

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

Thursday, August 28, 2008  
Council Chambers, 26379 Fremont Road

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

Mayor Mordo called the City Council Regular Meeting to order at 6:30 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky (joined meeting at 7:00 p.m.-did not participate in Closed Session), Councilmember Craig A. T. Jones (joined meeting at 6:40 p.m.), Councilmember Breene Kerr and Councilmember Mike O'Malley

Absent: None

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

Council adjourned to Closed Session at 6:34 p.m.

### CLOSED SESSION

#### CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(pursuant to Government Code Section 54956.8)

Property: APN#182-21-003

Agency Negotiator: Carl Cahill and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Jurvetson

Under Negotiation: Disposition and payment of terms

### PUBLIC SESSION

Council reconvened to Regular Meeting Open Session at 7:00 p.m. Mayor Pro Tem Warshawsky joined the meeting. He did not participate in the Closed Session.

City Attorney Steve Mattas reported out of Closed Session: Council provided direction to staff; there was no reportable action.

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

## APPOINTMENTS AND PRESENTATIONS

1. Presentation of Certificate of Appreciation for Project Light Speed-  
Randy Okamura, AT&T External Affairs

Mr. Okamura thanked the Council for the opportunity to acknowledge the efforts of the Los Altos Hills' town staff to facilitate the permitting process for Project Light Speed. He provided an overview of AT&T's new network upgrade that had been launched and Phase 1 completed. Los Altos Hills had been one of the first communities to successfully complete this stage and he thanked the staff for their timely assistance in the planning and permit stages. He presented the Mayor, on behalf of the staff, with a framed Certificate of Appreciation and a medallion.

Mayor Mordo thanked Okamura for the recognition of staff. He noted that Council was of the opinion that the current Town staff was exceptional but it is always appreciated when they receive acknowledgement of their service from an outside agency.

Council questioned how many residents of Los Altos Hills currently had access to fiber optics at their home. Okamura offered to research the query and forward the information to City Manager Cahill.

Mayor Pro Tem Warshawsky questioned if Okamura was aware of the Town's Pilot Undergrounding Project. Warshawsky noted that it was an important project for the Town and AT&T was a key component in the program. Okamura responded that he was aware of the project and happy to work with the Town if needed.

## CONSENT CALENDAR

Items Removed: Agenda Items #3, #9 (Toni Casey, Resident)

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

2. Approval of Meeting Minutes: City Council Meeting – July 24, 2008  
Approval of Meeting Minutes: City Council Special Meeting – July 24, 2008
4. Acceptance of 4<sup>th</sup> Quarter Investment Report for the Period Ending June 30, 2008  
(Staff: N. Pegueros)
5. Certificates of Commendation for Teachers of the Year Maggie Harris, Los Altos School District and Keren Robertson, Mountain View-Los Altos Union High School District (Staff: K. Jost)
6. Notification of Fast Track Approval: Lands of Ahrens: 13841 Robleda Road (File #27-08-ZP-SD-GD); A Request for a Site Development Permit for a 6,234 square foot new two story residence with a 920 square foot swimming pool and a 504 square foot detached second unit (maximum height 25' 8").  
CEQA review-Categorical Exemption 15303 (a) & (e) (Staff: Nicole Horvitz)
7. Notification of Fast Track Approval: Lands of Evershine III, L.P.

13310 La Paloma Road (File #63-05-LLA); A request for a lot line adjustment.  
CEQA review-Categorical Exemption 15305 (a) (Staff: Nicole Horvitz)

8. Award of Contract for Additional Engineering Services at a Cost Not-to-Exceed \$52,070. for Pine Lane Sanitary Sewer Diversion Project at Foothill Expressway (Staff: R. Chiu) Resolution No. 57-08
10. Approval of Resolution Confirming Biennial Review of Conflict of Interest Code (Staff: K. Jost) Resolution No. 58-08

Items Removed:

3. Review of Disbursements: July 1, 2008 – July 31, 2008 \$593,146.68

Toni Casey, resident, requested clarification on several items in the disbursement listing. She identified the disbursements in question and asked if the charges were related to Westwind Barn and if so, if they had been included in the total on the cover page of the report.

