

Town of Los Altos Hills

City Council Regular Meeting Minutes

September 11, 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 7:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, 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, Public Safety Officer Steven Garcia, City Attorney Steve Mattas, City Clerk Karen Jost

Mayor Mordo asked those in attendance to join him in a moment of reflection to remember the victims of September 11th 2001.

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

APPOINTMENTS AND PRESENTATIONS

1. Tim Justus, Superintendent Los Altos School District and Erica Gilbert, Principal, Gardner Bullis School

Superintendent Justus thanked the Council for the opportunity to introduce Gardner Bullis Principal Erica Gilbert to the Los Altos Hills community. Justus extended an invitation to the Council to the Grand Opening of Bullis School scheduled for September 25th. Justus expressed his pride in the District's efforts to bring the project in on-time and on-budget and noted that the campus would offer the Los Altos Hills residents another excellent educational choice for elementary school.

Justus thanked the Council for their voice and expression of the importance of a neighborhood school and its role in the community as a social gathering place for families. Additionally, he wanted to thank the Town for addressing safety issues with respect to signage and street improvements near the campus.

Justus recognized the co-operation of the Palo Alto Unified School District in supporting Inter-District transfers that made it easier for Town residents in the PAUSD to attend Gardner Bullis.

Superintendent Justus introduced Principal Gilbert. He summarized her recent experience at Sunnyvale's Blue Ribbon School-Cherry Chase Elementary.

Ms. Gilbert thanked the Council. She spoke of her great staff and their excitement to be working at Gardner Bullis. Gilbert noted that her mission was to create an environment at the campus that would allow the students to grow both educationally and socially and added that community support was a critical component for success.

Gilbert thanked the Council for consideration of the teachers' wish list and their recent donation that had been used for furnishings for the multi-purpose room.

Gilbert introduced staff member Sara Wiacek. Ms. Wiacek commented that she and the Gardner Bullis teachers were very enthusiastic to be teaching in the Los Altos Hills community and were looking forward to the school year.

Mayor Mordo spoke to his recent visit to the new campus. He was impressed by the staff and level of energy at the campus. He was confident the new Gardner Bullis would rise to the level of excellence of the former Bullis-Purissima and be known as an excellent school.

Mordo acknowledged Council's efforts to return a public school to Los Altos Hills and hoped that the frictions that had developed during that time could be put to rest and everyone move forward. He commented on Council's previous funding to Bullis and Bullis Charter School of approximately \$13,000 each. At that time, Council determined it would be appropriate to revisit the discussion after Gardner Bullis opened and the teachers had an opportunity to assess their needs. Agenda Item 1B had been placed on the agenda following an informal discussion at the last Council meeting to address the Unfinished Business, however, Mordo suggested that there were several underlying issues that he believed needed to be resolved before he would be comfortable considering the additional funding. He reiterated that he and the Council were thrilled to have the re-opened campus in Town.

Council requested an update on the District's plans for the Bullis playing fields. Gilbert explained that the students were currently using the blacktop area for recess play time. In response to an earlier question regarding student population, Gilbert reported that the school enrollment was 203 students of which 97 were from Los Altos Hills and 7 of those were from the Palo Alto Unified School District. Justus offered that the grass fields were in poor condition and only supervised play was permitted in that area. They were in the process of securing bids for improvements. Justus reviewed the District's plans which were currently under review by the LASD Board for a possible parcel tax and bond measure in the future and the proposed projects for Phase II funding.

Councilmember Jones acknowledged that it was great to hear the enthusiasm from students and teachers for the Gardner Bullis School. He noted that he had been very vocal in his opposition to the closure of Bullis and commended the school district for their efforts to re-open the school which he considered a vital resource for residents of the Town.

1A. *Michelle Galbraith and Susan Stark, Gardner Bullis PTA*

Principal Gilbert introduced Michelle Galbraith and Susan Stark, Co-Presidents of the Gardner Bullis PTA. Galbraith and Stark extended an invitation to the Council and audience to the School's Grand Opening and presented Council with T-shirts with their new Grizzly logo. They spoke to the volunteer commitment of the school's community parents and the excitement surrounding the new public school in Los Altos Hills. They thanked the Council for their recent donation and hoped they would consider the teachers' wish list, noting that because they are a new school they are faced with a very lean budget but were working on fundraising efforts.

1B Consideration and Action Regarding Funding Request from Gardner Bullis School

Mayor Mordo acknowledged that the "wish list" funding request from Gardner Bullis that was on the agenda had been developed at the request of Council. Councilmember Jones noted that he had brought forward the initial initiative of funding to Council in March for the new Gardner Bullis school. It had resulted in matching donations to Gardner Bullis and Bullis Charter School. At that time, Councilmember Kerr had suggested that the Council revisit the issue after the campus opening to see what the teachers and principal identified as their needs in the classrooms. Jones suggested that the Council's action at this time similarly reflect their earlier position of addressing educational needs and that similar to their previous action, matching funding be given to BCS.

