

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

Thursday, September 16, 2010  
Council Chambers, 26379 Fremont Road

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

Mayor Kerr called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Rich Larsen, Councilmember Jean Mordo, Councilmember Ginger Summit and Councilmember Dean Warshawsky  
Absent: None  
Staff: City Manager Carl Cahill, Planning Director Debbie Pedro, Consulting Planner Cynthia Richardson, Parks and Recreation Supervisor Eric Christensen, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, City Attorney Steve Mattas, and City Clerk Karen Jost

### APPOINTMENTS AND PRESENTATIONS

#### 1. Presentation of Mayor's Earth Day Recognition Awards

Christopher Vargas, Los Altos Hills resident and chair of the Earth Day volunteer committee addressed Council. He introduced the recipients of the 2010 Earth Day Mayor's Awards. Gardner Bullis School was presented the "Mayor's Award for Innovation" and Bullis Charter School received the "Mayor's Award for Community Service". Recognition plaques were given to students from the respective schools by Mayor Kerr. In addition, the perpetual plaque that is displayed at Town Hall was updated with the names of the 2010 award winning schools.

Council thanked the students for their community efforts during the Earth Day program.

#### 2. Presentation to City Council of "One Hour Hikes in Los Altos Hills" by author and former Pathways Committee member Jim Bliss

Councilmember Ginger Summit introduced Jim Bliss, former Los Altos Hills resident, Standing Pathways Committee member and author of "One Hour Hikes in Los Altos Hills". Bliss presented the Council with a copy of his book and stated that he was gifting the Town with the copyrights and computer files for his illustrated "coffee table" book on hikes in Town. He requested that a non-liability clause for the author be included in any future printings of the book.

Council thanked him for his handsome and useful guide and directed the Pathways Committee to investigate a methodology for printing and sales of the book.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Summit and passed unanimously to accept the rights to “One Hour Hikes in Los Altos Hills”.

3. Appointment to the Los Altos Hills Youth Commission

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to appoint Megan Wu to the Los Altos Hills Youth Commission.

CONSENT CALENDAR

Items Removed: Agenda Items 12 and 13 (Warshawsky) Agenda Item 11 (City Clerk)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed unanimously to approve the remainder of the Consent Calendar; specifically:

4. Approval of Meeting Minutes: City Council Regular Meeting – July 15, 2010  
City Council Special Meeting – August 6, 2010
5. Review of Disbursements: July and August, 2010
6. Amendments to the Town’s personnel Rules and Regulations and Finance Manager Job Class Specifications Update (Staff: N. Pegueros) Resolution No. 42-10
7. Acceptance of Quarterly Investment Report for the Period ending June 30, 2010 (Staff: N. Pegueros)
8. Acceptance of Grant Open Space Easement: Lands of Doty, 14190 Amherst Court (File # 24-10-ZP-SD-GD) (Staff: D. Pedro) Resolution No. 43-10
9. Adoption of Ordinance 520: Amendment to Title 10, Chapter 2, Article 8 of the Los Altos Hills Municipal Code Establishing a Water Efficient Landscape Ordinance CEQA review: Categorical Exemption per 15307 and 15378(b)(2) (Staff: D. Pedro)  
Motion to Waive Further Reading                      Motion to Adopt the Ordinance
10. Approval of the Second Amendment to the Lease Agreement between the Town and Purissima Hills Water District (Staff: M. Bennett)
14. Approval of Request for Extension of the Expiration Date of a Site Development Permit for a New Residence; Lands of Margaretic; 26301 Camino Hermosa, File #258-08-ZP-SD-GD (Staff: D. Pedro)

Items Removed:

- 11 Approval of Resolution Amending the Appendix to Chapter Six of Title 2 of the Los Altos Hills Municipal Code “Designated Employees with Disclosure Obligations” (Staff: K. Jost)

The City Clerk summarized the Town’s obligation to review its conflict-of-interest code biennially and the proposed changes, including the addition of the following positions (new titles): Finance Manager, Associate Engineer, Senior Planner and Associate Planner. Several position deletions and title revisions were also being recommended. The items were all identified in the staff report before Council. During the review process, the City Attorney had advised that the governing ordinance be amended to allow future changes to the conflict-of-interest code to be facilitated by Council resolution. Staff recommended that the item return to Council at the next meeting to include consideration of the ordinance amendment.