Finance Director Nick Pegueros explained that the numbers cited by Casey were vendor numbers and the payments were not necessarily related to Westwind Barn. City Manager Cahill advised Council that the information that was applicable to the public records request made by Casey would be provided to her in the coming week.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to approve Consent Calendar Item #3-Disbursements for the month of July.

9. Acceptance of Dedication of Right-of-Way: Lands of Burger, 11580 Old Ranch Road (Staff: R. Chiu)

Toni Casey, resident, questioned what the purpose of the 10 feet of road right-of-way being dedicated was. Planning Director Debbie Pedro explained that dedication would make the street compliant with the standard right-of-way.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Kerr and passed unanimously to approve Resolution No. 59-08 “Accepting Dedication of Road Right-of-Way (Lands of Burger)”

#### PRESENTATIONS FROM THE FLOOR

#### OPENED PUBLIC COMMENT

Jim Abraham, resident, commented that today (August 28<sup>th</sup>) was a good day for the Undergrounding Ad Hoc Committee. After years of work by several committees, numerous meetings, and planning, viable progress at the Undergrounding Pilot Project was underway. The utility poles had come down and the service wires were being laid in the trenches. Abraham added that when the Little League fields’ renovation work was completed, the area would be a gorgeous community park.

## CLOSED PUBLIC COMMENT

### UNFINISHED BUSINESS

#### 11. Update on Town Goals

Mayor Mordo reviewed the Town Goals. He noted that going forward, rather than discuss each item in detail at every Council Meeting, only updates and relevant progress reports from staff and the Committees would be given.

- Emergency Preparedness

No update. Report at a future meeting.

- Environmental Initiatives

Mayor Mordo noted that the Draft Green Building Ordinance would be considered by the Council at the September 11, 2008 regular meeting.

- Parks and Recreation Assets and Programs

Councilmember Jones spoke to the ground breaking celebration for the Little League project that had been held earlier in the week. Councilmembers, staff, Little League board members and players had participated in the event and it was a fitting start to the project. Jones suggested that it would be appropriate for the future City Council to revisit the issue of overflow parking for the site as well as future parks projects at Edith Park and O'Keefe, all subject to budgetary restrictions.

- Sewers and Infrastructure

Councilmember O'Malley reported that the Ad Hoc Infrastructure Committee would be making a presentation of their findings at the September 11, 2008 meeting.

#### 12. Consideration of Award of Community Service Agency Grant Funding for Fiscal Year 2009 (Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. Council had before them the results of their recommendations for grant funding from the July 24, 2008 meeting. Following presentations and the review of the requests from community service agency representatives, the City Council at the July meeting had made individual recommendations for a dollar grant award for each agency. The grant awards under consideration by Council were based on the average of their recommendations for the agencies and rounded up to the nearest increment of \$50.

Mayor Mordo and Councilmember Kerr abstained from participation in the grant review process for the American Red Cross and Community Hope and Sober Events (CHASE) due to potential conflicts of interest and the average for those agencies was based on the recommendations of the remaining four Councilmembers and rounded up to the nearest increment of \$50.

Pegueros noted that the Council had appropriated \$61,000 in funding to the community service agencies in the Fiscal Year 2009 adopted budget. The total of the recommended awards under consideration by the City Council was \$60,700. Last year, the Council had approved \$57,000 for grants to service agency.

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Warshawsky and passed unanimously by the remaining Councilmembers to approve the recommended funding of \$5,300 to the American Red Cross. (Due to a potential conflict of interest, Mayor Mordo recused himself from the vote)

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Warshawsky and passed unanimously by the remaining Councilmembers to approve the recommended funding of \$3,000 to CHASE (Due to a potential conflict of interest, Councilmember Kerr recused himself from the vote).

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the remainder of the community service agency grants as listed in Attachment 1 of the staff reports.

13. Consideration of Acceptance of Speed Survey Study and the Establishment of Speed Limits on Certain Streets (Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to Council. Council had a resolution before them that would accept the speed study prepared by RKH Civil and Transportation Engineering.

In May, 2008, the Town's speed survey had been challenged in traffic court. A presiding Commissioner ruled that the Town's interpretation of the 85<sup>th</sup> percentile speed was incorrect and the speeding ticket had been dismissed. To address the issue raised by the Commissioner, a modified speed survey had been prepared by RKH Civil and Transportation Engineering. The recommended speed limits before Council had been established in conformance with the California Vehicle Code and the California MUTCD for selected roadways in the Town.

