. Complete the Undergrounding Pilot Project

Interim City Engineer Cyrus Kianpour reported that a Bid Opening for the project was scheduled for Thursday, August 9, 2007. There was a ninety (90) day period to award the Bid.

18. Proposal to Retain Professional Services for Master Plan and Renovation of Town Little League Fields and to Assist with Bullis-Purissima Conceptual Plans and Cost Estimates

Mayor Jones provided an overview of the Ad Hoc Parks and Recreation Field and Facilities Investment Committee's discussions of the renovation and improvements at the Little League Fields and the possibilities for recreational opportunities on the upper fields at Bullis School. The Committee had developed a "wish list" of projects. Jones offered that the proposed engagement of a professional to assist with the conceptual designs and project cost estimates would serve as an important tool for the Council in assessing the projects at their Strategic Goal Setting Sessions.

Interim City Engineer Cyrus Kianpour advised that the agenda item before Council was a request to authorize the City Manger to select a landscape architect and award a contract for professional services. The scope of work was outlined in the staff report and included: the preparation of conceptual plans, plan review and cost estimates for projects at the Town's Little League fields and the Bullis-Purissima School upper field. Council had before them proposals from three firms with an estimated cost of \$30,000 for the

referenced work. Kianpour expected the deliverables in September and to be available for the City Council's Strategic Goal Setting Session.

Councilmember Kerr recommended that the City Council act quickly to address the planning issues and identify the associated costs for the projects. He suggested that it would be beneficial in facilitating an overview and developing an understanding of the different recreation projects under discussion and their associated costs.

Councilmember O'Malley commented that the proposal was reasonable and could be a beneficial tool for the review process.

Mayor Jones reported that the soccer group that had previously supported the installation of a full soccer field at the Bullis campus had returned to the Los Altos School District with a new proposal for a smaller project. He did not know if this would be competition for the Town's interests or could be incorporated but acknowledged that it was important to investigate the Town's wishes for a "park".

Mayor Pro Tem Mordo requested clarification on the retention of the four little league fields and the hours of use for the facility. Mayor Jones clarified that the proposal would not encumber the Little League fields and advised that the improvements to address the ongoing drainage issues and water usage were included in the project. He suggested that the scope of work had a global perspective to the recreation area and would review the horse ring and corporation yard in conjunction with the overall space.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Mordo and passed unanimously to authorize the City Manager to hire the professional consultant to perform the study for a not-to-exceed amount of \$30,000.

19. Consideration of Consulting Services Agreement between the Town and CJW Architect for the Westwind Community Barn Master Plan and Restoration Project

Councilmember Warshawsky advised the City Council that due to the proximity of his home to Westwind Community Barn and the potential conflict of interest he would recuse himself from consideration of the item. He explained that there was a more than likely probability that any restoration of the facility could involve the need for a sewer main and he would directly benefit from the installation. Warshawsky stepped down from the dais.

Councilmember Kerr questioned if the Council would be willing to move forward with action on the item noting that it had been discussed extensively previously.

Councilmember O'Malley offered that he had an understanding of the item but wished to reiterate that he did not support the expenditure and believed that there was not sufficient use of Westwind Barn by residents to warrant spending the money.

**OPENED PUBLIC COMMENT**

Toni Casey, resident, explained that she concurred with Councilmember O'Malley's statement and wanted to note for the record that she opposed the expenditure of funds.

## CLOSED PUBLIC COMMENT

Councilmember Kerr commented that there were a number of new and ongoing initiatives that he believed would increase the resident participation in activities and programs at Westwind Barn.

Mayor Pro Tem Mordo offered that the item before Council did not subsidize the activities of the facility or the non-residents but pertained to the restoration of the building which he considered an historical asset of the Town and would benefit the Town and community.

