

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

Thursday, November 8, 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 7:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Vice Mayor Jean Mordo, Councilmember Mike O'Malley, and Councilmember Dean Warshawsky  
Absent: Councilmember Breene Kerr  
Staff: City Manager Carl Cahill, Interim City Engineer Cyrus Kianpour, Finance Director Nick Pegueros, Planning Director Debbie Pedro, Planning Consultant Leslie Hopper, City Attorney Steve Mattas, and 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. Presentation by Leslie Lodestro, CHASE and solicitation of LAH leader for membership on Board of CHASE

Item continued to a future meeting.

2. Appointments to Standing Committees
  - A. Environmental Design and Protection Committee – 2 vacancies

Council had before them an application from resident Gauri Pendharkar for consideration of appointment to the Environmental Design and Protection Committee.

Ms. Pendharkar introduced herself to Council and expressed her interest in serving on the Committee. She noted that she was a new resident and was looking forward to volunteering. Pendharkar had volunteered for service on several Los Altos community committees while a resident of the City.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint Ms. Pendharkar to the Standing Environmental Design and Protection Committee for a term of four years.

B. Finance and Investment Committee – 1 vacancy

Council had before them an application from resident Roddy Sloss for consideration of appointment to the Finance and Investment Committee. Mr. Sloss was unable to attend the Council meeting due to a prior commitment. Vice Mayor Mordo noted that Mr. Sloss had attended several Finance and Investment Committee meetings.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to appoint Mr. Sloss to the Standing Finance and Investment Committee for a term of four years.

CONSENT CALENDAR

Items Removed: Agenda item #3 (Mordo), Agenda Item #5 (Jones)

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

4. Approval of Disbursements – October 1 – 31, 2007 \$ 834,501.40
6. Notification of Fast Track Approval: Lands of Chen & Wang, 13751 La Paloma Road; (File #98-07-ZP-SD-GD); A request for a Site Development Permit for a 5,739 square foot single story new residence (maximum height 22'6") with a 570 square foot pool. CEQA Review: Categorical Exemption per Section 15303 (a) and (e)
7. Public Facilities Fee Program Annual Report – Fiscal Year Ended June 30, 2007
8. Approval of Lease Agreement with the Santa Clara Valley Water District to Utilize Edith Park as Temporary Construction Staging Area – Resolution No. 86-07

Items Removed:

3. Approval of Meeting Minutes: Special City Council Meeting – October 11, 2007

Vice Mayor Mordo offered the following correction to the minutes: page 14, last paragraph, fourth sentence; “illuminate health benefits” should read, “eliminate health benefits.”

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the October 11, 2007 City Council meeting minutes as corrected.

5. Approve Participation in CalCard Program

Mayor Jones explained that he had requested separate consideration of the item to permit further clarification.

City Manager Cahill offered that the Town currently provided credit cards to the City Manager and department heads to facilitate day-to-day operations. The cards were kept in the safe room.

Finance Director Nick Pegueros noted that the request before Council was for the Town to join the State of California's purchasing card program that was available to all governmental agencies in the state. Participation in the program would allow the Town to take advantage of discounts and rebates. All expenses/purchases would be reviewed daily.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Warshawsky and passed unanimously to approve Resolution No. 87-07 authorizing the City Manager to apply for the corporate credit card program.

#### PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, thanked the City Council for their action on consent calendar agenda item #8 approving the lease agreement between the Town and the Santa Clara Valley Water District to utilize Edith Park as a temporary construction staging area for the Adobe Creek Upper Reach 5 project. He alerted the Council to preconstruction activity at the park site and the possible removal of trees. Construction was slated to begin in early spring. He suggested an article in the press would be appropriate to alert residents of the project and assuage any concerns about the work.

Mayor Jones requested that an item be added to the December 13, 2007 agenda for Council discussion regarding a feasibility study on a future beautification project at Edith Park. Study costs to be approximately \$15,000-\$20,000.