PASSED BY CONSENSUS: To continue the item to the October 21, 2010 regular City Council meeting.

12. Approval of Briones Sanitary Sewer Force Main Extension Reimbursement Agreement between the Town of Los Altos Hills and Sissu, L.P. a California Limited Partnership, DuBose Montgomery, Jerry Schoening, Vasudev Bhandarkar, Lata Krishnan Shah and Eileen Ruder (Staff: R. Chiu) Resolution No. 44-10
13. Approval of Altamont Sanitary Sewer Force Main Extension Reimbursement Agreement between the Town of Los Altos Hills and DuBose Montgomery, Jerry Schoening, Vasudev Bhandarkar, Lata Krishnan Shah and Eileen Ruder (Staff: R. Chiu) Resolution No. 45-10

Councilmember Warshawsky recused himself from consideration of Agenda Items 12 and 13 due to a potential conflict of interest and stepped down from the dais.

Mayor Pro Tem Larsen requested clarification of the two items. The City Engineer explained that both items were sewer reimbursement agreements and initiated at the same time, however the initial investors were different.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to approve Resolution No. 44-10 (Briones Sanitary Sewer Force Main Extension Reimbursement Agreement) and Resolution 45-10 (Altamont Sanitary Sewer Force Main Extension Reimbursement Agreement).

#### PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Commissioner, Los Altos Hills County Fire District, addressed Council. In light of the recent fire and tragedy in San Bruno, he believed it was appropriate to update them on the District’s pro-active commitment to trimming Eucalyptus trees and removing dead pine trees in Los Altos Hills. The program is on-going and has been very successful.

Kathy Evans, resident, Co-Chair Community Relations Committee, thanked everyone for their help and participation in this year’s Annual Hoedown at Westwind Barn. The event had been well attended and deemed a success.

The City Council thanked her for all of her volunteer efforts on the community event. Councilmember Summit acknowledged the staff's efforts for the facility improvements and event. Summit took the opportunity to acknowledge the efforts of the Town's art curator Karen Druker for her tireless volunteer efforts for the artist reception events, donor wall and new tile bench for the Parks and Recreation building.

Abigail Ahrens, Los Altos, addressed the City Council. She spoke in support of affordable housing and suggested that the fees charged for connection of secondary dwelling sewers penalized the applicants and had a negative impact on affordable housing.

## PUBLIC HEARINGS

15. LANDS OF NICHOLSON: APN 336-42-021 (property location-end of Eastbrook Avenue) File # 96-04 TM-IS-ND-GD; Consideration of a Three Lot Subdivision of an existing 12.46 parcel; CEQA Review: Mitigated Negative Declaration (Staff: D. Pedro)

Consultant Planner Cynthia Richardson introduced the item to the Council. She provided an overview of the project. Pursuant to the Los Altos Hills Municipal Code, all Tentative Subdivision applications are reviewed by the City Council. The project was located at the end of Eastbrook Avenue and bounded by Interstate 280 to the North and Dawson Drive and Rebecca Lane to the South. The property consisted of 12.56 acres with a lot unit factor of 8.5. The proposed Tentative Map divided the property into three lots. All three parcels met the Town's requirements pursuant to the Municipal Code and the Subdivision Ordinance. Conceptual only building sites were reflected on the Tentative Map however; future property owners would be responsible for designing the individual homes for each site. An Initial Study had been prepared for the project and included mitigation measures for biological concerns, noise reduction issues and the handling of archeological remains.

Richardson proceeded with a PowerPoint presentation that included: an illustration of the proposed Tentative Map including neighbor properties; individual parcels (A-B-C) and their particulars including gross acreage, slope, LUF and MDA/MFA, open space and pathway easements; site photos of each parcel; and a photo of the view from the adjoining neighbor's property of parcel A.

The Planning Commission had reviewed the proposal at their August 5, 2010 meeting and determined that the project was consistent with the General Plan, Subdivision Ordinance and Zoning Regulations. They had voted unanimously (5-0) to recommend the City Council approve the proposed subdivision with some minor changes to the Tentative Map. The modifications were noted in the staff report before the Council.

Richardson noted that the subdivision would provide an important pathway connection from Eastbrook Avenue to El Monte Road with connections to Juan Prado Mesa Preserve. In addition to the Pathway Committee's requested trail links, the Commissioners had suggested a voluntary pathway easement be placed on Parcel B over the open space easement running along Hale Creek. The voluntary pathway would help to facilitate a future link to the Mary Stutz Path which then connects to the Juan Prado

Mesa Preserve. The applicant had concurred with the request and the Tentative Map before the Council reflected the request along with Condition of Approval #19.

