

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, September 13, 2007
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Jones called the City Council Regular Meeting to order at 6:45 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Mayor Pro Tem Jean Mordo, Councilmember Breene Kerr, Councilmember Mike O'Malley, and Councilmember Dean Warshawsky (joined meeting at 7:05 p.m.-did not participate in Closed Session)

Absent: None

Staff: City Manager Carl Cahill, Interim City Engineer Cyrus Kianpour, Finance Director Nick Pegueros, Planning Director Debbie Pedro, Planning Consultant Leslie Hopper, Parks and Recreation Supervisor Eric Christensen, Public Safety Officer Steven Garcia, City Attorney Steve Mattas, and City Clerk Karen Jost

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

Council adjourned to Closed Session at 6:46 p.m.

CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Agency Negotiators: Craig Jones, Carl Cahill, Steve Mattas

Property: 27240 Altamont Road

Negotiating Parties: Town of Los Altos Hills, Friends of Westwind, E. Ruder

Under Negotiation: Terms of Lease

PUBLIC SESSION

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

Councilmember Warshawsky joined the meeting at 7:05 p.m.

Report out of Closed Session: City Attorney Mattas reported that Council had provided direction during the Closed Session. No final action was taken.

APPOINTMENTS AND PRESENTATIONS

1. Carl Guardino, President & CEO, Silicon Valley Leadership Group

Mr. Guardino was unable to attend the meeting due to a scheduling conflict. His presentation was continued to a future meeting.

2. Recognition of Bullis Charter School Students for their Volunteer Service to the Los Altos Hills Community – Earth Day 2007

Mayor Jones introduced Superintendent-Principal Wanny Hersey, Bullis Charter School. He thanked her for the School's volunteer service to the community and on behalf of the Council, presented her with a plaque acknowledging the students recent participation in the Town's Earth Day pathways beautification event.

Principal Hersey thanked the Council for their continuing support of the Charter School and introduced new staff member Marie Stuart, Assistant Superintendent-Assistant Principal.

Micah Richards, student representative, accepted the plaque on behalf of the School and commented that the students were appreciative of the opportunity to participate in the Earth Day event and pleased that they were doing something good for the environment.

3. Presentation of Certificates of Appreciation to Bill Downey and Bob Mabe – Los Altos Hills Annual Picnic Classic Car Show

Mayor Jones, on behalf of the City Council, presented Certificates of Appreciation to Bill Downey and Bob Mabe. Downey and Mabe had organized the Classic Car Show for the 2007 Town Picnic. Jones thanked them for their efforts on the well received new addition to the annual event and congratulated them on the successful venture.

CONSENT CALENDAR

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

4. Approval of Meeting Minutes: Special City Council Meeting – August 7, 2007
5. Review of Disbursements: 8/08/2007 – 8/31/2007 \$623,688.17
6. Award of Contract: Spray Dittrichia with Herbicide at Selected Roadside Locations in Los Altos Hills – Resolution No. 66-07
7. Approval of Sanitary Sewer Reimbursement Agreement between the Town of Los Altos Hills and Kelly & Christina Porter – Resolution No. 67-07
8. Acceptance of Open Space Easement Agreement – Lands of Ghosh, 12866 La Cresta Drive – Resolution No. 68-07

9. Approval of Council Letter in Support of Hetch-Hetchy Water System Improvements
10. Notification of Fast Track Approval – Lands of Raffetto:
14380 Manuella Road (File #87-07-ZP-SD); A Request for a Site Development Permit for a 1.070 square foot addition and Major interior remodel (maximum height 16') CEQA Review: Categorical Exemption per Section 15303(a)
11. Approval of Letter to State of California Department of Transportation Regarding Purissima Baseball Fields

PRESENTATIONS FROM THE FLOOR

Toni Casey, Ravensbury Avenue, requested Council consideration of having the meeting packet available electronically on the Town's website.

Council directed staff to investigate the request and report back on the procedure currently practiced for public disclosure of the City Council meeting reports/agenda packet.