Mayor Mordo commented that he had received numerous emails on the subject and many had stressed the equity of the grant to one school when the Town's students are served by numerous schools. He suggested that the public comments focus on this issue and not the items called out in the list.

OPENED PUBLIC COMMENT

Joan Mellea, resident, thanked the Council for the opportunity to voice her concerns regarding the funding request from Gardner Bullis. She offered that Los Altos Hills residents already paid an extraordinary amount of taxes to the School District through property taxes and she opposed any additional taxpayer funds being given to the school. Mellea suggested that tax dollars should be used for infrastructure and recreational projects that would benefit all of the Town's residents.

Courtenay Corrigan, resident, commented that she was very pleased to have Gardner Bullis as her neighbor and welcomed them into the neighborhood. Corrigan commented that she understood that the new school had certain needs, but noted that the Bullis Charter School also had needs that had not been met by the District. Corrigan suggested that if there was to be any funding, there be equity in the distribution on a per student basis to all schools with Los Altos Hills students enrolled.

Jim Abraham, resident, referenced the Town's Public Education Committee's report that had identified the distribution of property tax dollars: 5% went to the Town and 40% to education; and the allocation to education did not include the parcel tax. Abraham added that the Los Altos Education Foundation receives substantial contributions from Los Altos Hills residents. He suggested that too much of the tax revenue was already going

into education and would prefer to see more funding for parks, undergrounding of utilities and sewers. In conclusion, he believed it was inappropriate to use the money from the General Fund for the request.

Resident, concurred with the previous speakers. She voiced her opposition to using taxpayers' money for the schools and believed that any excess funds the Town might have should be directed to infrastructure projects. She suggested that if any funds were to be allocated for education, it should follow the Los Altos Hills child to which ever school they attended.

Alexander Atkins, resident, reminded the audience that there were two Los Altos Hills schools, Gardner Bullis and Bullis Charter School and noted that taxes that went to the Los Altos School District did not go to BCS. He offered that the District had repeatedly ignored the existence of BCS and if the Council were to approve any funding, both schools should be the recipients.

Toni Casey, resident, commented as a follow-up to the previous speaker, that there were additional schools besides Gardner Bullis and Bullis Charter School that served Los Altos Hills students. They included Covington, Egan, Loyola, Blach, Nixon and Terman. Casey noted that these were just the K-8 schools.

David Pefley, Los Altos School District Board member, resident, commented that he was very pleased to be a member of the board that had returned a neighborhood school to Los Altos Hills. In response to public comments, he noted that the District had given more classrooms to the Charter School this year than requested. Pefley acknowledged that he was honored to have Principal Erica Gilbert and her staff on board at the re-opened campus. He thanked Superintendent Justus for his guidance in refinancing the bonds in January that helped to fund the renovation project.

Resident, Normandy Lane, stated that she was excited about the re-opening of a public school in Los Altos Hills and Council's offer of a donation. She believed this was a great gesture of support.

Resident, Torello Lane, commended the new Gardner Bullis principal on her enthusiasm, energy and commitment to education at the new school. However, as a taxpayer she suggested that if there was a LAH "educational agenda", the funding be allocated on an equitable basis to all the schools noted by Toni Casey that serve Los Altos Hills students.

John Radford, resident, clarified that he was speaking as a private citizen not as a member of the Standing Education Committee. He commented that it was unfortunate that the gift to the school was under discussion at a time when the re-opening of Bullis should be celebrated. Radford suggested that Council consider tabling the item and focus on recognizing the great opportunity before the Town with the re-opening of a neighborhood school.

Bart Carey, resident, member of the Standing Education Committee, offered that it was time to move beyond the old frictions between the District and BCS. Carey acknowledged that he had been a vocal critic of the District but wanted to give them credit for the re-opening of a neighborhood school in Los Altos Hills. He suggested that

the new school would serve as a vital resource for the Town and a wonderful community center and hoped everyone would embrace the achievement and join in the celebration. He suggested that it would be reasonable to defer the discussion of a gift to the school to a later date but added he hoped it could be viewed in the proper context, as a contribution to a grand re-opening of a community asset.

Shari Emling, resident, commented that her child had attended Bullis-Purissima and she did not currently have children at either BCS or GB. She favored funding that would follow the child to which ever school they attended and noted that BCS was only requesting equity. Emling added that she was happy to see the school re-opened.

CLOSED PUBLIC COMMENT

Council discussion ensued.