Richardson advised the Council that staff had received two comment letters from property neighbors Janet and Donald Lull expressing their concerns regarding the potential impact of development on parcel A on their view. A photo taken from parcel C of their residence/property illustrating their view was included in the PowerPoint presentation.

Council requested additional information on the noise mitigation for the subdivision given the close proximity to Interstate 280. Richardson reviewed the conditions of approval pertinent to noise issues. Each parcel would have an agreement on the deed that required applications for site development (new residences) to have a site specific noise study and specific mitigation measures for that construction will be included in the architectural design and following completion of the project; the applicant would be required to complete a second study to ensure that the home meets the Town's noise regulations.

#### OPENED PUBLIC HEARING

Bob Dwyer, applicant's representative, addressed Council. He noted that the owner was aware and sensitive to the privacy and view concerns expressed by the neighbors. They had set up a strategy to mitigate the issues and have offered to introduce prospective buyers and architects to the neighbors to afford them an opportunity to be apprised of the issues. He noted that they had addressed the neighbors' construction concerns and there would be ample parking for construction vehicles. Dwyer spoke to the benefits that would be realized by the Town via the subdivision including: the new paths and connections; a new bridge over Hale Creek; and dedicated open space.

Donald Lull, Rebecca Lane, immediate neighbor to the subdivision, addressed the City Council. He offered that the development of the Nicholson property would have a major impact on his property and requested that the City Council deny the application for a subdivision. His letters to the Planning Commission and Council were included in the City Council packet.

Karen Emerzian, Dawson Drive, commented that when she purchased her property they had been told that the land under discussion would never be developed. She noted that Nicholson had stated that he would have future buyers of the lots meet with the neighbors but she believed this scenario was not guaranteed. Future buyers might not develop the lot and could sell the land without that caveat. Emerzian suggested that language be included in the deed that required any future developers of the lot to meet with the neighbors (Lull). She questioned if Lot C would be subject to the Dawson subdivision CC&R's.

City Attorney Mattas clarified that if Lots A-B-C- were not part of the original subdivision, they would not be subject to the CC&R's applicable to the original subdivision.

Janet Lull, Rebecca Lane, immediate neighbor to the subdivision, commented that she appreciated Nicholson's offer to have future buyers meet with them but requested additional restrictions be included in the Conditions of Approval. Lull asked that the future developments be excluded from participation in the Fast Track process for new residences.

## CLOSED PUBLIC HEARING

### Council Discussion

Council discussed the application. They appreciated the concerns expressed by the neighbors and offered that the appeal process set forth in the Town's Municipal Code protected the neighbors. It was noted that the applicant could have been more aggressive with development of the site and requested additional parcels.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Larsen and passed unanimously to adopt the Initial Study and Mitigated Negative Declaration along with the mitigation Monitoring Program (Attachment 3 of the subject staff report dated September 16, 2010) and approve the proposed Tentative Map subject to the findings and Conditions of Approval (Attachments 1 and 2 of the subject staff report dated September 16, 2010).

## UNFINISHED BUSINESS

### 16. Town Goals

- Environmental Leadership and Outstanding Recreational Facilities

No scheduled report. Mayor Kerr acknowledged the community benefits afforded by the recent improvements made at Westwind Barn and identified the Hoedown as an example.

### 17. Financial Support for Deer Hollow Farm Status Update (Staff: E. Christensen)

Parks and Recreation Supervisor Eric Christensen introduced the item to Council. He summarized the dialogue with the City of Mountain View that had occurred subsequent to Council's approval of a one-time contribution of \$10,000 for Deer Hollow Farm. The City had been unable to agree to the recommended conditions of the contribution that had been tendered by the Town but had responded to the Town's requests with several alternative offers including extending the resident fee to the Town residents for Deer Hollow Farm programs and designating camp and class spaces in Deer Hollow Farm programs.

Christensen reported that Mountain View had received multiple donation commitments in support of Deer Hollow Farm and the funding crisis that had precipitated the Council's action had been averted for the current fiscal year. Staff was recommending that the authorized expenditure be deferred and the situation be reassessed next fiscal year.