PUBLIC HEARINGS

City Council Ex Parte Contacts Policy Disclosure – none

12. Request for Use of Amplified Sound for the Walkathon Fundraiser on Saturday, October 20, 2007 from 8:30AM- 4:30PM at the Los Altos Hills Town Parks and Recreation Facility (Little League Fields) 27500 Purissima Road – Bullis Charter School, Event Sponsor

Parks and Recreation Supervisor Eric Christensen introduced the item to Council. Council had before them a request from the Bullis Charter School to use outdoor amplified sound for their annual fundraising Walkathon at the Town's Little League fields. The event was scheduled for Saturday, October 20, 2007. Christensen explained that Little League's Conditional Use Permit required approval of such a request by the City Council at a publicly noticed hearing. Property owners within a 500 foot radius of the facility had been notified of the hearing.

OPENED PUBLIC HEARING

No public testimony.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the request by the Bullis Charter School to use amplified sound between the hours of 8:30 a.m. and 4:30 p.m. at the Little League fields for their fundraising event scheduled for October 20, 2007.

13. Consideration of Protests Against Annexation of Territory Designated as West Loyola, consisting of 65 parcels in 82.83 acres Unincorporated Residentially

Developed or Vacant Land generally bounded by West Loyola Drive, Berkshire Drive, Ravensbury Avenue.

City Council Ex Parte Contacts Policy Disclosure – none

Planning Director Debbie Pedro introduced the item to Council and provided an overview of the annexation process. On August 7, 2007, the City Council unanimously approved a resolution initiating the annexation of 65 unincorporated parcels in the West Loyola area and set a date of September 13, 2007 for protest hearings.

Pedro explained that because the annexation was not considered a 100% Consent annexation, the Town was required to schedule a protest hearing for the West Loyola annexation. She summarized the protest thresholds as defined by Government Code Section 57075 that were as follows: if less than 25% of the voters or 25% of the landowners owning less than 25% of the assessed land value submit a written protest, the annexation could be ordered without the need for an election. Prior to the meeting, the Town had received the following: eleven (11) valid voter protests in writing – 9.7% of registered voters; eleven (11) valid owner written protests of the one hundred twelve owners (112) – 9.82%; and, the assessed valuation of the protest properties was \$4,290,659 of the total assessed property value of \$89,786,539 – 7.78% of the assessed value. Pedro noted that at the conclusion of the public hearing, any written protests submitted during the public testimony would be tabulated and she would report out the final results.

Pedro advised the City Council that following a review of the resolution that had been provided to the Council in their meeting packet, counsel for the Local Agency Formation Commission of Santa Clara County (LAFCO) had suggested several minor amendments. The final revised resolution was before them on the dais.

OPENED PUBLIC HEARING

Rich Larson, Berkshire Road, W. Loyola area addressed Council and noted that he was joined by several of his neighbors at the night's meeting. He expressed their excitement in realizing their efforts to be annexed to the Town. Larson thanked the Council and staff for their support during the arduous and lengthy process.

CLOSED PUBLIC HEARING

No written protests were submitted to the Clerk during the Public Hearing.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to approve the revised resolution before Council with the insertion of the protest numbers as identified by the Planning Director in her report. Resolution No. 69-07 “ Making Determinations and Approving the Annexation of Territory Designated “West Loyola” Consisting of 65 Parcels in 82.83 Acres Located on the Southeast Boundary of Los Altos Hills.”

Mayor Jones offered that the City Council was looking forward to a speedy resolution to the annexation process by LAFCO and welcoming the residents of the West Loyola neighborhood to Los Altos Hills.

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

Leslie Hopper, Consultant Planner, introduced the item to Council. Before Council was a proposed six-lot (six) subdivision of approximately twelve (12) acres located at the intersection of Purissima Road and Elena Road. Deer Creek ran through the west portion of the property. Hooper proceeded with a PowerPoint presentation and reviewed an aerial vicinity map of the site and surrounding properties; the lift station for the La Cresta sewer project approved in 2005 and currently under construction; the maintenance road and bridge that would serve the sewer line; layout of the proposed subdivision and the six parcels; public road that served parcels 1-4 and the easement that would serve parcels 5 and 6; and the proposed pathway that had been recommended by the Pathways Committee and was consistent with the Path Master Plan.

Hopper noted that the property was currently owned by Mad Manor II, LLC. Mad Manor was a family “name” and the name of the property and owner’s residence located on parcel 1. Mad Manor was also the name of the owner, Ruth Morrison’s business entity. Morrison had requested that the public road be named Mad Manor Way. Hopper advised Council that there had been discussion of the name during the Planning Commission’s review of the project and the Commission had recommended that the road be named “Mad Manor Way” according to the wishes of the owner.