#### PUBLIC HEARINGS

9. Los Altos Hills General Plan Update: Proposed Amendments to the General Plan include an updated Safety Element and Noise Element and Adoption of a Negative Declaration of the Project

Consultant Leslie Hopper introduced the item to Council. She summarized the process that has been established to review and draft the updates. In July 2005, the City Council established the Ad Hoc General Plan Committee and chartered the membership with the General Plan update. The broad-based Committee has six members, including current and former members of the City Council and Planning Commission. The Committee has met twice monthly to update the existing elements of the Town's General Plan. Phase 1 of the project which included the updated Introduction, Conservation Element, and Open Space & Recreation Element had been approved and adopted by the City Council on April 26, 2007. Phase 2 of the General Plan update consisting of the updated Safety Element and Noise Element was before Council for their review and consideration. The expectation was for Phase 3, the update to the Land Use Element, to be completed in 2008.

The draft Noise and Safety Elements included updated information, improved format that was consistent with the recently adopted elements, added graphics and reviewed policies and programs.

Participants of the Phase 2 discussions had included the Ad Hoc General Plan Committee, a Los Altos Hills County Fire District representative, Cotton, Shires & Associates (consulting Geotechnical Engineers) and noise consultants, Charles M. Salter Associates.

The Planning Commission had reviewed the draft elements as proposed by the Ad Hoc Committee at their November 1, 2007 regular meeting and recommended approval with several modifications. The modifications had been incorporated into the draft elements and were identified in the staff report before Council and highlighted in Hopper's PowerPoint presentation.

Hopper called out several of the proposals for clarification. Specifically, Noise Element Program 1.1 was being updated to "provide for clear interpretation of the regulations and effective enforcement of appropriate standards based on the A-weighted scale in order to protect residents from unwanted noise, thereby ensuring their continued enjoyment of the quiet, peaceful community envisioned in the Introduction to the General Plan." Currently the Noise Ordinance was based on the C-weighted scale. Hopper noted this was unusual for a municipality and the A-scale was a more appropriate level that more closely approximated human hearing. Program 1.4 addressed the siting and noise attenuation standards for heating, air conditioning and pool equipment. Additional language recommended by the Planning Commission stated "standards should be more stringent for these types of equipment that produce continuous noise than for sources that emit noise occasionally." Language had been added by the Planning Commission in response to comments from resident Roy Woolsey. Additional proposals to the Noise Element dealt with land use compatibility.

Hopper summarized the new programs that were relevant to the Safety Element. Notably, Program 4.7 called for the emergency access roads to be maintained by the Los Altos Hills County Fire District and Program 5.2 stated that the Town would encourage residents to participate in the Neighborhood Watch Program and coordinate with the Santa Clara County Sheriff's Department for implementation. New programs were also proposed under Hazardous Waste and Disaster Response. Hopper noted that the Planning Commission was recommending additional language under Paragraph 825 of the Fire Hazards-Safety Element to read as follows: "Measures should be taken to control high-risk vegetation species, particularly Blue Gum Eucalyptus."

Hopper advised Council of the public comments that had been received since the Planning Commission's public hearing on the draft elements. Council had before them a copy of an email from resident Roy Woolsey that recommended several changes to the drafts. They included: the deletion of Figure 7-4 on page 10 of the proposed draft Noise Element and reference to the chart on page 9. Hopper clarified that the State required that the Noise Element "shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services..." This was the source of the chart referenced by Mr. Woolsey. Most cities comply with the requirement by including the

chart or something similar in the element. She suggested that it might be possible to recognize the guidelines in another way.

Additionally, Mr. Woolsey recommended that a program be added to the Noise Element to “make residents aware of noise limits by providing a copy of the Town’s Noise Ordinance to all applicants for site development permits. In addition, a copy of the Town’s construction hours be provided to all residents and contractors who obtain building permits.” Hopper noted that the Town currently provides the suggested information during the building permit issuance process.

Mayor Jones thanked Hopper for her presentation and deferred to the Council for comments and questions of staff.