Council discussion ensued. It was clarified that Council's previous action consisted of two components: 1) a one-time contribution to the City of Mountain View for Deer Hollow Farm; and 2) the development of an annual program for future grant of an amount up to \$10,000 of matching contributions made by Town residents, with the grant made directly to the Friends of Deer Hollow Farm. Councilmember Mordo offered that

the \$10,000 contribution for this year had not been predicated on the Town receiving residential status in their recreation programs but was specific to Deer Hollow Farm. Council concurred that Deer Hollow Farm was a recreational asset for Town residents.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Larsen and passed by the following roll call vote to send the City of Mountain View \$10,000 allocated to Deer Hollow Farm and accept the conditions acknowledged by the City of Mountain View included in the staff memo dated September 16, 2010:

AYES: Mayor Kerr, Mayor Pro Tem Larsen Councilmember Mordo, and Councilmember Summit  
NOES: Councilmember Warshawsky  
ABSENT: None  
ABSTAIN: None

18. Natoma Road Sewer Project Status Report (Verbal Report) (Staff: R. Chiu)

City Engineer/Public Works Director Richard Chiu reported that the sewer installation had been completed. During the work, it had been determined that several areas would require a sub-drain system to ensure the integrity of the sewer and road. The expectation was to have this work completed within the next several weeks. Paving would not be scheduled until the project was finished, however, if needed, temporary paving would be used to protect the sewer/road from rain.

19. Westwind Community Barn Operations Update (Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. He summarized the recent improvement at the facility including the major seismic retrofit of the Barn and numerous enhancements and amenities to the riding facilities and paddock areas. Pegueros noted that the safety improvements had resulted in a reduction of the number of stalls available for boarding in the main barn; however, the paddock area had an increase in rentable/leasable space for boarding.

Pegueros reviewed the boarding revenue projections, current activity and estimated expenses. Based on a 90% occupancy rate, a boarding surplus approximately \$5,000 was projected. However, he suggested that for planning purposes Council consider a range of approximately \$4,000 deficit to a surplus of \$5,000.

Pegueros noted that there was a request before Council to market an intermediary option for boarding at the barn of leasing the improved 4-outdoor paddocks for full-time board at a monthly fee of \$550 each.

*Mayor Kerr recused himself from consideration of this discussion due to a potential conflict of interest and stepped down from the dais.*

Following a brief discussion, council determined that they would like additional information regarding maintenance and operation costs for the facility before making a determination on the boarding fees for the paddocks. Staff was directed to return to the

next regularly scheduled meeting with the requested information and to notice discussion of the rates on the meeting agenda.

### NEW BUSINESS

20. Receive Response to the Santa Clara County Civil Grand Jury Final Report and Consider New Policies to Control Personnel Costs (Staff: N. Pegueros)

By consensus of the City Council, the Agenda Item was continued to the October 21, 2010 regular City Council Meeting.

21. Consideration of Proposed Ordinance Amending Section 5-7.08 and Section 5-8.08 of the Los Altos Hills Municipal Code (Staff: K. Jost)

City Clerk Karen Jost introduced the item to Council. Council had before them an urgency ordinance that required a majority vote for approval. She summarized the need for the ordinance and the nexus that would permit the ordinance to be adopted in one reading. The draft ordinance would correct an error in the Municipal Code that occurred during the republication and replaced part of the Town's View Ordinance with language from another ordinance amendment.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Larsen and passed unanimously to waive further reading, introduce and adopt Ordinance 521 amending section 5-7.08 and section 5-8.08 of the Los Altos Hills Municipal Code.

22. Discussion of Sewer Connections for Secondary Dwellings (Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to Council. He provided an overview of the Town's current sewer connection fee policy for second dwelling units. A second unit on the same property is considered a separate single-family dwelling and an additional sewer connection fee is charged. Chiu noted that staff had received comments from residents opposing the connection fee.

Chiu summarized the Town's interest in providing incentives for preserving and building secondary units to increase the affordable housing inventory within the Town. Staff was before Council requesting consideration of a budget of \$75,000 per year to provide a \$5,000 incentive discount for the first 15 secondary units that connect to the sewer during that respective year.

