

Town of Los Altos Hills City Council Regular Meeting Minutes

September 10, 2009

Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

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

Present: Mayor Dean Warshawsky (left the meeting at 10:55 pm/did not participate in discussion or vote on Agenda Item #11, Mayor Pro Tem Breene Kerr, Councilmember Jean Mordo, Councilmember Rich Larsen and Councilmember Ginger Summit

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, Assistant Planner Nicole Horvitz, Public Safety Officer Steven Garcia, City Attorney Steve Mattas, and City Clerk Karen Jost

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

CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR(S)

(Pursuant to Government Code Section 54957.6)

Agency Designated Representative: Mayor/City Attorney

Unrepresented Employee: City Manager

CLOSED SESSION: EMPLOYEE EVALUATION

(Pursuant to Government Code Section 54957)

Title: City Attorney

PUBLIC SESSION

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

City Attorney Steve Mattas reported out of Closed Session: Direction was provided; no final action was taken.

APPOINTMENTS AND PRESENTATIONS

1. Appointments to Standing Committees:

Standing Water Conservation Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen and passed unanimously to appoint applicant Kathleen Santoro to the Standing Water Conservation Committee for a term of four years.

Standing Pathways Committee

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Larsen and passed unanimously to appoint Susan Welch to a second four year term on the Standing Pathways Committee.

Standing Environmental Initiatives Committee

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Larsen and passed unanimously to appoint applicant Raj Reddy to a second four year term on the Standing Environmental Initiatives Committee.

2. Consideration of Grant Funding Requests from Community Service Agencies

Mayor Warshawsky advised the audience that the Council had before them a complete packet of applications from the community service agencies that were requesting grant monies to support programs that benefit the residents of the Town. The agencies (in alphabetical order) included: American Red Cross, Community Health Awareness Council (CHAC), Community Hope & Sober Events (CHASE), Community School of Music and Arts, Community Service Agency (CSA), Hidden Villa, Housing Trust of Santa Clara County, Huntington's Disease Society of America, North California Chapter, Joint Venture Silicon Valley, Los Altos Chamber of Commerce, Los Altos Legacies, Los Altos Mediation Program, Los Altos Senior Center, Morgan Center, Mountain View Day Workers Center, Next Door Solutions, Second Harvest Food Bank, Silicon Valley Bicycle Coalition, Support Network for Battered Women and Children, Town Crier Holiday Fund, United Way of Silicon Valley 2-1-1, and Wildlife Rescue (Peninsula Humane Society & SPCA). Total amount of the requests was \$90,013. It was noted that \$58,450 had been allocated for community grant funds in the approved budget for fiscal year 2009-2010.

Council discussion ensued regarding the grant budget and award process. Mayor Pro Tem Kerr suggested the Hidden Villa and the Housing Trust requests for funding be deferred and considered separately at a future date. There was a consensus of the City Council to defer the two grants (Hidden Villa and the Santa Clara County Housing Trust). Council favored moving forward with the remainder of the requests commenting that the agencies being reviewed provided an important safety net for those in need and special services to the Town. Council consensus was to limit the total of the grant awards to the approved budget allocation. Additionally, Council concurred on the weighted average formula for awarding the amount of each award. Council suggested that the process be revisited prior to the next grant period.

Council briefly interviewed agency representatives when additional information was requested.

Council had before them a ballot for distribution of the funds that included the list of agencies, their funding requests and the grant amounts awarded in FY 2008-2009. Ballots were collected by the City Clerk. The item was scheduled to return to the City Council at their September 24, 2009 meeting for final award of grant funds. Staff was directed to identify any amount voted for by a Councilmember over 100% of the request.

Mayor Warshawsky thanked the agency representatives for attending and for the services they provide to Los Altos Hills residents.

CONSENT CALENDAR

Items Removed: Agenda Item #4 (Staff), Agenda Item #5 (Warshawsky)

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by Larsen and passed unanimously to approve items on the consent calendar; specifically:

3. Approval of Meeting Minutes: City Council Regular Meeting – July 23, 2009
6. Notification of Fast Track Approval: Lands of Parivash; 12252 Menalto Drive (File # 110-09-ZP-SD-GD): A request for a Site Development Permit for a 618 square foot addition and major remodel (Maximum Height 27'). CEQA Review: Categorical Exemption per Section 15301(e) (Staff: D. Keyon)

Items Removed:

4. Review of Disbursements: July 1, 2009-July 31, 2009 \$383,007.43

Finance Director Nick Pegueros advised Council that the amount for disbursements listed on the staff report (\$383,007.43) was for the total of the payments in excess of \$10,000 and a subtotal of the listed checks in the report. Disbursements for the period totaled \$478,885.39.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed unanimously to accept the Disbursement Report.