Councilmember O’Malley, Ad Hoc General Plan Committee Chair, commented that the Planning Commission review had been lengthy and their debate and analysis constructive. He offered that the changes proposed by the Planning Commission were appropriate. O’Malley questioned the suggestions that had been put forward by Mr. Woolsey, noting that no other resident complaints regarding noise had been before the City Council during his tenure of seven years as a Councilmember. Issues between neighbors were generally resolved by Public Safety Officer Steve Garcia. He suggested that a more balanced approach would be to modify the Noise Ordinance, not the General Plan that serves as the overall framework for the Town.

Councilmember Warshawsky questioned if any citations had been issued by the Town for noise infractions. City Manager Cahill could not recall any. Noise complaints do occasionally occur after business hours and the Sheriff’s Department responds to those complaints. He was not aware of any citations issued by the Sheriff. Cahill offered that the most egregious complaints have been successfully resolved by Garcia.

Vice Mayor Mordo requested clarification on the conflicting scales (A and C) cited in the Noise Ordinance and the General Plan.

Councilmember O’Malley explained that the Noise Ordinance needed to be updated. The Committee has discussed the inconsistency with staff and they were in concurrence that the documents need to be consistent. City Attorney Steve Mattas concurred and offered that the General Plan led the Ordinance and once it was updated the Ordinance would also be updated to ensure uniformity.

#### OPENED PUBLIC HEARING

Roy Woolsey, Snell Lane, spoke to the problem of air conditioning noise and his experience with his neighbors’ three units that were installed next to his adjacent patio. The noise emitted from the equipment violated the noise ordinance night time level by 22 decibels. As a result of his experience, Woolsey had used a noise meter to measure various noise sources that included leaf blowers and lawn mowers. He offered that the Noise Ordinance’s current values were generally reasonable for the semi-rural community. However, he suggested that it was important to distinguish between continuous sources of noise and occasional sources of noise and supported the modifications to Program 1.4 to set the level of continuous noise below those of ambient

noise levels. He recommended that Figure 7-4 on page 10 be deleted citing that its levels were more appropriate for a more urban environment than the Town.

Alexander Atkins, resident, referenced the Green Papers written by the Town's founding fathers and their identification of the importance of low noise levels as a central characteristic of the rural community they favored. Atkins noted that the Noise Element was vital to retain the rural characteristic of the Town and spoke to his experience with a neighbor's large, noisy roof mounted air conditioner that had affected the tranquility of his home.

Patty Woolsey, Snell Lane, concurred with the comments of Roy Woolsey and added that the experience had been very stressful to him. She offered that his research into air conditioners and noise levels has been extensive and he was a good source of information. Woolsey added that it most likely had been very costly for her neighbors to abide by the law and abate the noise by moving their equipment and suggested that it could have been prevented if it had been addressed during the planning stage of the project. Woolsey requested that the City Council require that receipt of a copy of the Town's Noise Ordinance be a Condition of Approval for a site development permit.

#### CLOSED PUBLIC HEARING

#### Council Discussion:

Councilmember O'Malley supported adoption of the proposed amendments to the Noise and Safety Elements of the General Plan as written by the Ad Hoc General Plan Committee and modified by the Planning Commission with the inclusion of Program 1.9 to the Noise Element as recommended by Patty and Roy Woolsey.

Council discussion ensued regarding Figure 7-4 "Land Use and Noise Compatibility Guidelines." Councilmember O'Malley noted that it had been included in the draft element at the recommendation of Planning Consultant Leslie Hopper and the Noise consultant.

City Attorney Steve Mattas clarified that State law uses the terminology that the chart needs "to be recognized" when preparing the Noise Element of the General Plan. He suggested that the language used by the State did not specifically require that the chart be included in the General Plan but that its factors considered during the review and development of the Noise Element. Mattas offered that an option for the Council, if they wished to retain the chart in the General Plan and retain the ability for the Noise Ordinance to be more protective given the semi-rural nature of the community, was to add language that would allow flexibility for the Council when they updated the Noise Ordinance. He proposed the following modification to item 720 (page 9) last sentence to read, "Figure 7-4 summarizes the compatibility **guidelines** of specific land uses with various noise levels. **Given the semi-rural nature of the community, the Town may adopt more restrictive measures as part of the Noise Ordinance.**" (new language identified in bold )

SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the Initial Study/Negative Declaration for the project and to

adopt Resolution No. 94-07 approving the proposed amendments to the Los Altos Hills General Plan as presented in the staff report "Public Review Draft" General Plan Update 2007 with the inclusion of Program 1.9 to the Noise Element as recommended by Roy and Patty Woolsey and the inclusion of the language tendered by City Attorney Steve Mattas relative to Figure 7-4 of the Noise Element.

