

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

October 9, 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 7:00 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

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. Administration of Oath to Community Emergency Response Team (CERT) Volunteers

Public Safety Officer Steve Garcia introduced volunteers Dave Cannon and Dave Levernez. Cannon and Levernez had completed the required training to become certified CERT volunteers. The program included: fire safety, first aid, and search and rescue procedures. In the event of a major disaster, the volunteers would be called upon to assist staff in the emergency response.

The City Clerk administered the "Loyalty Oath" to Mr. Cannon and Mr. Levernez and thanked them for their volunteer commitment to the community.

2. Appointment to Standing Committees:

*Open Space Committee:*

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to appoint Sue Welch to the Standing Open Space Committee for a term of four years.

*Finance and Investment Committee:*

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to appoint Allan Epstein to the Finance and Investment Committee for a term of four years.

CONSENT CALENDAR

Item Removed: Agenda Items #5 (City Clerk)

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 and Councilmember Kerr recused themselves from consideration of Consent Calendar item #9); specifically:

3. Approval of Meeting Minutes: City Council Meeting – September 11, 2008
4. Adoption 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) Motion to Waive Further Reading and Adopt Ordinance #512
6. Notification of Fast Track Approval: Lands of Wood; 12400 Melody Lane, (File #111-08-ZP-SD-GD) A Request for a Site Development Permit for a 7,041 square foot Two Story New Residence (maximum height 24' 6") and the Removal of Heritage Oak Trees. CEQA Review: Categorical Exemption per Section 15303(a) (Staff: Nicole Horvitz)
7. Approval of Final Map and Subdivision Improvement Agreement: Lands of Agam, Gavra, and Cohen; 25706 Elena Road (File#148-07-IS-ND-TM-GD) (Staff: R. Chiu) Resolution No. 67-08
8. Acceptance of Dedication of Right of Way; Lands of Ahrens, 13841 Robleda Road (Staff: R. Chiu) Resolution No. 68-08
9. Resolution Setting November 13, 2008 at 7:00 P.M. as the Date and Time for Public Hearing Regarding Potential Sale of the Approximately 8,712 Square Foot Vacant Town-Owned Land Identified as APN. No 182-21-003. Resolution No. 69-08

Item Removed:

5. Approval of Amendments to the Resolution Establishing Standing Committees to Increase the Membership of the Finance and Investment Committee and Modify the Charter of the Education Committee (Staff: K. Jost)

Council had before them a staff report that identified the amendments to the Standing Finance and Investment Committee and Standing Education Committee. Jost explained that an additional amendment to increase the membership of the Education Committee had been requested by the Committee but had been omitted from the draft amended

resolution. The current committee membership was 7 and the Committee was seeking an increase of 3 members for a total membership of 10.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Warshawsky and passed unanimously to approve the amendments to the Resolution Establishing Standing Committees to Increase the Membership of the Finance and Investment Committee and Education Committee and Modify the Charter of the Education Committee. Resolution No. 70-08.

### PRESENTATIONS FROM THE FLOOR

#### *Status Report from GreenWaste Recovery, Inc.*

City Manager Cahill introduced the item. Finance Director Nick Pegueros has taken the lead for the Town in monitoring and responding to customer complaints and questions regarding the new garbage collection service that began on October 1, 2008. Cahill noted that the Town was not aware of anything that had occurred during the transition period that had not been anticipated.

Emily Hanson, Community Relations Manager, GreenWaste Recovery introduced herself to Council and thanked them for the opportunity to provide a status report on their first completed week of service. Hanson reviewed the calls that had been received from residents and the specific concerns that had been registered. The majority of the calls were specific to the estimated time of collection. Hanson explained that drivers were starting their routes at 8:00 am and residents accustomed to the earlier hour collection of LAGCo, mistakenly thought they had been missed by the drivers. She believed that once the drivers became familiar with the routes and cart placement locations, and residents aware of the new pick-up schedule, the issue would be satisfactorily resolved. Less than 5% of customers served had contacted GreenWaste during the first week of service and inquiries have decreased as the initial week of service progressed. A new mailer will be sent out in the coming week to answer the most common questions that have been raised by residents.