Councilmember Kerr noted that he was sorry to hear the strife that still existed between the District and Charter School, however, the discussion before Council was about celebrating the opening of a new school in Town. During Council's previous deliberations in March, Council had agreed to return to the issue when the school opened to hear directly from the teachers and principal on the needs of the school. Kerr noted that the Council had previously approved and moved forward with Town recreation projects that included \$2 million in funding for the Little League fields and new pathways and he believed it was appropriate to consider funding for Gardner Bullis, a neighborhood school that could and would serve as the sole community gathering place for residents within the Town's borders. Kerr suggested that there was a clear nexus for the one-time funding that would benefit residents and supported the request for an A-V system for the multi-purpose room that would be used by a wide variety of groups including the boy scouts, girl scouts, community groups and resident meetings. He noted that the amount was less than Council's recent grants to non-profits and reiterated that the funding was tied to the opening of the new neighborhood school.

Councilmember Jones re-stated that the re-opening of the neighborhood school in Los Altos Hills was a much anticipated event. He noted that he was troubled by the continuing lack of support for public education by the State and offered that many cities support their schools with funding. Jones concurred with the comments of Councilmember Kerr and the value of the meeting venue for the residents and Gardner Bullis as a community resource. He supported funding for the A-V system for the multi-purpose room.

Councilmember O'Malley thanked Superintendent Justus and Principal Gilbert for providing Council with the update on the re-opening of Bullis. O'Malley noted that five years ago he doubted that this would ever be a reality. He reiterated his position that he had taken in March that the schools received a substantial amount of funding from the State and the Town received far less. O'Malley noted that the area schools do very well with their funding and have received recognition as top schools. Residents look to the Town to maintain and improve the infrastructure and provide services. O'Malley wished them well on the school opening, but added that he could not support the donation.

Mayor Pro Tem Warshawsky thanked Los Altos School District Board Member Pefley, Superintendent Justus and Principal Gilbert for their progress reports. Warshawsky noted that he was very pleased to see the school return to Los Altos Hills. He explained that as a Councilmember, he has been faced with difficult decisions when requests are made that are worthy but he has to say no. Warshawsky noted that his vote was not personal but that he believed he had been elected to work on issues that affected the Town directly, and he would have to respectfully decline approval of the funding.

Mayor Mordo offered that there were several factors that contributed to him to moving the funding item forward to the evening's agenda. Mordo noted that many schools were faced with budget problems that had been created by the State's budgetary issues. The Town, however, was in a healthy financial situation with a balanced budget, money in reserves, and functioning well with a small efficient staff. Given the excitement of the re-opening of the school and the Town's financial background, Mordo believed it was appropriate to revisit the funding that had been discussed in March. He spoke to the numerous agencies and school districts that serve the Town and suggested that we are all one community and the school benefits the Town as a whole. Additionally, he believed there was a value in healing the relationship between the Town's residents and LASD. However, after bringing the issue forward, Mordo noted that as suggested by the comments at the meeting, many residents oppose the proposed funding, the most common argument being equity. He suggested that it might be appropriate to postpone the item and revisit the issue later, possibly with consideration of field renovation.

Councilmember Kerr suggested that the donation would directly benefit the teachers and students of the school and reiterated that he believed there was an appropriate nexus to use the funds for the multi-purpose A-V system that would benefit the broader community. Councilmember O'Malley offered that he did not believe it was appropriate to use Town funds for the school.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and failed by the following voice vote to approve funding for "Item D-Multi-Use Room Audio Visual and Sound System" in the amount of \$25,000.

Ayes: Kerr, Jones

Noes: Warshawsky, O'Malley

Abstain: Mordo

Absent: None

1C Standing Education Committee Update, Anne Marie Gallagher, Committee Chair

Standing Education Committee Chair Anne Marie Gallagher addressed Council and thanked them for their continued support of the Committee and educational issues. She congratulated LASD Board Member Pefley, Superintendent Justus, Principal Gilbert and the Gardner Bullis School community on the opening of the School.

Gallagher explained that at their last meeting, the Education Committee had developed a new mission statement for the Committee: "to preserve, support and promote public education opportunities for the residents of Los Altos Hills". A supporting list of updated goals had also been identified. Council had a copy of the goals before them at the dais.

Gallagher read the proposed goals for the benefit of the audience. In addition to the updated goals, the Committee sought Council approval to expand the membership by three. Gallagher advised that they would be actively recruiting new members.

In closing, Gallagher provided attendance information for Los Altos Hills students. Data: Elementary Schools: Bullis Charter School (120 students), Gardner Bullis (97), Loyola (53), Covington (24), Santa Rita (3), Oak (2), Almond (1); Middle Schools: Blach (97) and Egan (66). The Committee will continue to review attendance data and report to Council as directed.