5. Resolution Honoring Mary Davey (Committee for Green Foothills Recognition)
Resolution No. 49-09

Mayor Warshawsky explained that the resolution honoring Mary Davey would be presented to her at the Committee for Green Foothills event that was being given in her honor.

PRESENTATIONS FROM THE FLOOR

Kathy Evans, La Loma Drive, thanked the Council and staff for the recent improvements to the Town's roads. She extended an invitation to Council and the audience to the Town's Annual Hoedown scheduled for September 12, 2009 at Westwind Community Barn. The dinner portion of the event was sold out.

John Harpootlian, Standing Water Conservation Committee Chairman, reported on their recent educational forum “Turf Talk”. The response had been very positive with over 100 in attendance.

PUBLIC HEARINGS

7. LANDS OF JJP REALTY ENTERPRISES, LLC: (#60-09 ZP-SD-GD) 11481 Magdalena Avenue; Appeal of the Planning Commission’s decision to approve a Site Development Permit for a tennis court and a bunker garage, grading policy exception and the removal of three (3) heritage oak trees. CEQA Review: Categorical Exemption per Section 15303 (e) (Staff: D. Pedro)

➤ City Council Ex Parte Contacts Policy Disclosure

Mayor Warshawsky: Visited the site.

Mayor Pro Tem Kerr: Visited the site; telephone conversation with the Colets (neighbors, Jessica Lane).

Councilmember Larsen: Visited the site; telephone conversation with the Colets.

Councilmember Mordo: No report.

Councilmember Summit: Visited the site; spoke with the project representative and the applicant; telephone conversation with the Colets.

Councilmember Summit reviewed her reasons for appealing the Planning Commission’s decision to approve the project. Summit noted the amount of grading that would be required for the tennis court and bunker; size of the bunker; and the expressed concerns of the neighbors for the project. Summit commented that she believed the issues she had raised warranted a closer examination of the application.

Planning Director Debbie Pedro provided an overview of the application to Council. In 2000, the Planning Commission approved a new residence with a basement and tennis court on the 6 acre site. The new residence has been under construction since 2000 however, the approval of the tennis court had expired. In March 2009, the property owner submitted a new application for a tennis court with a bunker garage underneath in the previously approved location. The bunker garage was not part of the original application. The Planning Commission heard the application at their July, 2009 meeting and continued the project, directing the applicant to relocate the tennis court and bunker garage to address concerns expressed by the neighbors at the public hearing regarding noise that would be generated by use of the tennis court. The applicant revised his plans and the project was reviewed by the Planning Commission at their August, 2009 meeting and approved by a 3-2 vote. The new plan with the relocated tennis court and garage bunker required a greater amount of cut and fill; larger retaining walls; and, the removal of three heritage oak trees. Included in the Council packets were project plans for both the original and revised projects.

Planning Director Pedro proceeded with a PowerPoint presentation. It included: a vicinity map, original site plan; site plan for the August 2009 Planning Commission approved tennis court location; schematic of the grading policy exception for both plans; a section of the Planning Commission approved location (tennis court, bunker, existing grade and tennis court fence); spreadsheet comparison of the grading policy exception and grading quantity in cubic yards for the two tennis court options; results of a sound study with the calculated tennis court noise levels at nearby residences; and a slide of the original site plan with sound mitigation measures.

Pedro reviewed staff's recommendations with Council which included approval of the tennis court and bunker garage in the original location with sound mitigation measures. The staff recommended proposal would save the heritage oaks, required less grading and offered some natural noise mitigation. The results of the sound study conducted by the applicant's consultant showed that the noise decibels were equivalent at both sites. Pedro noted that both options (tennis court locations) complied with the Town's setback, height and MDA requirements.

City Attorney Steve Mattas reviewed the Council's options regarding the application. They could uphold the Planning Commission's determination; or approve the staff's recommendation; or approve a modification.