Hanson spoke to the new enhanced service provided by GreenWaste Recovery, Inc. Residents now receive weekly garbage, recycling and yard trimmings collection. New carts have been distributed to residents and residents are not required to sort recyclables which are single streamed. Additionally, yard waste trimmings can include compostable items like vegetable remnants.

Hanson reviewed the collection vehicles that were used for curbside collection and hard to service areas. The trucks work on their routes at different times. This has lead to some confusion for residents who believed their carts had been missed by the drivers and their neighbors refuse had been collected. She noted that a smaller vehicle similar to an SUV was used to make collections located at the top of driveways (non-curbside).

Hanson reminded Council that the first of three Town-wide Clean-up Days was scheduled for October 25th. The program would be at a single site located at Foothill College. All materials including e-waste would be accepted. Cahill explained that neighbors of the previous sites that had been used for the program had complained and

the Town was going to start with one site as a test and would evaluate it after the first Clean-Up Day. If the single site appears to present a problem for residents, additional satellite sites would be investigated.

Mayor Mordo offered that many residents were not aware that there was a single charge for collection from 0-100 feet. This rate had been established to allow residents to have the collection behind fences or in their yards. Councilmember Jones noted that it was important for residents to be made aware that a truck might be used to collect trash up a driveway. Frank Weigel, GreenWaste Recovery Chief Operating Officer, explained that the truck used for the “hard to serve” collections was not much bigger than an average Suburban but if residents would call and express a preference and advise them of the carts locations, they would be happy to make the collection by walking up the driveway.

Council thanked GreenWaste Recovery for the update.

Kim Cranston, resident, requested Council consideration of repealing or setting a widely-noticed public hearing to review Ordinance 503, the landscaping ordinance regarding eucalyptus trees. Cranston offered that the ordinance was damaging the rural nature of the Town and suggested that very few residents fully understood the cost of the requirements that were imposed on residents with building projects. Cranston added that the ordinance was environmentally unsound and he suggested that there was a less extreme approach to reducing fire danger.

#### PUBLIC HEARINGS

10. Review and Consideration of an Initial Study and Adoption of a Negative Declaration for the El Monte Road Pedestrian and Bicycle Pathway Project  
(Staff: R. Chiu)

City Engineer/Public Works Director Richard Chiu introduced the item to Council. In conformance with CEQA requirements, an Initial Study/Mitigated Negative Declaration had been prepared for the previously Council approved El Monte Road Pedestrian and Bicycle Pathway Project. A Notice of Intent to adopt the Mitigated Negative Declaration had been published in the Town Crier and submitted to the Santa Clara County Clerks Office for a 30 day public review period. To date, the Town had not received any public comments regarding the project. Chiu noted that based on the Initial Study, staff had concluded that the proposed project, as mitigated would not have a significant effect on the environment.

Chiu reviewed the site plan and proposed landscaping with Council. Councilmember O’Malley suggested that it might be easier for motorists to see pedestrians in the proposed walkway on the median without additional trees. Council was supportive of the project.

#### OPENED PUBLIC HEARING

Eric Clow, resident, expressed his support for the project.

## CLOSED PUBLIC COMMENT

Council thanked City Engineer Richard Chiu for his presentation.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to accept and file the Initial Study and to adopt the Mitigated Negative Declaration for the landscaping along Segment 2 within the Foothill College Pathway and construction of a bicycle and pedestrian pathway along El Monte Road between Foothill College Pathway entrance and Stonebrook Road (Segment 3).

## UNFINISHED BUSINESS

### 11. Update on Town Goals:

#### Emergency Preparedness

Council had before them on the dais, a draft letter to Santa Clara County Fire Chief Kurt Waldvogel thanking the Chief and crews for their efforts and excellent service during the fire season.

There were no changes proffered or objections expressed by Council to the draft letter being mailed under the Mayor's signature.