Mayor Pro Tem Warshawsky, Education Committee member, thanked Gallagher for her presentation and her efforts as the newly elected committee chair. He thanked committee member Bart Carey for his stewardship and service the previous year as the committee's chair.

Council thanked the Committee and wished them well in their efforts.

Following a brief discussion, the City Clerk was directed to amend the Standing Committee Resolution to incorporate the proposed goals and mission statement of the Education Committee and return the revised Resolution to Council for their consideration at the next regularly scheduled meeting.

CONSENT CALENDAR

Item Removed: Agenda Items #6 (Toni Casey, Resident)

Mayor Pro Tem Warshawsky recused himself from consideration of Consent Calendar Items #5 and #6

MOTIONED SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to approve the remainder of the consent calendar (Mayor Pro Tem Warshawsky recused himself from consideration of Consent Calendar item #5); specifically:

2. Approval of Meeting Minutes: City Council Meeting – August 28, 2008
3. Review of Disbursements: August 1, 2008 – August 31, 2008 \$1,217,204.88
4. Acceptance of Grant of Pathway Easement; Lands of Padmanabhan, 13114 Maple Leaf Court (Staff: R. Chiu) Resolution No. 62-08
5. Approval of Agreement with the Westwind Riding Institute (WRI) for the Use of Public Facilities at the Westwind Community Barn Property-Resolution No. 63-08
7. Approval of Resolution Authorizing an Agreement with Metropolitan Planning Group for Consultant Services for the General Plan Housing Element Update (Staff: D. Pedro) Resolution No.64-08

Item Removed:

6. Approval of Agreement with Excursions Unlimited (Staff: N. Pegueros)

Toni Casey, resident, requested clarification on the item. Specifically, had the contract gone to bid; what was the fee charged for private riding lessons and was the Town receiving their share of the fees for the lessons; what was the fee paid by the Pony Club to Excursions Unlimited for advance training; and, what was the liability exposure to the Town and could they be sued in the event of a lawsuit brought against Excursions Unlimited. Casey noted that she understood the need for Excursions Unlimited to have liability insurance but questioned if the Town as the owners of the property could also be sued.

Finance Director Nick Pegueros responded that the contract had not gone out to bid.

City Manager Carl Cahill noted that the charge for a 45 minute private lessons was \$57 for residents and \$62 for non-residents; and, 30 minute private lessons were \$47 for residents and \$52 for non-residents. The Town was receiving \$7 and \$12 for private lessons. With regards to the non-program use of horses, the fee was \$5 per day per horse.

City Attorney Steve Mattas responded to the question of the Town's liability. He advised that the Town could be named in the event of a lawsuit, but noted that Excursions Unlimited had an indemnification clause provision in the agreement as well as insurance requirements.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve the agreement between the Town and Excursions Unlimited. (Mayor Pro Tem Warshawsky recused himself and did not participate in the vote.) Resolution No. 65-08

PRESENTATIONS FROM THE FLOOR

Toni Casey, resident, requested clarification from the City Attorney on an issue regarding public information. She questioned if a council candidate requested information from the Town was which of the candidates had made the request public information. Casey explained that the City Clerk had furnished information to all of the candidates after a request had been made without specifying which candidate had made the request. The City Attorney advised that it was public information.

Shari Emling, resident, thanked the Council for the new Moody Road pathway and the bicycle lane above Foothill College. She noted that the bicycle lane was not being utilized and offered several reasons. Emling suggested that better signage might improve usage.

Eric Ramberg, resident, commented that as a cyclist, he appreciated the comments of the previous speaker. With regards to the school funding issue, he suggested that the conflict between the parents of Garnder Bullis and the Charter school cease, noting that it was very time consuming.

Jim Abraham, resident, requested clarification on Agenda Item #12. He was advised by the Mayor that the item at the request of the residents of Chapparral Way was being continued to the October 23, 2008 meeting.

PUBLIC HEARINGS

8. Introduction of an Ordinance Amending Title 8, Building Regulations, of the Los Altos Hills Municipal Code to Add a New Chapter 8-1.3 on Green Building Regulations (New Residences and Public Facilities Only) CEQA REVIEW: Categorical exemption pursuant to Section 15308 of the CEQA Guidelines. (Staff: D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. She proceeded with a PowerPoint presentation that provided a detailed overview of the GreenPoint rating system and how it functioned. The program was described as comprehensive, flexible and user friendly with three prerequisites and four categories. It is complementary to the California Building Codes and PG&E's Energy Star program. The applicant must achieve at least 50 points on the GreenPoint checklist with on a third party verification (GreenPoint Rater) and receive GreenPoint Certification by Build It Green.

Categories for credit included energy, IAQ/Health, Resources, and Water. Pedro reviewed building options that could be used to achieve GreenPoints. They included: the use of engineered lumber for construction; water efficient landscaping, use of recycled materials; and, the installation of Energy Star appliances.