Pedro clarified that the bunker would be used as a garage. The applicant had requested a grading exception for the entrance to the bunker in the new/alternative location with an increase in the cut and a grading exception for the tennis court. Council had within their authority the option to deny the request for the grading exception.

OPENED PUBLIC HEARING

Patrick Whisler, Landscape Architect, applicant's representative, addressed Council. He proceeded with a presentation that included a Google earth image of the property with both tennis court locations shown. The slide showed the private tennis courts on nearby residences. He explained the applicant's efforts to find an alternative site for the court at the direction of the Planning Commission. The alternative site was approximately equal distance from the surrounding properties and situated in the only other location on the property that would accommodate the court. Whisler addressed the sound continuation studies that had been conducted and the applicant's plans to mitigate the noise. The study had shown very similar results for both locations.

Whisler reviewed the applicant's reasons for preferring the new/alternate location for the tennis court and bunker. He noted that it would be less visible and present an opportunity for supplementary landscaping. Additionally, approximately one quarter of the excavated soil could be used on the site.

Whisler shared several slides with Council of the conceptual plans for landscaping, and the retaining walls with planters for the alternative site and color renderings of the original plan.

Ken Greer, Magdalena Road, immediate neighbor of the project, expressed his support for the new/alternative plan. Geer had voiced his concerns at the Planning Commission

hearing that the tennis court in the original location was very close to his property and the Commission had directed the applicant to look for an alternative site. He suggested that the new location was a good compromise for the neighbors and believed the sound mitigation proposals were equal for both sites.

Jim Crowther, Magdalena Court, neighbor of the project, commented on his previous experience of living close to a tennis facility in Tiburon and the noise issues they had to deal with on the weekends. He referenced the soils report that had been conducted for the original project that found the soil was adequate for the building but without further study, it was possible that with a significant earthquake, the land towards the Greer property would be lost. Crowther suggested that an additional geotechnical study be conducted to ensure that a tennis court with the proposed bunker would be safe. He supported the new/alternative site for the court.

Ralph Colet, Jessica Lane, immediate neighbor to the tennis court as sited in the new/alternative location, addressed Council. He appreciated the concerns that had been voiced by his neighbors. However, he believed the revised location had a greater impact on his property and noted that the tennis court would be by his master bedroom window. Colet added that the project had been ongoing for ten years and they've had to endure construction noise during that lengthy time period and now they would be impacted by the noise from the tennis court and bunker.

Randy Waldeck, sound consultant for the applicant, advised Council that he was available to answer their questions.

CLOSED PUBLIC HEARING

Council Discussion:

Councilmember Larsen requested clarification on the speakers comments regarding the stabilization of the soil. Planning Director Pedro advised the Council that the soils report had been reviewed by the Town's Geotechnical Consultant and both locations (tennis court sites) had been recommended for approval.

Councilmember Summit reviewed her reasons for appealing the Planning Commission's determination. The original approval (2000) had been for a tennis court only and there were no objections from the neighbors at that time. She could support approval of the tennis court only (without the bunker) in its original location but was opposed to the request for the grading exception to accommodate the bunker. Summit noted that the size of the bunker was exceptional and the retaining walls that would be needed for the tennis court at the revised location could prove to be problematic and possibly hazardous to wildlife and humans.

Councilmember Mordo concurred with the comments of Summit. He supported approval of the tennis court in the originally approved site as recommended by staff. Mordo noted that this proposal would require less cut and would have similar sound/noise effects with the proposed sound mitigations. He supported denial of the bunker/garage.

Mayor Pro Tem Kerr concurred and added that the original location had a natural sound mitigating factor by being located near the berm. He supported approval of the original (2000) application and denial of the bunker/garage. Kerr offered that the project had

been under construction for approximately ten years and this version of the proposed application could be completed in a shorter time frame and would not necessitate the removal of the heritage oak trees.

Councilmember Larsen supported the original location and concurred with Councilmember Kerr's assessment of the advantageous positioning of the court by the berm. He was not opposed to the bunker/garage for housing the owners' cars but questioned if the bunker would be a factor in increasing the noise level. Waldeck (Sound Engineer) responded that it would not.

Mayor Warshawsky commented that he was leaning towards supporting the Planning Commission's approval. He noted the Commission's careful evaluation of the project, comments from the neighbors and the applicants' preference for the alternative location as his reasons for considering approval of the new/alternative location.