#### Environmental Initiatives

No status report.

#### Parks and Recreation Assets and Programs

Mayor Mordo reported that resident John Vidovich had made a donation to the Town directed to the restoration of Westwind Community Barn. Mordo noted that Vidovich had expressed his support for the Barn and acknowledged the facility as a community asset.

City Engineer/Public Works Director Richard Chiu provided a status report on the Little League Fields project that is currently under construction. The expectation was for the project to be completed by the end of the year. Chiu reported that the pre-constructed/engineered restroom building may take additional time given the lead time for manufacturing.

#### Sewers and Infrastructure

Councilmember O'Malley reported that the Ad Hoc Infrastructure Committee had made a presentation to the Standing Finance and Investment Committee at their last meeting. The discussion had been very informative. He was hopeful that several members of the FIC might have an interest in serving on the Infrastructure Committee, if the new Council should have an interest in continuing the investigation of the expansion of the sewer system in Los Altos Hills.

### 12. Discussion of Pool Size and Pool Cover Requirements – Councilmember O'Malley (continued from 9/11/08)

Councilmember O'Malley introduced the item to Council. As Council Liaison to the Environmental Design and Protection Committee, he had brought forward the discussion at the request of the Committee Chair Pat Ley. Following a review of a site development project for a large pool with a unique design and waterfalls that could not accommodate a pool cover, Ley had expressed her concern regarding pool sizes and the lack of Town requirements for the use of pool covers. Ley was concerned about the energy use to heat the pool and water conservation. O'Malley noted that a review of surrounding cities regulations confirmed that no pool cover or pool size requirements were being currently imposed and he did not believe it would be feasible for the Town to impose restrictions.

Council consensus was to direct the item to the Environmental Initiatives Committee for their review and methods to educate the public on energy use and water conservation. O'Malley concurred.

### NEW BUSINESS

#### 13. Annual Volunteer Recognition Dinner (Staff: K. Jost)

The City Clerk advised Council that the Annual Volunteer Dinner had been scheduled for November 14, 2008 at Fremont Hills Country Club. She acknowledged that the Town was fortunate to have Chef Chu, Los Altos Hills resident, catering the event again this year.

### PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission at their last meeting had considered two items on their agenda, both related to wireless communications. The AT&T application for a tree pole at St. Luke's Church had been continued to the November meeting at the request of the applicant. The Conditional Use Permit renewal for T-Mobile's facility located at the park and ride site at Page Mill had been unanimously recommended for council approval. The Conditional Use Permit renewal request would be considered as a Public Hearing by the City Council at their October 23, 2008 meeting.

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

No reports were given.

### STAFF REPORTS

#### *City Manager:*

City Manager Cahill advised Council that an update on the Town's investment portfolio had been emailed to them. As requested by Council, a presentation of the Town's finances would be scheduled for the next meeting.

Councilmember Kerr requested an update on the Fremont Road pathway near Gardner Bullis School. The project had been approved by Council at their last meeting with "direction to the staff to work with the neighbors". Cahill advised Council that staff had met with Mr. and Mrs. Sullivan, the property owners immediately adjacent to the project,

and walked the proposed pathway project with them. The scope of the project had been discussed and they were amenable to the project.

*City Attorney- No report was given*

*City Clerk-No report was given*

14. City Engineer

- Letter to Cal Trans Under Mayor's Signature Regarding I-280 Road Noise

City Engineer Chiu introduced the item to Council. Council had before them a draft letter to Cal Trans that had been prepared for the Mayor's signature. The letter outlined neighbors' complaints regarding road noise from I-280 due to the deterioration of the pavement service and grade separation at the overpass at La Barranca Road and requested an evaluation of the pavement by Cal Trans.

There were no changes proffered or objections expressed by Council to the draft letter being mailed under the Mayor's signature.

ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 8:15 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the October 9, 2008 Regular City Council meeting were approved as presented at the October 23, 2008 Regular City Council meeting.