Projects that would be applicable to the new Green Building Ordinance included new town-owned public facilities of 1,000 square feet or greater and new residences. Public facilities would require LEED certification. New residences would have the option of being GreenPoint rated with a minimum of 50 points or "LEED for Homes" with a minimum requirement of 45 points. Pedro explained that the LEED certification was a national program with more stringent requirements and 18 prerequisites with 8 credit categories.

Pedro reviewed the proposed incentives for applicants receiving a higher point rating or for use of the voluntary program for remodels and additions. Proposed incentives included expedited permit processing and special recognition by the City.

Pedro reviewed the estimated cost to implement green building measures. She noted that construction costs varied according to the credit categories chosen by the builder but the estimate was an additional 1%-5% of the total cost of the construction. The expectation was that upfront costs could be recovered over the lifecycle of the building from lower energy and water bills. The GreenPoint Rater fees were negotiated between the homeowner and rater with the estimate range \$1,200-\$1,800 and a certification processing fee of \$400 per project.

The presentation included several slides of Los Altos Hills custom homes that were built by developers and being marketed as "Build It Green" residences. Pedro noted that she had received favorable comments from builders regarding the proposed ordinance.

In conclusion, Pedro provided a summary of Green Building Programs in neighboring cities and county. At this time, mandatory programs were in effect in Los Altos, Palo Alto, San Jose and San Mateo County with voluntary programs in Hillsborough, Los Gatos. Programs were underdevelopment in Atherton, Portola Valley and Woodside.

Pedro thanked the Standing Environmental Initiatives Committee for their assistance in the preparation of the proposed ordinance. She introduced Raj Reddy, EIC member who had a supplemental presentation on the proposed ordinance.

Mr. Reddy proceeded with a PowerPoint Presentation in support of the ordinance. He noted that approximately 20 Bay Area cities and counties have adopted Green Building ordinances. Reddy reviewed the positive reasons for adopting the "Green Building" program offering that in addition to the financial benefits to the homeowner, it would help to reduce the Town's overall carbon footprint and encourage neighboring cities to embrace the program.

Council thanked Pedro and Reddy for their informative presentations.

OPENED PUBLIC HEARING

Jay Shideler, resident, EIC Chair, supported adoption of the ordinance. He noted that it was not an arbitrary program yet was flexible and addressed sustainability. He believed it provided a good balance and the construction program would add value to homes.

Bob Sandor, resident, voiced his opposition to the proposed ordinance. Sandor commented that the new ordinance amounted to a social agenda being forced on residents. He suggested that the requirements were too arbitrary, with unknown costs and was concerned that they would be abused. He favored letting residents make their own decisions on how to save energy and reduce water usage.

Resident, Central Drive, commented that he remodeled his home approximately 12 years ago and would have appreciated having the checklist during construction. It would have been helpful in determining what products and methods to use. He did not believe the ordinance was onerous.

Resident, spoke to his support of the Green Building Initiative to reduce energy consumption but did not agree with the use of paid inspectors for the certification.

John Harpootlian, resident, spoke to the earlier energy ordinance that had been adopted by the City Council but had been put into effect. He supported the new proposed ordinance that would allow the applicant to be involved in their project and to consider the different energy saving alternatives.

Allan Epstein, resident, spoke in favor of a voluntary program rather than the mandatory program imposed by the ordinance. He noted that there was no real data on the potential costs of the program or the realized benefits. Epstein added that there were very few new homes built each year and opposed burdening them with mitigating greenhouse effects.

As an alternative, he suggested education and encouraging all homeowners to make energy improvements to their homes.

Richard Partridge, resident, supported the ordinance. He noted that the checklist was flexible and would be a beneficial tool during the construction of a new residence. Partridge did not support requirements for remodels or the proposed incentive plan offering that they were services that should be routinely provided by the Town.

CLOSED PUBLIC HEARING

Council discussion:

Councilmember O'Malley commented that he was a "green advocate" and understood the value of the proposed ordinance and starting the program now versus later. He did have some concerns with regards to the requirement of an outside auditor (GreenPoint Rater) for the program. O'Malley noted that he respected the opinion of the EIC and staff and could support their recommendation.

Mayor Pro Tem Warshawsky stated that he understood that the burden of the ordinance was on new home builders but he believed it was the best way to start the program and suggested that it was not too onerous. He added that he could support the Town paying for the inspectors during the first year of the program and then have Council revisit the ordinance and subsidy at the end of that time period.

Councilmember Kerr supported the ordinance. He offered that it was a standardized program and with recognized value. He did not support the Town paying the fees for the GreenPoint Raters. Kerr added that developers who often have no regard for energy efficiency or the carbon footprint of a home were responsible for most of the new homes construction in Los Altos Hills. The ordinance addressed that issue.