Hopper reviewed the proposed open space easement on the property along Deer Creek. The standard easement on a property would be located twenty-five (25) feet from the top of the creek bank. The Open Space Committee had recommended an expanded easement to include the drip line of four heritage oaks on parcel 2. The illustrations of the two open space easements were displayed on a slide exhibit of the site plan for Council. Following discussion of the easement requirement at the Commission’s hearing, they had concurred with the owner’s request and were recommending that the western boundary of the open space easement on Parcel 2 be twenty five (25) feet from the top of the bank rather than the dripline of the heritage oaks as recommended by the Open Space Committee. The heritage oaks were located on a flat area of the parcel. The lot, as proposed, was constrained. She reviewed the conceptual footprint of the house.

In response to a question from Councilmember O’Malley regarding the alternative open space easement that included the dripline of the trees, Hopper explained that it had been drawn conceptually using an aerial of the site.

Hopper advised Council that staff had prepared an initial study for the project. Based on the study, staff was recommending that a negative declaration be determined and mitigation measures be adopted. The Planning Commission had recommended Council approval of the Initial Study and adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program; and, approval of the Tentative Map for the six-lot subdivision as shown. The Commission’s vote on the overall project was unanimous with a 3-0 vote with two Planning Commissioners absent. Hopper noted that the

Commission had voted on specific issues relative to the project prior to the final vote for the Tentative Map. The vote on the open space easement recommendation was 2-1-2 with Commissioner Harpootlian casting the negative vote (Collins and Cottrell - absent).

Council discussed the project with staff.

Councilmember Kerr explain his view of a subdivision project was different than the development of a single home noting that there were certain profits to be realized from the venture. He questioned if the applicant had been required to dedicate any park land, public space or recreation amenities. Hopper responded that the applicant would be required to contribute to the Parks and Recreation in lieu fund with a fee assessed per parcel. City Manager Cahill added that the donation of land was not typically required for a subdivision of this size. If required, the parcel size would have been 5,000 square feet which was not compatible to the proposed neighborhood. Kerr commented that he believed the oaks on the property were of value and would provide an ideal area for a park.

Mayor Pro Tem Mordo requested clarification on the open space easement surrounding the oaks on the Tentative Map that was being considered by Council. Planning Director Pedro responded that it was the standard 25 foot easement requirement. The heritage oaks on the property were protected by the Town's Heritage Oak Tree Ordinance and any proposed development on the trees driplines would require an arborist report to evaluate the proposal and ensure that the trees would not be damaged.

Councilmember Warshawsky questioned the responsibility of the Town regarding the public road that would serve the property. Staff explained that the Town would be responsible for the maintenance of the road and had the right to name the public road.

Councilmember O'Malley requested that the bridge on the site that was currently under construction be properly inspected. He did not want a reoccurrence of problems that the Town had incurred on a previous bridge project. O'Malley commented that he supported the protection of the heritage oaks but questioned if there was any way to compensate the developer for the proposed increased easement, noting that they were located in a predominately flat area not on steep slopes.

City Manager Cahill commented that one concern that had been expressed on the broader easement was that a tree was a living thing with a limited life span and if it died naturally the land was encumbered with the easement that ran in perpetuity. Cahill added that under the open space statue, the easement could be conditioned that if the trees died, the easement could be lifted.

OPENED PUBLIC HEARING

Planning Commissioner Ray Collins spoke to the vote of the Planning Commission and their recommendations on the project. She offered that she joined the meeting after the discussion of the item and had not voted. Collins would have voted no on the easement as drawn and would have supported the Open Space Committees recommendation. She sited her reasons: 1) The identified oak trees were an important part of the creek habitat and provided a seamless extension of food and shelter for wildlife while stabilizing the

creek; and, 2) The Open Space Easement offered better protection than the Heritage Oak Ordinance.

Collins added that she supported the subdivision with this noted exception.

Nancy Couperus, Open Space Committee member, commented that the Open Space Committee and Environmental Design and Protection Committee were recommending that the identified oaks be placed in the Open Space Easement for ecological reasons. The trees helped to stabilize the creek bank and prevent erosion. She cited problems that were created when development was allowed close to the creek banks. Couperus offered that there was a precedent for the Town requiring the expanded easement and referenced the Garey subdivision. She distributed a map to Council that showed the additional easement placed on the subdivision for a grove of oak trees.