Councilmember Mordo suggested that the Council consider waiving all fees for connecting a second unit to the sewer system. He believed that the fees were a disincentive to residents to build secondary dwellings and suggested that the units were part of the residence and within the MDA/MFA of the site. Mordo acknowledged that if the topography of the lot required a different connection to the main, a partial charge might be appropriate. Council consensus was to retain the sixty fixtures units as the benchmark for the site (single family residence) before a fee increase and to include the number of fixtures from both the main and secondary dwelling in the formula.

### OPENED PUBLIC COMMENT

Abby Ahrens, Los Altos, commented that she had just completed a construction project in Los Altos Hills with a 550 square foot guest house and had been charged the full connection fee for the second unit. She noted that only new secondary units could be counted towards ABAG's affordable housing numbers. She requested a refund of the fee. Her project had one lateral line to the main sewer.

Vic Riches, W. Loyola Drive, commented that he had a secondary home. His residence and second unit were currently using a septic system and offered that it would be very expensive for him to run two lines to the sewer main. It was clarified that he could have his main home connect to the sewer and leave his second unit on septic.

#### CLOSED PUBLIC COMMENT

Direction was given to staff to return to the Council at their next regularly scheduled meeting with a draft ordinance for Council consideration. Additionally, staff was directed to hold sewer connection fees for secondary dwellings as a deposit until a determination had been made by Council.

Annual use fees would be reviewed separately. The Finance and Investment Committee would be charged with reviewing the financial impact of reducing the annual fees for second units.

23. Discussion of MTC/VTA Vehicle Emissions Reduction Based at Schools (VERBS) Grant Program and Award of Contract for Consulting Services in an Amount Not – to-Exceed \$41,5000 to Prepare Preliminary Design Documents for Fremont Road Bike Lane – Arastradero Road to West Edith (Staff: R. Chiu)

Mayor Kerr introduced the item to the City Council. He noted that there was a competitive grant program from the VTA moving forward. Deadline for submission of applications for the 2011-2013 Vehicle Emissions Reductions Based at School (VERBS) program were due by October 4, 2010. The program focused on reducing greenhouse gases by promoting walking, biking, transit and carpooling to school. There was a \$500,000 project minimum. Recently, residents have expressed their concerns about safe bike routes in Town. The proposed area for a new bike lane included Fremont Road from Edith to Arastradero.

#### OPENED PUBLIC COMMENTS

Michelle Wu, resident, expressed her concern with the safety of crossing the street at the Arastradero and Fremont Road intersection. In addition to the hazardous intersection, she noted that the bike lane near the end of Fremont Road disappeared (is not defined) and requires the students riding bicycles to merge into automobile traffic. She requested that lines be added.

Gary Paxton, resident, commented that the intersection at Arastradero Road and Fremont Road is very congested and constrained and it was very difficult for student bicyclists to cross the road.

## CLOSED PUBLIC COMMENT

Councilmember Mordo requested clarification on the financial commitment of the Town for participation in the grant program. Finance Director Pegueros offered that the Town's estimated cost was \$150,000 for 2011-2012 and 2012-2013.

Mayor Kerr spoke to the importance of improving bicycle safety in Los Altos Hills and the advantage to all residents of installing a bike lane on Fremont Road.

**MOTION SECONDED AND CARRIED:** Moved by Larsen, seconded by Mordo and passed unanimously to adopt Resolution No. 46-10 approving award of a contract in an amount not-to-exceed \$41,500 for consulting services to prepare preliminary design documents for a Fremont Road bike lane.

## PLANNING COMMISSION REPORT

### 24. Verbal Report-Planning Commission Meeting September 2, 2010

Planning Director Pedro summarized the actions of the Planning Commission. The Fast Track ordinance amendments had been reviewed by the Commission and would be moving forward to Council at their next regularly scheduled meeting.

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

Councilmember Summit reported that the Cities Association was offering a grant of \$16,500 to Los Altos Hills to develop a non smoking initiative. The grant focused on youth smoking prevention. She suggested that the Los Altos Hills Youth Commission participate in the development of the program. Council concurred.

Councilmember Summit reported that the Cities Association was seeking support for a resolution in support of suicide awareness and prevention initiative.

## REPORTS

City Manager  
City Attorney  
City Clerk

- *No reports given.*

## COUNCIL INITIATED ITEMS

### 25. Discussion of ChargePoint Networked Charging Stations and Consideration of Request for Funding for Installation (Mayor Kerr and Mayor Pro Tem Larsen)

Mayor Kerr introduced the item to the City Council. He summarized the nationwide effort to encourage the reduction in greenhouse gases and the use of electric vehicles.