Councilmember Jones spoke in favor of the ordinance. He suggested that the proposal was a moderate tested program and a step in the right direction. He had built his new home with energy efficiency components; however, he now has to redo his landscaping to be more water efficient. Jones suggested that the checklist might have been a helpful tool during his design phase.

Mayor Mordo questioned if the State was currently working on similar requirements. Planning Director Pedro responded that the State Building Standards Commission had developed a set of voluntary Green Building guidelines. Currently, they were reviewing the option of mandatory guidelines by the year 2010. The program before Council was designed to be complementary to the State's guidelines.

Mordo stated that he believed the comments made by resident Allan Epstein were very good. However, to him the deciding factor to support the ordinance was the fact that many of the new homes in Los Altos Hills were built on "spec" and the developers were not going to live in them. The program would help to ensure the buyers had an energy efficient home. He encouraged the EIC to develop a set of guidelines to educate the community on low-cost ways to make their homes more energy efficient.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to waive reading and introduce the ordinance amending Title 8, Building Regulations of the Los Altos Hills Municipal Code to add a New Chapter 8-1.3 on Green Building Regulations (New Residences and Public Facilities Only).

Staff was directed to provide Council with a status report on the Green Building Ordinance after 12 months.

9. Approval of Appropriations for Citizens' Option for Public Safety Fund (COPS)
(Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. Council had before them a resolution approving appropriations for the Citizen's Option for Public Safety (COPS) Fund for the Fiscal Year 2008-2009.

Pegueros explained that California Government Code Section 30061 required the City Council to conduct a public hearing and appropriate COPS funding each year in which the funding was available. It was noted that the funding had been approved as part of the Operating and Capital Improvement Program Budgets for Fiscal Year 2009 by Council at their June 11, 2008 meeting.

OPENED PUBLIC HEARING

No public comments.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to adopt Resolution No. 66-08 approving the COPS appropriations.

UNFINISHED BUSINESS

10. Presentation by the Ad Hoc Infrastructure Committee – Sewer Expansion Report
(Councilmember Mike O'Malley)

Councilmember O'Malley introduced the item to Council and proceeded with a PowerPoint presentation that summarized the charter of the Committee and the process they had followed to develop their report. Committee members included: Councilmember O'Malley, and volunteer residents Lauren Angelo, Gloria Chen, Bob Johnson, Mark Kroot, and Mansour Moussavaian. The committee had met twice monthly for the past 18 months. The committee had surveyed 1650 residents not on sewer and received a 40% response rate to their questionnaire.

In February 2008, they had presented their initial findings that had been garnered from a survey of residents not currently served by sewers to Council. O'Malley summarized the findings. They included: 50% of the residents were on sewer with 50% on septic; most engineering professionals believe sewer systems are preferable to septic from an environmental standpoint; the SCC Health Department requires new residences and major additions to connect to a sewer system if there is an existing main within 200 feet;

septic systems fail with age and replacement can be problematic; and, some Los Altos Hills lots cannot be developed and some homes cannot be expanded without sewer hook-up due to insufficient land for current septic codes. Additionally, a review of sales data by a local realtor found that homes connected to sewers sold for significantly higher prices.

O'Malley explained that the main issue in connecting to sewers was the proximity of the lot to an existing sewer main. Survey respondents had indicated that even at a cost of \$40,000, they would be interested in connecting within the next 5 years.

O'Malley deferred to committee member Mark Kroot for the remainder of the presentation which summarized two high impact projects that had been identified by the committee as case studies. The projects included 1) Robleda: from Purissima to Orchard Hill Lane; and 2) Moody; extension from Tanglewood to Canyon Road.

The committee contacted residents that had expressed an interest in the 2007 sewer survey to see if they were willing to commit to signing letters of intent expressing their willingness to pay a sewer connection fee of up to \$25,000. Kroot reviewed the project summary with Council. 57 residences would be served by the Robleda project and, 13 letters of intent had been returned. The estimated cost of the proposed project was \$750,000 to \$1 million. The Moody Road project would serve 43 residences and 22 letters of intent had been returned. The estimated cost of the proposed project was \$1.4 million to \$1.85 million.

At the conclusion of their review, the Committee determined that even with strong interest in the areas of their case studies, project costs were too high to be financed by interested residents. Recommendations from the committee included: Town finance the extension of the sewer into neighborhoods with high interest; expectation was that the Town would be paid back over time as residents connect; interested residents in the areas would pay a higher connection fee with annual increases in the connection fee to offset the Town's interest rate; expectation that residents with failing septic systems or new construction would connect if a sewer was available; and, a new committee with finance involvement was needed to drive the process.