Sandy Humphries, Environmental Design and Protection Committee, stated that she supported the open space easement that included the dripline for the heritage oaks and noted the importance of the trees to the ecosystem of the creek. She suggested that the Planning Commission had not approved the broader easement because they had concluded that there was no precedent but as noted by Couperus, the Town had made a similar requirement on an earlier subdivision. Humphries did not believe the Heritage Oak Ordinance provided adequate protection for the trees.

Dot Schreiner, resident, explained that as a member of the Ad Hoc General Plan Update Committee she has become aware of the importance of providing safe routes by either fire roads or pathways when there was only one viable entrance or exit road to the subdivision. She suggested this was the appropriate time to require additional pathway easements for an alternate route.

Ruth Morrison, applicant, addressed Council. Ms. Morrison advised Council that she was seeking approval of the subdivision due to the inheritance laws that made it almost impossible to keep her homestead in the family. This had been a very difficult decision. She had owned her property for fifty eight (58) years and stated that she had been a good tenant of the land and an active environmentalist that had conscientiously maintained and preserved her property. Morrison spoke to the strength she drew from nature and her beautiful site.

Morrison stated that she understood the value of the oaks on her property and their importance to the environment and had recently hired an arborist to prune the trees. She stated that she would place restrictions on her lots regarding the trees.

Morrison explained that she had lost approximately eight oaks on her property and suggested that they had been damaged/killed by runoff from Interstate 280. Morrison requested that the Town assist her in having the drainage issue resolved, noting that it had been a long term problem that she believed the Town was aware of but had not corrected because of the associated costs. She had a binder of pictures and documents to support her comments and offered to share them with the Council.

Morrison added that she had agreed to bring sewer to the subdivision at a major expense and would be expediting the process. She expected to begin the sewer project prior to October 16, 2007.

Peter Kline, counsel for the applicant, proposed that Conditions of Approval 5 and 6 be modified to include direction to the City Engineer to consider the drainage issues from off-site sources and that CalTrans be included in the mitigation measures as determined by the City Engineer.

Ginger Summit, Pathways Committee Chair, thanked Ms. Morrison for providing the pathway easement. The new easement would provide a connector between La Cresta and Purissima. Summit explained that for safety there were many agreements between neighbors for escape routes.

Toni Casey, Ravensbury Avenue, spoke in favor of the subdivision as approved by the Planning Commission and suggested that the Heritage Oak Tree Ordinance that had been written by her and Bill Siegel during their tenure on the City Council provided adequate protection for the trees. Casey reminded the Council that during the site development review process for approval of the homes on the lots, there would be an additional opportunity for Council to review and approve the development.

CLOSED PUBLIC HEARING

Mayor Jones requested clarification on the comments made by the applicant's counsel regarding the offsite drainage and inclusion of the item in a condition of approval. City Engineer Cyrus Kianpour explained that when the Town performs the hydraulic analysis of the project, the volume of runoff from Interstate 280 would be considered. He noted that the Town was monitoring the current improvements being made on Interstate 280 and the impact of drainage. Kianpour added that the volume of water runoff at the site was regulated by the existing outfall. The issue that would be investigated was "duration" or the amount of time it takes for the runoff to reach the site. He noted that if that had changed, the Town would work with CalTrans. Kianpour explained that the peak volume of water that flows to the site was regulated by the existing pipeline and that particular pipeline was not being increased in size.

Mayor Jones proposed that to facilitate discussion of the application, Council comments be organized into the following topics: 1) the general subdivision; 2) Parcel 2 and the heritage oak trees; 3) name of the public street; and 4) other issues. Council concurred.

- 1) Subdivision – no comments
- 2) Parcel 2 and the heritage oak trees

Councilmember O'Malley commented that he did have concerns about the lack of an open space easement that would protect the oak trees but noted that the circle that protected the dripline of the trees was very intrusive into the building area. As an alternative, he proposed Council consideration of a redrawn circle that protected three trees and not the outlying tree. The reduced circle would permit more building space and

a better building footprint and would protect the other three trees. The remaining tree would be protected by the Heritage Oak Tree Ordinance.