Currently, the Federal government has an incentive program in place to encourage the installation of charging stations for the electric vehicles. The Town has the opportunity to install three units at public sites: (2 at Town Hall, 1 at Purissima Park). The units were being provided at no cost; however, the Town would be obligated to pay for installation. Costs for the electricity could be recovered by fees for charging. 300 units were scheduled for installation in the Bay Area.

Staff estimated the costs associated with installation would be approximately \$6,000 with the Town using their own staff for trenching.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Larsen and passed unanimously to approve an amount not-to-exceed \$10,000 for the installation of three ChargePoint networked electric charging stations.

26. Consider Recommendations from the Open Space Committee to Protect Adobe Creek at Hidden Villa and Funding Request (Councilmember Mordo)

*By consensus of the Council, this item was considered out of agenda order.*

Roger Spreen, Chair Open Space Committee, addressed Council. He thanked them for the opportunity to comment on behalf of his committee on the Heifer proposal at Hidden Villa. Spreen clarified that his committee was not interested in commenting on the project but was primarily interested in the potential impacts that could be the result of the project's encroachment on Adobe Creek. They had brought this item to the attention of the Council after learning that the Santa Clara County might consider a reduction in their 150 foot setback to creeks with required mitigation measures. This information was available in the public project file at the County. He proceeded with a PowerPoint presentation "Protecting Adobe Creek Watershed". Spreen outlined the Committee's reasons for requesting the Town's involvement in the project at this time. The presentation included: a proposed site plan of the Heifer Global Village; summary of the H.T. Harvey (applicant's project consultant) report's deficiencies; and, a flood control zone map for the area.

Spreen summarized the committee's request to the Council. It included: 1) a Council memo to Santa Clara County identifying the committee's concerns; and, 2) Council's authorization to hire Live Oak consultants to provide an independent assessment of the project's impact on Adobe Creek.

Councilmember Warshawsky offered that the Town had participated in many open and successful face to face dialogues with Hidden Villa during the proposed annexation process and questioned if it would not be more appropriate to have that as a first step rather than the approach suggested by the committee.

#### OPENED PUBLIC COMMENT

Martin Neiman, Hidden Villa Board of Directors, spoke to the comments of the Committee. He offered that the Committee had not requested any information from Hidden Villa and noted that the project before the county was in a very fluid and preliminary stage. He offered that there were many inconsistencies in the Committee's

presentation. The Town and neighbors would have ample time to comment on the project. Neiman requested that the Council let the County process the application and wait to comment at the appropriate time on the final plan and submittals.

#### CLOSED PUBLIC COMMENT

Council discussion ensued. Councilmember Mordo questioned if the project was all within the 150 foot setback of the creek. Neiman offered that he was not prepared to answer that question at this time but that he did not believe as suggested by the committee, the Heifer project was located in its entirety within the 150 foot setback.

Planning Director Pedro advised Council that to date, the County had not received any official/formal use permit application for the project. An environmental review process would occur when it is filed and the Town would be afforded an opportunity to review and comment.

Councilmember Warshawsky noted that if the Town had annexed Hidden Villa, the project would now be under our control. However, it was now under the auspices of the County. Councilmember Mordo clarified that he supported Hidden Villa and Heifer, his primary concern was the proposal's potential impact on the creek. Councilmember Summit offered that she had walked the site at Hidden Villa and the deer fence was in place. The area under discussion was currently home to a farming/agricultural site with buildings in place near the creek. She suggested that the plan had been constantly changing as Hidden Villa and Heifer made compromises to address concerns. She concurred that it was important for the Council to be kept apprised of the project and that the wildlife corridor was important for the area. However, she supported affording the parties involved with the project the opportunity to finalize their proposal.

Council consensus was to send a letter to Santa Clara County under the Mayor's signature requesting that the Town be kept apprised of the project and have the appropriate time and opportunity to comment on the final project application and environmental report noting the Town's concerns. There was no support for engaging a private consultant at this time.

COUNCIL RECESSED: 9:50 PM

COUNCIL RECONVENED TO OPEN SESSION: 10:00 PM

#### ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 11:00 pm.

Respectfully submitted,

Karen Jost

City Clerk

The minutes of the September 16, 2010 regular City Council meeting were approved as presented at the October 21, 2010 regular City Council meeting.