Mayor Mordo questioned if the committee had considered using Sewer Assessment Districts as a template for sewer expansion. He suggested that residents might be more supportive of a project when the costs could be paid over a longer period of time rather than up-fronting the project costs.

Councilmember O'Malley explained that the committee had focused on the projects with the highest level of interest to best evaluate if sewer projects could be done in an economical way without the Town's involvement. O'Malley offered that it would now be appropriate for the Town to review all the different options for expanding sewer and to bring the Finance and Investment Committee into the discussion. He believed that to move the process forward, it would take at a minimum, significant time and direction from the Town.

Council discussion ensued. Councilmember O'Malley and the committee were thanked for their very informative presentation and analysis on the feasibility of sewer expansion

in Los Altos Hills. There was a concurrence amongst Council that the next step was to move the issue forward for review by the Finance and Investment Committee in collaboration with the Ad-Hoc Infrastructure Committee.

11. Update on Town Goals

11A Presentation by Los Altos Hills Public Safety Officer Steve Garcia and LAHCFD Emergency Services Coordinator Mike Sanders

Public Safety Officer Steve Garcia introduced the item to Council. He summarized the Town's state of emergency preparedness and reviewed the staffs' role in a disaster. Currently, there are 51 trained Community Emergency Response Team (CERT) members in Los Altos Hills. The Emergency Communications Committee members account for 13 members and five have been trained to serve as Incident Commanders. Garcia reviewed the program requirements for CERT training. Each volunteer must complete the personal emergency preparedness class and twenty hours of CERT training. Once certified, the training is on-going. Garcia concluded his presentation by identifying the emergency preparedness goals for the future that included: recruitment of CERT members; ongoing training for the existing CERT members; and, enhanced Emergency Management Training for Town staff.

LAHCFD Emergency Services Coordinator Mike Sanders addressed Council. He provided an overview of the programs offered by the Los Altos Hills County Fire District for Town residents. The programs included free emergency training classes; weed abatement; brush chipping, dead pine tree removal; monthly yard waste drop-off service; upgrade to water lines throughout Town; and, brush patrol during the summer months.

Sanders thanked the Council for their support and commented that he was very appreciative of his working relationship with Safety Officer Garcia and the Town.

Council thanked Sanders and the District for their very proactive fire protection efforts.

12. Maintenance Responsibility for Chaparral Way – (Staff: R. Chiu)

At the request of the residents of Chaparral Way, the Agenda Item was continued to the October 23, 2008 City Council Meeting.

NEW BUSINESS

13. Town Public Safety Improvements, Gardner Bullis School (Staff: R. Chiu)

Agenda Item #13 was re-ordered and addressed immediately following Agenda Item 1C.

City Engineer Richard Chiu introduced the item to Council. He reviewed the proposed safety improvements for the Gardner Bullis School site area and the associated costs. Proposed safety improvements to facilitate pedestrian access to the school included: the installation of a pathway along Fremont from the school to the intersection at Miranda Road; and the installation of additional crosswalks at Miranda Road and Fremont Pines

Lane. Chiu noted that while surveying the site with school officials, there was some discussion regarding two large Eucalyptus trees on the school property immediately adjacent to the proposed new pathway. He recommended for safety reasons, the two trees be removed. Total cost of all components of the proposed work was approximately \$42,500. It was noted that if the Town were to approve the improvements, the District had plans for on-site improvements and would construct walkways to connect to the Town pathway.

Council discussion ensued.

Councilmember Jones requested clarification on the responsibility of the Eucalyptus trees. Chiu explained that they were on school property, however were adjacent to the roadway. Given that the school district was not required to come to the Town for permits, the Town did not have the ability to request the additional 10 feet of road right-of-way that would be the normally required of properties on the street.

Councilmember O'Malley questioned if the neighbors had received notification of the proposed projects and noted that project information had not been provided in the meeting packet.

City Manager Cahill explained that for roadway pathway projects, neighbors were not notified given that the construction was within the Town's right-of-way. The removal of the identified trees would facilitate the construction of the path and help to keep it clean. Cahill suggested that the Town could notify the neighbors prior to the construction and if there was a problem, they could work to resolve it.

Councilmember Kerr offered that the proposal was inline with the Town's current projects to provide safe paths and pedestrian access to the school.

O'Malley reiterated that he wished information had been provided to both the Council and neighbors prior to the meeting. He understood the value of the project but believed that notification would have been helpful.

Mayor Pro Tem Warshawsky requested clarification on the timing of the Council approval and if the decision could be postponed to the next meeting to garner neighborhood input. Chiu explained that the delay would have an impact on the contractor's timeline. The Town had a current project on Fremont Road. The proposed work could be added into the current contract and completed in a timely manner.