City Attorney Steve Mattas advised Council that staff would like time to modify the documents for the record with respect to the conditions of approval.

COUNCIL RECESSED: 9:30 P.M.

COUNCIL RECONVENED TO OPEN SESSION: 9:36 P.M.

City Attorney Steve Mattas reviewed the motion components with the City Council that had been drafted per the comments of the City Council during their discussion of the item.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed by a 4-1 voice vote (Warshawsky-No) to:

- 1) Deny the grading exception for the tennis court at the alternate location pursuant to the findings set forth in the City Council packet staff report (page 5 of 11) of the report to the Planning Commission dated August 6, 2009; and
- 2) Deny the grading exception for the tennis court in the original location pursuant to the following findings:
 - a) The proposed grading is not consistent with Section 10.2-702c of the Los Altos Hills Municipal Code in that the amount of grading necessary to achieve the height of the proposed structure and retaining walls is considered excessive pursuant to the Town's grading policy.
 - b) The Town has not previously granted a grading exception for a bunker structure of the size proposed by the applicant.
- 3) Approve the original location for the tennis court situated west of the residence, subject to the Conditions of Approval in Attachment 1 of the staff report to the City Council dated September 10, 2009 with the following additional condition:
 - a) The property owner shall construct a 6' solid fence along the west property line and a 5' solid fence along the south end of the tennis court.

8. LANDS OF EPISCOPAL LAYMENS GROUP OF LOS ALTOS, (APPLICANT; T-MOBILE WIRELESS); (#98-09CUP) 26410 Duval Way; A request for a Conditional Use Permit renewal for an existing/previously approved wireless communications. The facility consists of a ground equipment cabinet and three antennas inside of the St. Lukes church steeple. A new wood fence is proposed to enclose the existing ground equipment cabinet. CEQA Review: Categorical Exemption per Section 15301 (a) (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. At their August, 2009 meeting, the Planning Commission had unanimously voted to recommend extending the Conditional Use Permit for T-Mobile's wireless communications facility located inside the St. Lukes' Chapel church steeple. The applicant was not requesting any modification to the site with the exception of a new 6' fence to mitigate the visual impacts from offsite.

Pedro proceeded with a PowerPoint presentation that included photos of the existing ground equipment, elevation, and a site plan.

OPENED PUBLIC HEARING

Tony Vim, representative for T-Mobile addressed Council. He thanked them for consideration of their project and advised that he was available to answer questions.

Councilmember Larsen questioned the applicant regarding their plans to increase their cell coverage in Los Altos Hills. Vim responded that the company had a 5 year plan and were committed to extending coverage in Town.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to approve the request for a Conditional Use Permit renewal subject to the Conditions of Approval in Attachment 1 of the staff report.

9. LANDS OF HOUSTON AND HENSLEY; (#216-09-IS-TM-ND-GD), 27575 Purissima Road; Consideration of a Mitigated Negative Declaration and Tentative Map for a Three-Lot Subdivision. The property is zoned R-A (Residential-Agricultural) (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. Council had before them a request for a three lot subdivision. The subject site was 3.29 acres and located at the end of Samuel Lane. The applicant proposed to divide the property into three lots all with net acre values over 1.0 acre. The Planning Commission had reviewed the proposed subdivision at their August 6, 2009 meeting and determined that the project was consistent with the Town's General Plan and the Subdivision Ordinance.

Pedro proceeded with a PowerPoint presentation that included: a vicinity map of the project site and surrounding properties; a tentative map with the three parcels and Open Space easement shown along Deer Creek and the southwest portion of the property; and, the driveway configurations.

Pedro reviewed the applicant's proposed 25' wide ingress/egress corridor with a 14' wide shared driveway to Parcels 2 and 3. She explained that Town policy normally required 35' plus for a shared driveway, however, given the constraints of the project site with the proposed Open Space easement, a strict application of the policy would result in a design that did not comply with the Town's ordinance in terms of lot size. The revised design had been reviewed by the City Engineer and considered acceptable. Pedro noted that the driveway plan would reduce the amount of required paving and had been supported by the Planning Commission.

Pedro reviewed the Planning Commission's recommended change to the subdivisions Conditions of Approval. The configuration of Parcel 1 had been designed to preserve the existing residence and would accommodate the fire engine turnaround. The eaves on the existing house would encroach into the setback and the Planning Commission was recommending that they be allowed to remain. Pedro explained that if the Tentative Map were to be approved by Council, the applicant would be required to destruct the existing detached garage and lean-to structure.