10. Introduction of an Ordinance of the Town of Los Altos Hills Repealing Chapter 1 of Title VIII of the Los Altos Hills Municipal Code "Building Code", and Repealing Chapter 8 of Title VIII of the Los Altos Hills Municipal Code, "Fire Code" and Adding Chapter 1, "Building Code" and Chapter 8, "Fire Code," to Title VIII of the Los Altos Municipal Code which adopts and amends by reference provisions of the 2007 California Building Standards Code

Planning Director Debbie Pedro introduced the item to Council. The State of California adopted the 2007 Building Code Series in July, 2007. By State law, all jurisdictions must adopt the new standards which include the building and fire code updates by January 1, 2008. Staff recommended that Council waive reading and introduce the ordinance.

#### OPENED PUBLIC HEARING

No public comments.

#### CLOSED PUBLIC HEARING

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Warshawsky and passed unanimously to waive reading and introduce the ordinance adopting the 2007 Building Code Series.

11. Consideration of Building Permit Fee Exemption for Demolition of Structures that are Deconstructed for Recycling Purposes

Planning Director Debbie Pedro introduced the item to Council. As part of an incentive program to promote green building design and construction, the City Council at their October 11, 2007 meeting had considered the proposal and directed staff to prepare a resolution to waive demolition permit fees for deconstruction of structures for recycling purposes.

Pedro provided an overview of the deconstruction process that called for the careful dismantling of buildings and structures in order to salvage and recycle as much material as possible. The diversion of construction waste from landfill and salvaging building materials for reuse were two benefits of the process. To ensure that the building materials were properly recycled, the applicants would be required to submit a deconstruction contract with a licensed contractor along with the permit application. The current cost of a Demolition Permit was \$85. The Town has issued four deconstruction permits in the past two years.

Mayor Jones spoke to his recent experience in building a new residence and noted that the deconstruction process was time consuming and more expensive. He suggested that the fee waiver was an appropriate incentive.

## OPENED PUBLIC HEARING

No public comments.

## CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to adopt Resolution No. 88-07 "Adopting a Revised Fee Schedule"

12. Amendment to Chapter 6 of Title VIII of the Los Altos Hills Municipal Code, "Signs and Advertising Structures" and Adoption of the Temporary Signs and Banners Policy. The proposed amendment would revise Section 8-6.03 to include temporary signs and banners. CEQA Review: Exempt per 15311(a)

Planning Director Debbie Pedro introduced the item to Council. The Town's Municipal Code currently addresses allowances for real estate and election signs. However the requirements for temporary signs and banners are very general and only permit them after Council review and approval. Before Council was a proposed amendment to the Municipal Code that would allow temporary signs and banners for public events, charitable functions and noncommercial purposes and a proposed Temporary Signs and Banners Policy. The request for signage would be reviewed and approved under an administrative permit process with no filing fee and subject to the requirements of the proposed "Temporary Signs and Banners Policy." The policy would establish standards to regulate the size, location, and duration of the posting of the signs.

Council had before them the full text of the policy in the staff report. Pedro highlighted the key elements that included: maximum size of the sign/banner shall be 16 square feet; the location of the signs shall be restricted to ensure that they did not obstruct pathways, traffic, or easements; and, the maximum duration of display was set at 10 days with no more than two postings within a twelve month time frame by the same applicant. Pedro provided a photograph example of a temporary sign that had been approved by the City Council and displayed in Town. The Planning Commission had reviewed the proposed policy and amendment at their November 1, 2007 meeting and unanimously recommended approval of the proposals.