OPENED PUBLIC COMMENT

Superintendent Justus commented that he had met with City Engineer Chiu on the school site to discuss the project. He was in concurrence that there was a need for the new crosswalks and pedestrian pathway. Justus proposed that one additional crosswalk be considered across Fremont Road to connect with an existing path into campus.

City Engineer Chiu expressed his concern that the placement of a mid-block crosswalk on Fremont Road would encourage parents to drop-off students on the street. He noted that Fremont Road had not been designed to accommodate drop-offs and pick-ups. Chiu

hoped that the school would encourage parents to drop the students off on the campus grounds. He believed that at the conclusion of the onsite construction, parking and traffic control would be more manageable at the school.

Duffy Price, resident, spoke to her current concerns about the safety of children and parents crossing Fremont Road in front of the school mid-block.

Jim Abraham, resident, expressed his concern about the lack of notification of the project to the neighbors. He believed this was a huge issue.

Sue Sullivan, neighbor adjacent to project, addressed Council. She explained that she had not been notified of the proposed project and requested clarification and requested an opportunity to review the project.

City Engineer Chiu reviewed the description of the project which included the construction of a pathway with a curb adjacent to the road along Fremont and the installation of crosswalks. It was noted that a pathway currently existed along Fremont Road. The project was to be constructed within the Town's right-of-way.

Mayor Pro Tem Warshawsky suggested that the item be deferred to afford an opportunity to discuss the project with the neighbors. Councilmember Kerr offered as an alternative staff be given the authority to work with the neighbors and if there were no issues with the proposal to move forward otherwise to return the project to Council.

Ms. Jackson said she could work with the proposed review process, however, she would have preferred to have been notified in advance. She added that she was pleased to have the school re-opened and her initial impression of the project was that there were no outstanding issues.

Jill Jensen, resident, expressed her concern with the proposed removal of the Eucalyptus trees that are a source of food for bees. She suggested that trimming the trees would be a more appropriate mitigation. Jensen noted that the crossing at Fremont and Edith was very dangerous and encouraged a review of the intersection.

Sandy Humphries, resident, suggested that a crossing guard and temporary crosswalk be considered for Fremont Road across from the campus. She also spoke to her concerns with rolled curbs and the ability of young bicyclists using the route to school.

Tony Casey, resident, concurred with the Councilmembers that had suggested that the issue be postponed for notification of the neighbors. Casey noted that it was an unknown if the delay would increase the cost of the project. Deferring the issue to the next meeting would allow time to have the questions that have arisen during the discussion answered and the neighbors to provide input before the vote not after the vote.

CLOSED PUBLIC COMMENT

Council discussion:

Mayor Mordo advised that there were two issues before Council: 1) the Eucalyptus Trees; and, 2) the project's proposed safety improvements including the pathway and crosswalks with the direction to staff to consult with the neighbors and to return to Council if there were any substantive issues. An alternative was to defer the project to the next meeting.

Councilmember Jones stated he could support a motion to approve the recommendations of staff subject to notification of the neighbors prior to construction and for staff to use their judgment regarding to resolve concerns and to continue dialogue with the school on the mid-block crosswalk.

Councilmember Kerr noted that the method and level of traffic control varied from school to school. He noted that the Town was making a concerted effort to improve safety issues at the Gardner Bullis campus. He concurred with the comments of Councilmember Jones.

Councilmember O'Malley noted that he could support the options outlined by Jones and approve the safety proposals and following discussions with the district, return the issue of the Eucalyptus trees and mid-block crosswalk to a future meeting. He reiterated his disappointment that information had not been provided on the agenda item.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to 1) approve the recommendations of staff with the further study of the Eucalyptus Trees and the mid-block crosswalk; and 2) direction to staff to notify the neighbors prior to construction and to use their judgment as to whether there were legitimate objections to the project that required the project to be returned to Council.

COUNCIL RECESS: 9:15 P.M.

COUNCIL RECONVENED TO OPEN SESSION: 9:25 P.M.

PLANNING COMMISSION REPORT

Due to the late hour of the meeting, no report was given.

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

Due to the late hour of the meeting, no report was given.

COUNCIL INITIATED ITEMS

14. Discussion of Pool Size and Pool Cover Requirements – Councilmember O'Malley

Agenda Item continued to the October 9, 2008 City Council Meeting.

STAFF REPORTS

City Manager
City Attorney

City Clerk

No reports were given.

ADJOURNMENT

At the request of Mayor Mordo, the meeting was adjourned at 11:20 p.m. in memory of the victims of September 11, 2001

Respectfully submitted,

Karen Jost
City Clerk

Minutes of the September 11, 2008 City Council Regular Meeting were approved as presented at the October 9, 2008 City Council Regular Meeting.