Councilmember Kerr supported the recommendation of the Open Space Committee to include the dripline of the oaks in an open space easement. He acknowledged that he had been elected to preserve the rural nature and ambiance of the Town and believed future residents of the proposed subdivision thank the City Council for protecting the beautiful strand of oaks. Kerr noted that the applicant had not been required to donate park land and felt it was very important to ensure that the riparian area, creek and trees were protected. He commented that a constrained lot still had a monetary value.

Councilmember Warshawsky requested clarification on the provision regarding arborist requirements specified in the Heritage Oak Tree Ordinance. It was noted that an arborist would have to review any proposed building development in the trees' dripline.

Mayor Pro Tem Mordo noted that there would have been little discussion of including the oaks in an open space easement if they were located on a slope but given that they were located in a flat area, the most desirable building area of the parcel, he understood the extended discussion. He questioned if any consideration had been given to locating the forty (40) foot setback to face "Mad Manor" Road. Mordo offered that he understood that the house footprint was conceptual but that his suggested modification would provide ten additional feet and the lot would be less constrained. He concurred that there was more protection for the trees if they were placed in an open space easement but alternatively, he believed that any prospective owner of the property would understand the inherent value the trees added to the property.

3. Name of Street

Mayor Jones explained that it was within the power of the City Council to name public streets. He voiced his support for leaving the name of the street open during the Tentative Map approval and approving the name during the Final Map review and approval. The City Attorney advised that naming the street was the discretion of the Council and calling it street "A" at this time would provide time to review options.

Mayor Pro Tem Mordo concurred with Jones. He suggested that the Standing Historical Committee review possible names that were consistent with the history of the Town.

Councilmember Warshawsky commented that he understood the applicant's interest in naming the street; however, as a public road it was important for the name to be reflective of the Town.

4. Other Issues – none

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed by the following roll call vote to adopt the Mitigated Negative Declaration and Mitigated Monitoring Program and approve the proposed Tentative map subject to the Conditions of Approval in Attachment 1 with the following amendments: the western boundary of the open space easement area on parcel 2 shall be expanded to include the area within the dripline of the heritage oak trees on the west side of Deer Creek; and, the

public road shall be designated as Street “A” with the name to be determined at the time of approval of the Final Map.

Councilmember O’Malley commented that he was not comfortable with the expanded open space easement and could not support the motion.

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

15. Approve a Resolution Adopting the Operating Budget for the Citizen’s Option for Public Safety Fund for Fiscal Year 2006-2007 as required by California Government Code Section 30061

Finance Director Nick Pegueros introduced the item to Council. The public hearing to approve the appropriations for the Citizens’ Option for Public Safety (COPS) Fund for the fiscal year 2007-2008 had been scheduled pursuant to Government Code Section 30061. The adopted budget for 2007-08 totaled \$140,268.

OPENED PUBLIC HEARING

No public testimony.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to adopt Resolution No. 70-07 “Approving the Operating Budget for the Citizens’ Option for Public Safety Fund for Fiscal Year 2007-2008”.

PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission at their last meeting had reviewed and recommended for approval two Conditional Use Permits for cell facilities at Foothill College. Both applications would be scheduled for Public Hearings at the October 11, 2007 City Council meeting. The Commission had also completed review of the Development Area Policy amendments and their recommendations would also be scheduled for the October 11, 2007 City Council meeting.

UNFINISHED BUSINESS TOWN GOALS (16A-16F)

- 16A. Significantly Enhance Resident Access to Recreational Facilities

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

Mayor Jones noted that the focus of the September 27, 2007 City Council Strategic Goal Setting Session (Strategic Planning) would be recreational options for the Town.

16B. Return Public Elementary School Education to Los Altos Hills

Mayor Jones reported that he had met with the new Superintendent of the Palo Alto Unified School District. Jones added that the Superintendent was aware that Los Altos Hills residents were a part of his constituency and the importance of the MOU between the districts that allowed PAUSD students to attend the new Bullis-Purissima school without reapplying annually. The Superintendent also was aware that certain defects existed in the agreement that needed to be corrected. During their discussion, Jones had suggested to the Superintendent that the fees being charged Town residents for busing students to school were not equitable given that the school on Fremont Road had been closed by the District.