OPENED PUBLIC HEARING

Terry Szewczyk, Civil Engineer, applicant's representative, addressed Council. He offered that the project had been through several refinements during the review process. He thanked the staff for their assistance in resolving the issues that had culminated in the project before Council. He spoke to the benefits of the proposed single driveway that would require less paving and land.

CLOSED PUBLIC HEARING

Council Discussion:

Council briefly discussed the current pathway along the property. Planning Director Pedro noted that the Pathway Committee's recommendation for the subdivision was for the restoration of the IIB Pathway along Purissima Road (at Deer Creek).

There was a consensus of the Council to approve the single driveway configuration and Planning Commission's recommended modification to the Conditions of Approval allowing the eaves to remain in the setback.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Tentative Map as recommended by the Planning Commission subject to the findings in Attachment #2 and Conditions of Approval in Attachment #1 of the staff report to the City Council dated September 10, 2009.

UNFINISHED BUSINESS

10. Town Goal

- Discussion of Potential Annexation of Hidden Villa

Mayor Warshawsky reported that the discussions with Hidden Villa had been moving forward. The Mayor and Planning Director were scheduled to meet with the Board of

Directors at their September 24, 2009 meeting. Planning Director Pedro noted that staff was currently working on a draft overlay zoning district in the event that Hidden Villa had interest in proceeding with the investigation of the annexation.

11. Verbal Update on the Westwind Barn Seismic Retrofit and Repair Project (Staff: R. Chiu)

- Discussion of Request for Leed Certification and Energy Efficiency Improvements for Westwind Barn (Mayor Pro Tem Kerr)
- Request for Budget for Proposed Leed Certification and Energy Efficiency Improvements for Westwind Barn (Staff: C. Cahill)

Agenda Item #11 was reordered with the concurrence of the City Council to be heard at the conclusion of the meeting.

Due to a potential conflict of interest, Mayor Warshawsky recused himself from discussion of the item and stepped down from the dais.

Mayor Pro Tem Kerr introduced the item to Council. He briefly summarized the Town's efforts during the last few years with respect to Westwind Community Barn (WCB). Kerr noted that the political issues had been resolved amenably and the Town had brought the operation of the facility in house. After the initial few months of managing the Barn, policies had been determined regarding staffing, boarding and general operations. In July, 2009, the Council had awarded the contract for the Westwind Barn Seismic Retrofit and Repair Project. Kerr described the program as a "bare bones risk management" project.

During the month of August, the construction work began at the facility and has been progressing on schedule. Kerr noted that during the interim between scheduled Council meetings; he had completed an intensive analysis of the scope of the project and a closer review of all aspects of operation of the Barn. After his review, he was recommending that Council approve the LEED certification process as a management tool during this phase of the project and during the next eighteen months. Kerr explained that the process could be monitored by Planning Director Debbie Pedro. Pedro has received her LEED Accreditation. Kerr reiterated that the certification program was an excellent management technique for organizing and categorizing aspects of the project and could eventually result in the Barn being a sustainable building.

Staff distributed a spreadsheet that included a LEED checklist, requirements and associated costs. Highlighted were several items that Kerr recommended be approved and included in the current construction project. The items were focused primarily on the reduction of water usage and energy efficiency at the Barn. Kerr offered that the remainder of the items could be addressed within the next eighteen months.

Council Discussion:

Council discussion ensued. They reviewed the spreadsheet that had been distributed by staff. Council questioned the anticipated associated costs to the Town for following the program. Kerr explained that the highlighted projects that he had recommended would

be completed over the next 6 months at a cost of \$44,220. He noted that he was seeking grant funding from the Packard Foundation for the intangible costs of LEED certification.

Councilmember Mordo commented that he was not necessarily interested in the Barn being LEED certified but he would consider the programs (items) that were cost effective and had a payback. Kerr responded that if all of the items were completed over the next eighteen months, the Town could realize a \$5,000 reduction in operating costs and it would be the right thing to do for the environment. Kerr advised that the facility was currently using approximately 750,000 gallons of water from the Hetch-Hetchy every year and additional water for non-potable use from the well on site.