Chiu reviewed the recommended changes to speed limits on Town streets that were attributed to the results of the new speed survey. The changes were listed on the staff report. With the approval of the new study, new signage would be posted and the Sheriff would resume radar enforcement.

**Council Discussion:**

Councilmember Jones spoke to his concerns about raising speed limits. He acknowledged that the Town was compelled to follow the rules and wanted to ensure safety but he questioned the wisdom in increasing speed limits on several of the streets, including El Monte Road.

Council discussion ensued. Council supported investigation of traffic calming alternatives for areas where speed is an issue. Options discussed included the electric signage (driver feedback signs) similar to the ones the Town had installed on Fremont at Gardner Bullis School. Council consensus was that safety of the residents was their primary concern. They suggested that additional study on the issue would be appropriate and would like to revisit the issue at a future meeting.

Council asked if radar was the only enforcement mechanism for speeding.

Captain Terry Calderone, County of Santa Clara Sheriff's Department, explained that Deputies could visually predict the speed of an auto when it was traveling in excess of the speed limit but to get a determination or document a speed, they were required to pace the auto for a certain distance. Calderone commented that he would be happy to work with Town staff on the issue.

#### OPENED PUBLIC COMMENT

Ginger Summit, resident, commented that the #1 complaint of residents that she has talked to in the course of canvassing neighborhoods, has been the excessive speed of cars and bicyclists on Town roads.

#### CLOSED PUBLIC COMMENT

City Engineer Chiu suggested that the Council consider adopting the resolution before them that would accept the speed study without the recommended changes. This would allow the Sheriff to enforce speed limits by radar in other areas of Town.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Jones and passed unanimously to approve the RKH speed study exclusive of the streets with recommended speed limit increases and adopt Resolution No. 60-08 as amended "Establishing Posted Speed Limits on Certain Streets"

#### NEW BUSINESS

With the consensus of Council, Mayor Mordo re-ordered the agenda to address Agenda Items #14 and #15 at the beginning of the meeting. The items were discussed concurrently.

14. Consideration of Resolution of Intention to Make Acquisitions and Improvements (W. Loyola Assessment District) (Staff: R. Chiu)
15. Consideration of Resolution to Preliminarily Approving Engineer's Report and Directing Related Actions (W. Loyola Assessment District) (Staff R. Chiu)

City Engineer Richard Chiu introduced the items to Council. In January 2008, the City Council approved a resolution to initiate proceeding for the construction of sewer works and improvements in the West Loyola neighborhood. Town staff has worked with

neighborhood representatives to obtain the services of an engineer, bond counsel and financial underwriter.

Chiu provided an overview of the two resolutions before Council that would formally begin the assessment process and preliminarily approve the Engineer's Report and direct related actions for the West Loyola Sewer Assessment District No. 1.

Chiu introduced Jeff Peterson, Engineer of Work, Wilsey and Ham and Scott Ferguson, Bond Counsel, Jones and Hall and noted that they were available to answer any questions that Council might have.

Mayor Mordo questioned if any residents in the area had raised any objections to the proposal. Chiu noted that he had not heard of any during his conversations with the neighborhood representatives.

#### OPENED PUBLIC COMMENT

Rich Larsen, Berkshire Drive, addressed the Council on behalf of the West Loyola neighborhood. The group had been leading an effort to bring sewer access to their area for eight years and the resolutions before the City Council was the next step in the process. Larsen stated that more than 2/3 of the neighbors supported the project and he believed the assessment district was the most logical process to bring a sewer line to the area. He advised Council that presentations on the proposed assessment district had been given to the neighbors and that he was of the opinion that the assessment would not be a financial hardship for anyone.

#### Council discussion:

Mayor Pro Tem Warshawsky questioned if the Town could be subject to a lawsuit by a neighbor interested in stopping the assessment. City Attorney Mattas clarified that there was no legal exposure or jeopardy to the Town with the resolutions before Council. The action allows the residents that would benefit from the sewer to participate in a vote to accept the assessment.

Scott Ferguson, Jones Hall, explained that the City Attorney was correct. Tonight's action by the City Council authorized the Assessment Ballot vote to go forward to the residents. He noted that the district could not be formed without a positive vote of the residents. However, if the assessment district were to be formed, it would be formed by the Town and any challenge would be against the Town.