Jones commented that new Superintendents at both districts had afforded an opportunity for the Town's educational needs to be met. The Standing Education Committee was closely monitoring issues and developments in both districts.

16C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that the Town's sewer consultant had made a presentation to the Ad Hoc Infrastructure Committee at their last meeting. Several roads had been identified as possible main trunks for the potential sewer expansion.

The sewer survey had been mailed to 1,647 residents and property owners in the urban service area that were still on septic. Responses were requested by September 28. The Ad Hoc Committee will process the comments and return their findings to Council for discussion at a future meeting.

16D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

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

Mayor Jones reported that the Ad Hoc Committee on Park and Recreation Facilities and Investments has recommended that pathways be considered as a segment in the overall recreation budget.

Councilmember Kerr spoke to the current pathway project by Foothill College. He offered that the Town might have to revisit the project to consider landscaping along the riparian corridor. Kerr advised Council that he had requested staff to investigate

potential costs associated with the landscaping and their findings would be brought back to Council for their consideration.

16E. Complete the Redrafting and Approval of the Town General Plan

Councilmember O'Malley reported that the Ad Hoc Committee had completed their review of the Safety Element and had begun their review of the Noise Element.

Planning Director Debbie Pedro reported that a consultant would be working on the Element to develop the required Noise Contour Map. He had begun his study and was currently collecting data. Six noise meters have been placed on the Town's busiest arterials for a 24 hour period to collect decibel readings.

16F. Complete the Undergrounding Pilot Project

Councilmember Warshawsky reported that following review of the Undergrounding Project construction bids, it had been determined that adequate Rule 20A funding was available to complete both pilot projects. Interim City Engineer Cyrus Kianpour noted that bids for the project had been lower than expected. Award of the contract for the project would be forwarded to Council for their approval either in late October or early November.

17. Award of Grants to Community Service Agencies

City Attorney Steve Mattas recommended that the City Council consider approving the funding in the similar manner that the awards were discussed during the review process. Councilmember Kerr would recuse himself from consideration of the grant to the Community Health Awareness Council (CHAC) and similiarly, Mayor Pro Tem Mordo would recuse himself from consideration of the grant to the American Red Cross.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to approve the grant of \$9,450.00 to the Community Health Awareness Council. Councilmember Kerr recused himself from consideration of this item and stepped down from the dais.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the grant of \$5,150.00 to the American Red Cross. Mayor Pro Tem Mordo recused himself from consideration of this item and stepped down from the dais.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the remainder of the grants to the Community Service Agencies as listed in Attachment 1 of the staff report.

18. Resolution of the City Council of the Town of Los Altos Establishing Priorities to be Considered for Expenditure of Funds Donated to the City from the Friends of Westwind Barn's Hoedown Action

Councilmember Warshawsky recused himself from discussion/consideration of this item and stepped down from the dais.

Finance Director Nick Pegueros introduced the item to Council. Before Council was a resolution establishing priorities for use of the proceeds from the Town sponsored Hoedown Auction and authorizing the City Manager to approve expenditures of the proceeds consistent with the identified priorities.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve resolution No. 72-07 “Establishing Priorities to be Considered for Expenditures of Donated Funds Received from the Town-Sponsored Friends of Westwind Barn’s Hoedown Auction.”

NEW BUSINESS

19. Adopt Statement of Intent to Abolish the Position of Associate Engineer per Section 9.4.1 of the Personnel Policy Manual and Reallocate Budgeted Resources to Contract Capital Improvement Program Consulting Services

Finance Director Nick Pegueros introduced the item to Council. Before Council was a recommendation from management to reorganize the engineering department. The reorganization would result in the elimination of the authorized position of Associate Engineer. The budgeted resources would be reallocated to contract consulting services for the Town’s Capital Improvement Program.

Council discussion ensued. Councilmember O’Malley stated he had discussed the recommendation with staff and supported the idea. He spoke to the need for expertise on the Town’s varied projects and suggested that this could best provided by consulting firms. Councilmember Kerr concurred and added that he supported the City Manager’s request.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed by a 4-0 voice vote (Councilmember Warshawsky absent) to approve Resolution No.71-07 “Adopting a Statement of Intent to Abolish the Funding for the Position of Associate Engineer.”

20. Removal of Hazardous Street Trees

Mayor Jones commented that the report before Council titled “Results from a Tree Survey within the Town of Los Altos Hills” was an annual report that had been prepared by consultant David Babby, Arbor Resources.