Councilmember Summit questioned if the additional items would cause any delays to the project. City Engineer Chiu did not believe that moving forward with the highlighted items that included certain plumbing and energy efficiency projects would cause any delays.

Council discussed the funding options for the recommended items. They questioned the use of the approved contingency fund. City Manager Cahill commented that there were still certain unknowns with the project, specifically the foundation and pier work. He did not recommend compromising the contingency fund. If money were left in the contingency fund at the conclusion of the project, it could be used towards the costs of the additional items.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed unanimously to approve the recommended (highlighted) items on the Westwind Barn LEED spreadsheet identified to be done with the current construction (6 months) for an amount not to exceed \$44,220.

Council authorized Planning Director Debbie Pedro's continued involvement with the WCB project and the use of the LEED certification protocols.

12. Consideration of Award of Contract for Altamont Road Retaining Wall and Road Widening Project – (Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to the City Council. In response to concerns regarding bicycle involved accidents near the guard rail on Altamont Road by the Lands of Seton, the Town, at the direction of the City Council had engaged the services of a transportation consultant to study the section of the road. The recommendations identified in the study included improved road markings, modification of street striping, additional signage and the installation of delineators to create a narrowing effect on the curve. Chiu shared a slide of the improvements and noted that most of the recommendations had been implemented by either Town staff or contractors.

Chiu explained that the study's final recommendation was an improvement option to construct a retaining wall and widen the road. The Town had received two proposals for the work. Staff was recommending approval of the contract with O'Grady Paving (low bidder) for an amount not-to-exceed \$68,000.

Council Discussion:

Councilmember Larsen requested clarification from the City Attorney on the Town's liability if no action were to be taken. City Attorney Mattas explained that if there were to be a subsequent accident at the site, it was conceivable that the issue could be raised that the Town had been put on notice of an allegedly dangerous condition.

Mayor Warshawsky noted that in conversations he has had with County Fire personnel, the one safety issue that they would like to see resolved by the Town, was the identified section of Altamont Road.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to approve the staff recommendation and authorize the City Manager to execute a contract with O'Grady Paving, Inc. in an amount not-to-exceed \$68,000 to construct certain bicycle safety improvements on Altamont Road near Altamont Road including roadway widening and a retaining wall. Resolution No. 50-09.

NEW BUSINESS

13. Consideration of Neighborhood Network Program and Funding Request (Staff: S. Garcia)

Agenda Item #13 was reordered with the concurrence of the City Council to be heard prior to Agenda Item #12.

Public Safety Officer Steve Garcia introduced the item to Council. Council had before them a request by the Community Relations Committee to re-establish the Neighborhood Network Program that had been first initiated in the late '80's. The primary focus of the previous Network was to facilitate communications during a disaster. At that time, the Town was divided into 35 neighborhoods and Town Hall. Garcia noted that interest in the program declined over the years but has been revitalized with the Network's neighborhood map being used by the Town and Los Altos Hills County Fire District for the Community Emergency Response Team (CERT) training. Garcia shared a copy of the map with Council. A digital map and an Excel database listing all addresses located within the 35 groups has been developed by the Town's engineering department. Garcia clarified that the database would be maintained in the Town's EOC for training and CERT related purposes.

Garcia reported that the Standing Community Relations Committee have proposed re-establishing the Neighborhood Network Program under the direction of member Joan Sherlock. Staff was recommending approval of their request and funding for the program that would promote resident personal emergency preparedness (PEP), CERT training and neighborhood networking.

Community Relations Committee member Joan Sherlock addressed Council. She thanked the Council for the opportunity to present the program proposal. Sherlock reviewed the components of the proposal and the committee's funding request. Funding of \$5,331 would cover the costs for mailings, website announcement and neighborhood event invitations. Council had before them in their packet draft copies of the mailers.

Council congratulated Sherlock for initiating a program that could potentially be very beneficial to the Town and residents. Councilmember Summit suggested that options for event locations be investigated for the very large neighborhoods. Town Hall was one possible venue. Mayor Warshawsky suggested that the program be revisited in one year to review the program's progress/benchmarks. Public Safety Officer Garcia suggested that the Town could consider measuring the success of the program by the number of residents that were PEP and CERT trained during the program's initial year.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the staff recommendations and funding request.