Council reviewed the mail ballot timeline and subsequent public hearing that had been scheduled for October 23, 2008, a simple majority of the ballots must vote in favor of the assessments to form the district.

Council briefly discussed the use of Town funds for the project. O'Malley questioned the use of Sewer Fund monies for the project. He noted that the guidelines for the use of the Sewer Funds were very specific and he wondered if this project was appropriate. Council consensus was to use funds from the General Fund. It was noted that the Town had not formed an assessment district in many years and given the Town's interest in

expanding the sewer system it would be appropriate to support the request for approximately \$9,200.

#### RESUMED PUBLIC COMMENT

Jim Abraham, resident, stated that he did not see any reason for the Town to use money from the General Fund for the sewer assessment district. He noted that the Town had formed similar districts in the past and believed that the residents in the neighborhood that would benefit from the sewer expansion should pay for all the associated costs.

#### CLOSED PUBLIC COMMENT

Council discussion ensued. City Manger Cahill explained that the costs being considered were primarily “in-house” for staff time. It was noted that adding to the sewer infrastructure had been identified by the Council as a Town goal. Given that the most recent sewer expansion had been done by private reimbursement agreements, there was a value to building a knowledge base for the assessment district process that could potentially be applied to other projects including the undergrounding of utilities.

Agenda Item #14:

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Kerr and passed unanimously to adopt Resolution No. 55-08 “of Intention to Make Acquisitions and Improvements-West Loyola Sewer Assessment District No. 1” and to approve the allocation of 40% of staff time up to \$9,200 from the General Fund for familiarization with the assessment district formation process for future projects.

Agenda Item #15:

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 56-08 “Preliminarily Approving Engineer’s Report and Directing Related Actions”.

#### 16. Required AB1234 Ethics Training for Public Officials (Staff: K. Jost)

City Clerk Karen Jost introduced the item to Council. Assembly Bill 1234 mandates that local agency officials receive two hours of ethics training every two years. Jost reviewed the compliance resources that are currently available to fulfill the requirement.

Following a brief discussion, Council consensus was to complete the training online using the course developed by the FPPC and the Institute for Local Government.

#### PLANNING COMMISSION REPORT

Planning Director Debbie Pedro advised the City Council that the Planning Commission has not convened a meeting since the last City Council meeting.

Pedro provided an update on the Eucalyptus Ordinance (Ordinance 503). The ordinance had been adopted by the City Council in July 2006 and revisited with a review twelve

months after it had become effective. At that time, staff prepared a report that included data on the number of properties and eucalyptus trees that had been removed. She asked if Council had an interest in any further research or data on the item.

In response to an inquiry from Council on any current issues relative to the ordinance, Pedro reported that only five projects within the past year had a requirement to remove trees and there had been no complaints from the applicants.

Council did not request any additional information.

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

### COMMITTEE REPORT

#### 17. Recommendations from the Standing Historical Committee

Council had before them several recommendations from the Standing Historical Committee. Committee member Les Earnest reviewed the proposals. They included: 1) A request to correct misspelled names on Town roads Purissima Road, Manuella Road, and Rancho Manuella Lane; 2) change of the committee's name to "History Committee"; 3) recommendation of proposed names of streets and pathways; and 4) request for creation of a Los Altos Hills History Museum and website.

Council discussion ensued. Each proposal was addressed separately.

#### OPEN PUBLIC COMMENT

Jim Abraham, resident, voiced his opposition to any changes of existing street names. He offered that they were old roads and a part of the history of the Town.

#### CLOSED PUBLIC COMMENT

##### Proposed correction to spelling of road names:

It was noted that the City of Palo Alto had the correct spelling on their portion of Manuella Road which added to the confusion created by the misspelling. If the Council were to propose any change, council agreed that residents were to be notified and their input would be sought.

Council consensus was to grandfather in the existing names and not make any changes to the identified roads.

##### Standing Committee name change:

Council consensus was to approve the committee's request. The item would be considered in conjunction with Agenda Item #18- amendment to the Standing Committee Resolution.

##### Recommended Street names:

One of the first assignments given to the Committee by Council had been the review of options for a new street on the Morrison Subdivision. The Committee proposed the street

be named “Morrison Court” after the family that has owned the property for many years. The street name had been approved by the property owner.