Public Safety Officer Steve Garcia introduced the item to Council. He explained that Council’s acceptance of the report prepared by the Town’s consulting arborist would allow staff to move forward on code enforcement of the trees that had been identified as

potentially hazardous. Pursuant to the Municipal Code, property owners would be required, at their expense, to either remove or trim the trees to remedy the hazardous condition depending on the recommendation of their personally retained arborist. Council had before them a copy of the letter and informational items that would be sent to property owners.

Garcia noted that a consultant would be hired to assist with code enforcement. Due to the public safety factor, Staff was proposing that funding for the consultant be paid with COPS monies.

Councilmember Kerr expressed his concern that a thirty day notice to abate the hazardous trees was too short and suggested as an alternative, sixty (60) days. The additional time would allow the City Council to hear any egregious issues.

Garcia explained that the thirty (30) day notice was key to the process due to the potential hazardous conditions presented by the trees. He preferred to have the authority to work with the residents on a case by case basis.

OPENED PUBLIC COMMENT

Colette Cranston, Fremont Road, stated twenty seven (27) trees, approximately 10% of the identified hazardous trees were on her property. She had not been notified that the report was on the agenda and was very concerned that a task as monumental as the trimming of eucalyptus trees eighty (80) to one hundred (100) feet tall would be very costly and could not be done in the allotted time. Cranston requested additional time to develop a course of action and to discuss various options. She suggested that she would like to consider the report in conjunction with the Eucalyptus Tree Ordinance and questioned if the Eucalyptus trees were so hazardous, why had the Town required the pathway to be constructed under the trees.

CLOSED PUBLIC COMMENT

Garcia clarified that the trees on the list had been determined to be hazardous to public safety based on public access and were located on pathways, public right-of-ways, or streets. Trees on private property were not included.

Councilmember O'Malley suggested that he would like to see some latitude in the abatement time frame for those property owners who were impacted similarly to the Cranstons by the reports.

City Attorney Steve Mattas advised Council that the Town had received notice of the dangerous condition via the arborists report and the Town should act to remedy the dangerous condition. He did not see a problem with the Public Safety Officer's suggested extension of time to work individually with residents on a case by case basis. He noted that the Town's basis for exposure to liability was based on the accuracy of the arborists report. If a resident questioned the conclusions of the report, they could bring forward information from their own arborists to be reviewed by the Town and Town's arborists and the issue could be revisited. City Manager Cahill added that the issue would be resolved administratively.

Council discussed the option of granting an additional thirty (30) days to residents with multiple trees requiring abatement. City Attorney Mattas advised that Council had the option to concede the additional time; however, with the extension they were balancing the additional time with risk and exposure. Council had received notice of the hazardous conditions via the report and to consider the modification to time was an assessment of the risk.

REOPENED PUBLIC COMMENT

Courtenay Corrigan, resident, questioned if the Town notified the homeowner that a dangerous situation existed but extended the abatement requirement by 60 days, did the Town incur a liability by encouraging the use of the pathways under the identified trees?

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to approve the recommendation of staff as presented in the staff report and to allow staff the flexibility, on a case by case basis, to extend the completion of the tree maintenance period to a maximum of 60 days. The extended time would permit a resident to provide a report from their arborists for staff's review if they had issue with the Town's report.

21. Request for Approval of Funds for a Town Sponsored Trail Riding Program for Adults

Councilmember Warshawsky recused himself from discussion of the item.

Parks and Recreation Supervisor Eric Christensen introduced the item to Council. Council had before them a request to use Town funds for payment of expenses associated with the board and care of one horse for a three month period for use in a trail riding program for adults.

The pilot Parks and Recreation program would be based out of Westwind Barn with the rides tentatively scheduled for September 22, 29 and October 6, 2007. Year 'Round Riding Program Instructor Jane Kawasaki would guide the initial series of rides. Each trail ride would be preceded by a training session.

Christensen noted that the proposal before Council was a pilot program and there was an expectation that it would be modified if it became a permanent program. In the future, he did not expect the care of the horses to be included in the program costs. Additionally, staff would solicit proposals from a vendor to see what alternative trail ride options were available.

Mayor Jones reviewed the fiscal impact of the pilot program. Approval of the recommendation would require funding of \$2,022.15.