14. Encroachment Permit for Sewer Mainline Extension Project Proposed for a Sewer Reimbursement Agreement; (Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to Council. Council had before them a request to consider approval of the Natoma Road Sanitary Sewer Improvement Project. Council's approval was a requirement for the issuance of the encroachment permit.

Chiu provided an overview of the project. The sanitary sewer construction would consist of approximately 5,000 linear feet of 8-inch sewer main, 26 manholes, and 28 4-inch laterals. The cost of the construction was estimated at \$1,092,303. The construction was tentatively scheduled to begin in October, 2009. Upon completion of the project, the property owner, Kumar Malavalli, was requesting to enter into a sewer reimbursement agreement with the Town, in accordance with the Municipal Code. A list of future users was included in the Council's packet. Chiu displayed a map of the area that would be subject to the future sewer reimbursement agreement.

Council discussion ensued. Councilmember Larsen advised Council that the Ad Hoc Committee on Infrastructure was scheduled to make their recommendations to the City Council at the September 24, 2009 meeting. Their report would focus on incentives for developers and property owners to connect to sewer. He wanted assurance that the action taken by Council tonight would not preclude the developer or future users from participating in the incentives. City Engineer Chiu explained that the Sewer Reimbursement Agreement would return to Council upon completion of the project and before Council was the approval of the project and approval of the list of future users.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the Natoma Road Sanitary Sewer Improvement Project and the proposed future users list included in the staff report before Council.

PLANNING DIRECTOR/PLANNING COMMISSION REPORT

15. Verbal Update from the Planning Director on Permit Status for Tesla Facility to be located at the Stanford Industrial Park (Staff: D. Pedro)

Mayor Warshawsky introduced the item to Council and explained his reasons for requesting the status report on the Tesla Facility from the Planning Director. He suggested that it was important for the Council to be kept abreast of the activities in this corridor in order to share the information with concerned Town residents.

Planning Director Pedro reported that she had contacted Palo Alto planning staff and been advised that Tesla, to date, had not submitted any specific development proposals. Because the facility had been previously occupied for a similar use, a permit was not required for tenant improvements. However, any modification or additions would be subject to a discretionary permit.

Pedro had advised Palo Alto of a Los Altos Hills resident's concern about noise from trucks servicing the facility and they would address the issue.

Council discussed different options for keeping the residents residing in the Arastradero corridor informed. Mayor Warshawsky reiterated that he believed it was critical to keep them abreast of the status of the facility. Council suggested that it would be appropriate to initiate an outreach to the President of Tesla and extend an invitation to the company to participate in a Q&A session at Town Hall. Staff would investigate initial contact information for the company.

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

Councilmember Summit reported that she had attended the Standing Education Committee's meeting. The Committee was currently reviewing school enrollment statistics. Summit also attended a Santa Clara Valley Water District Lower Peninsula Flood Control Board meeting. They had toured several projects and she believed the projects' designs might be amenable solutions for upgrading the Byrne Preserve and O'Keefe creeks. She would be investigating possible grant funds for the projects.

Mayor Pro Tem Kerr advised Council of the 'Green Town Los Altos' event scheduled for September 19, 2009. He noted that the nonprofit was expanding the scope of their projects and some could potentially be suited for Los Altos Hills. Additionally, Kerr reported that he had attended two Purissima Hills Water District Board meetings. PHWD had agreed to test the well at the Barn free of charge. Kerr noted that the Town was investigating rebate opportunities for water saving programs at Westwind Community Barn.

Councilmember Larsen reported that he had attended the Emergency Communications Committee meeting. The Committee was currently formatting a map overlay that would reflect the specific radio channels that function in different areas of Town. Larsen reminded the Council that the Environmental Initiatives Committee (EIC) had a scheduled educational forum on solar systems on Wednesday, September 16, 2009 at Town Hall. Larsen advised the Council, that the Ad Hoc Infrastructure Committee was scheduled to make their recommendations to them at their September 24, 2009 meeting.

Mayor Warshawsky reported that he had attended the recent Standing Education Committee meeting. Bart Carey had been appointed the new Committee Chair. The Committee had discussed the EIC's proposed plan for school bus service. The Committee requested more specifics on the proposal before further investigation.

STAFF REPORTS

City Manager
City Attorney
City Clerk

No reports were given.

COUNCIL INITIATED ITEMS

No items had been scheduled.

ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 11:40 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes were approved as presented at the September 24, 2009 regular City Council meeting.