Additionally, the Committee recommended that the road that provides access to paths and a Town picnic area in Byrne Preserve be named to honor Countess Margit Besseney, the principal benefactor of Westwind Barn. The Committee recommended “Margit Way” and provided historical information relative to the donation and sale to the Town of the Westwind property by the Countess. It was noted that there had been a long standing tradition of using women’s first names for streets.

**MOTION SECONDED AND CARRIED:** Moved by O’Malley, seconded by Kerr and passed unanimously to accept the recommendations of the History Committee and name the identified streets “Morrison Court” and “Margit Way”.

Recommended path names:

The Committee proposed that two existing scenic Town paths be given names of historical significance. The recommendations included: 1) Three Forks Lane path to Edgerton Road be named in honor of educator and Pulitzer Price winning author Wallace Stegner (Wallace Stegner Path); and, 2) the path along Purissima Creek from Elena to Taaffe Road be named in honor of David and Lucile Packard (David and Lucile Packard Path). The Committee reviewed their basis for the recommendations and the contributions of each recipient.

Committee Member Earnest noted that the proposed path names and locations had been reviewed by the Pathways Committee and they were in support of the recommendation.

Council discussed the proposed name for the David and Lucile Packard Path and amended the name to the “Packard Path”.

**MOTION SECONDED AND CARRIED:** Moved by O’Malley, seconded by Warshawsky and passed unanimously to accept the recommendations of the History Committee and dedicate the identified paths respectively as the “Wallace Stegner Path” and the “Packard Path”

Proposed History Museum and website:

Following a brief discussion, council determined that it would be appropriate to continue this item to a future meeting noting that the agenda did not provide enough description of the item for Council action.

COUNCILMEMBER REPORTS:

Mayor Mordo reported that he had attended the Town’s Standing Education Committee’s meeting that had been held at the Gardner Bullis campus. The Committee and Mayor had been given a tour of the recently renovated school by Principal Erica Gilbert. Mordo noted that he had spoken to Gilbert and Los Altos School District Board President Mark

Goines about the September 25, 2008 “Opening Celebration” for the school. This event will mark the re-opening of the only public school in Los Altos Hills.

Mordo spoke to the previous donation made by Council to the Gardner Bullis School and BCS and Council’s interest in revisiting the issue when the school re-opened to see if any additional assistance was needed for the teachers or school. Mordo added that he had requested a list from the District that identified what the teachers might need, i.e. supplies, equipment, etc.

Councilmember Kerr offered that he had also had a conversation with Principal Gilbert and he would prefer that any request be from the Principal. Mordo concurred and noted that the request should address needs of the teachers for the new classrooms.

Principal Gilbert and Superintendent Justus were scheduled to appear at the September 11, 2008 Council meeting.

Council briefly discussed the September 25<sup>th</sup> event at Gardner Bullis. Kerr suggested that it would be appropriate to encourage alumni of the former Bullis-Purrissima School to attend the event. He noted that it was a wonderful opportunity to bring the Town together for the momentous event.

#### COUNCIL INITIATED ITEMS

18. Consideration of Amendment to the Town’s Standing Committee Resolution to Increase the Membership of the Standing Environmental Initiatives Committee – Councilmember Breene Kerr

Council had before them a request from the Environmental Initiatives Committee Chair Jay Shideler to increase the membership of the Committee by one. Additionally, an amendment request from the Historical Committee for a change of the Committee’s name to “History Committee” had been submitted under Agenda Item #17 and was to be considered in conjunction with the EIC proposal.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to amend the Standing Committee Resolution to increase the membership of the Environmental Initiatives Committee to eleven members and to change the name of the Historical Committee to “History Committee”. Resolution No. 61-08

#### STAFF REPORTS

City Manager:

City Manager Carl Cahill requested that the Council Meeting be adjourned in memory of Los Altos Hills resident, community volunteer and former Town Hall staff member Francesca “Fran” Mehner who passed on the morning of August 27, 2008.

City Attorney-No report.

City Clerk – No report

ADJOURNMENT

The Meeting was adjourned at 8:40 p.m. in memory of Fran Mehner, long time Los Altos Hills resident, former staff member and special friend to everyone who knew her.

Respectively submitted,

Karen Jost  
City Clerk

The August 28, 2008 Regular City Council Meeting minutes were approved as presented at the September 11, 2008 Regular City Council Meeting.