Mayor Jones stated that he believed the views on both sides of the issue were legitimate. He spoke to his campaign for the City Council that had focused on the creation of additional park and recreation programs in Town including the development of a new generation of riders having access to the Barn. Jones offered that the Barn was an important feature of the Town and opportunities to use the facility should be extended to more residents of the community. He concurred with Councilmember Kerr's comments that there had been strides made to increase the usage via the YRRP and community events at the Barn. Jones noted that the amount of funds allocated to a restoration project had yet to be determined but the study would help to identify the associated costs.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Kerr and passed by the following voice vote to adopt Resolution No. 65-07 "Authorizing CJW Architecture to Provide Consulting Services":

Ayes: Mayor Jones, Mayor Pro Tem Mordo, Councilmember Kerr  
Noes: Councilmember O'Malley  
Abstain: Councilmember Warshawsky

### 20. Request for Grant Funding from Supporters of Westwind Community Barn for the Westwind Project

Councilmember Warshawsky recused himself from discussion of the agenda item and remained off the dais.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Mordo and passed by the following voice vote to authorize the request to the Supporters of Westwind Community Barn for a 1:1 matching fund contribution for the costs associated with CJW Architects for architectural services for the Westwind Project.

Ayes: Mayor Jones, Mayor Pro Tem Mordo, Councilmember Kerr  
Noes: Councilmember O'Malley  
Abstain: Councilmember Warshawsky

## NEW BUSINESS

### 21. Consideration of Request from Friends of Westwind for Town Sponsorship of the 2007 Hoedown Auction Fundraiser for Westwind Community Barn

Council had a letter before them from Ulli Sharma-Friends of Westwind Board President requesting that the Town officially sponsor the auction portion of their 30<sup>th</sup> anniversary Hoedow fundraiser to be held on Saturday, September 15, 2007 at Westwind barn. Finance Director Nick Pegueros explained that the letter had been delivered to the Town on August 2, 2007.

Mayor Jones explained that the item would not result in the expenditure of any Town funds. The Town would sponsor the auction event and accept any contributions that were made in a designated account for future use on any capital project at the Barn. Any funds collected would be used at the discretion of the Council as legally required, but would be tax deductible.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to approve the request from the Friends of Westwind as identified in the letter dated August 1, 2007 and received at Town Hall August 2, 2007.

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

Mayor Jones reported that he had attended an informal meeting of community leaders at El Camino Hospital. Items of discussion included health care reform and the expansion at El Camino Hospital.

#### STAFF REPORTS

City Manager Carl Cahill reported that the Federal EPA auditors had scheduled a visit to Town Hall for the purpose of reviewing the Town's sewer maintenance and spillage records. Their visit would include a field visit to examine the Town's sewer lines. Cahill noted that it was timely that the Town was focusing on sewer maintenance.

Cahill advised that an arrest had been made regarding the recent fires along the Highway I-280.

City Attorney – no report.

City Clerk – no report.

#### COUNCIL INITIATED ITEMS

##### 22. Review of Ordinance 503 (Eucalyptus Trees) – Mayor Pro Tem Mordo

Mayor Pro Tem Mordo stated that he had requested Council discussion of the item after receiving comments from residents that the Eucalyptus Ordinance was too restrictive and the associated costs were too high. Mordo had queried staff on the ordinance and if there was any flexibility regarding the mandated removal of the eucalyptus trees. Staff had confirmed there was no flexibility. To facilitate Council discussion, staff had compiled a report identifying the number of property owners who had been required to remove eucalyptus trees on their property as a condition of site development approval and the

number of trees removed. It was noted that staff had received one complaint from an applicant regarding the ordinance that related to the associated costs of the tree removal.

In summary, Mordo expressed his support for the staff recommendation that no change be made to the current ordinance at this time and that Council review the ordinance again in 12 months.

Council consensus was to accept the recommendation of staff and schedule a review of the Ordinance 503 in August 2008.

#### ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:00 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the August 7, 2007 regular city council meeting were approved as presented at the September 13, 2007 regular city council meeting.