Council discussion ensued. Councilmember O'Malley questioned the liability issue of the program and insurance. Christensen explained that the YRRP instructor would secure coverage and the Town would be insured by ABAG, their insurance provider.

OPENED PUBLIC COMMENT

Ginger Summit, Pathways Chair, commented that she was pleased to learn that equestrians would be using the Town's pathways. She questioned how many riders would be included in the rides.

Councilmember Kerr explained that the trail rides would be limited to four or five riders. At the conclusion of the pilot program, the Pathways Committee would have an option to comment on the program and the impact on the paths.

Toni Casey, Ravensbury Avenue, suggested that equestrian users of the pathways be encouraged to be good neighbors by cleaning up after their horses especially on road side paths that were frequently used by pedestrians.

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the request for Town funds for costs associated with the pilot trail riding program for adults.

22. Consideration of an Ordinance Repealing Title 5, Chapter 4 of the Municipal Code: "Pinball, Marble and Claw Machines"

Mayor Jones advised that a resident had brought the obsolete and outdated ordinance to his attention.

Planning Director Debbie Pedro explained that the ordinance before Council would repeal Title 5, Chapter 4 of the Los Altos Hills Municipal Code titled Pinball, Marble and Claw Machines. The original ordinance was approved by the City Council in 1956 and was applicable to commercial purposes. Staff recommended striking the entire chapter.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to waive reading and introduce the ordinance repealing Title 5, Chapter 4 of the Los Altos Municipal Code.

23. Consideration of Date for Annual Volunteer Recognition Dinner

Following a brief discussion, Council directed staff, depending on the availability of the facility, to schedule the event for November 16, 2007, with an alternative date of November 17, 2007.

24. Annual Solar Permit Report

Council had before them a report from Planning Director Debbie Pedro that tracked the implementation of Ordinance 446 (Development Area Exemption for ground mounted

solar panels) and Ordinance 500 (Development Area Bonus for roof mounted solar panels) between August 1, 2006 and August 31, 2007.

Pedro reviewed the number of building permits issued for solar/photovoltaic installations over the last seven year period (2001-2007) and noted the upward trend. In 2001, nine permits were issued compared to the 56 permits projected to be issued by the end of 2007.

Council thanked her for the report and acknowledged that the increase in permits was good news and reflective of the Town's efforts to encourage alternative energy sources.

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

Mayor Jones reported that he had meet with the Planning Commission and Standing Committee Chairs earlier in the day. Mayor Pro Tem Mordo had participated in the meeting as Chair of the Finance and Investment Committee and Westwind Community Barn. Jones noted that he believed it had served as a good communication tool to facilitate working with the volunteer committees and Planning Commission. He proposed that it be scheduled quarterly.

STAFF REPORTS

City Manager - none

City Attorney - none

City Clerk - none

COUNCIL INITIATED ITEMS

25. Consideration of New Ad-Hoc Committee to Study Sewer Rates –
Mayor Pro Tem Mordo

Mayor Pro Tem Mordo explained that he had proposed Council consideration of the item following interest expressed by a resident to review sewer rate issues. He suggested there were other residents who had expressed a similar interest. Mordo offered that the Town had hired a consultant to review the rates and he felt confident that none of the adopted or projected sewer increases would be used for sewer expansion but would be dedicated to sewer maintenance. However, he believed that a resident review would be of value and of minimal cost. He recommended that the Ad Hoc Committee's commitment be minimal, possibly for a two-three month period and then disbanded.

Mayor O'Malley suggested that the formation of the committee might be premature given that the Town had little data regarding the maintenance of the Los Altos Sewer Basin. The sewer agreement between the Town and City of Los Altos became effective this year and he suggested that the Town take data over the winter. O'Malley suggested that the Council revisit the formation of the Ad Hoc Committee in March of 2008.

Mayor Pro Tem Mordo offered that he did not want to wait too long and not have the appropriate time to study the issue before the Town would have to begin the process to

notify the County of any changes to the tax rolls. Mordo suggested that the Council revisit the item at the second meeting in February, 2008.

ADJOURNMENT

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

Respectfully submitted,

Karen Jost
City Clerk

The September 13, 2007 City Council meeting minutes were approved as presented at the October 11, 2007 regular City Council meeting.