Mayor Jones offered that he was a supporter of the Parks and Recreation Department, Hidden Villa and other nonprofit organizations that display the banners in Town alerting the community to public events. He believed that it was appropriate to set a policy in place to ensure that the organizations had a clear understanding of what was acceptable and assist them in being compliant.

Councilmember O'Malley concurred. He questioned if there was any provision in the proposal for the removal of signs that were posted longer than the designated time. Pedro offered that the issue could be addressed by the Public Safety Officer as a code compliance issue and nuisance abatement.

Mayor Jones questioned how signage for events that went longer than 30 days could be addressed. Pedro suggested that requirement #9 of the policy identifying the permissible

duration of posting of signs could be amended to allow an extension of time up to 15 days, subject to the approval of the Planning Director.

#### OPENED PUBLIC HEARING

No public comments.

#### CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to waive reading and introduce the ordinance amendment to Chapter 6 of Title 8 and to approve the proposed Temporary Signs and Banners Policy with the following additional sentence to rule #9: "One fifteen day extension may be granted by the Planning Director if the event or activity will exceed thirty days."

#### PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Commission had meet on November 1, 2007, and had reviewed and made recommendations on the General Plan Update, Temporary Signs and Banners Policy and the draft Estate Homes Ordinance. The Estate Homes Ordinance had been scheduled for a public hearing at the January 10, 2008 City Council meeting.

#### UNFINISHED BUSINESS

##### TOWN GOALS (13A-13F)

##### 13A. Significantly Enhance Resident Access to Recreational Facilities

Mayor Jones provided an historical overview of the Ad Hoc Committee on Park and Recreation Facilities that had been created by the City Council and tasked with reviewing and making recommendations to the Council on potential funding for new facilities and/or improvements to existing facilities. Following months of deliberation, the Committee would be presenting their recommendations to the City Council at the December 13, 2007 meeting. Jones capsulated their recommendation noting that it was for an overall multi-year park and recreation facilities budget of \$3.million for the following projects:

- 1) Development of a small park in the upper field at Bullis-Purissima campus in cooperation with the Los Altos School District. Approximate budget \$1 million dependent on the improvement options approved by Council. Development of a park had ranked first in the Town survey of residents. The Committee favored a park and small soccer field at the location versus a full sized soccer field given the proximity of the site to residents' homes. Project was dependent upon partnership with the Los Altos School District.
- 2) Improvements at the Little League fields with an approximate budget of \$800,000-\$900,000. The project included improvements to the infrastructure of the fields (drainage and irrigation), addressing safety issues and the addition of non-baseball facilities including shade trees, a half basketball court and park like

amenities. The proposal did not include any expansion or reconfiguration of the fields. The Committee encouraged the Little League to fundraise for, and finance the improvements to the snack shack.

- 3) Construction of additional Pathways where easements currently exist. Expectation was for the Pathways Committee to identify two of their highest priority off-road pathways for improved linkage for pedestrian circulation in Town at the December 13, 2007 Council meeting. The Ad Hoc Committee recommended a budget of \$500,000.
- 4) Financial support for the proposed swimming pool complex in Los Altos. The Ad Hoc Committee was recommending that the Council consider matching Los Altos Hills residents private donations with funds up to \$300,000 and request that residents strongly consider donating to the community project. The Ad Hoc Committee also recommended that the City Council offer to fund pro-rata portion of annual operating losses based on a census of users. Additionally, staff was recommending that if the Town participated in any partnership in shared costs for operating losses, the Town be included in the oversight committee managing the operations of the pool.
- 5) Improvements and repairs to Westwind Barn in cooperation with private donors organized by Supporters of Westwind Community Barn. The Ad Hoc Committee supported the current painting, dry rot repairs and cosmetic improvements previously authorized by the City Council in an amount not to exceed \$61,000. Additionally, the Ad Hoc Committee recommended that Council consider financing other improvements in an amount not to exceed \$250,000 as matched by the Supporters. This would keep the Westwind Barn financing at 10% of the total recreation budget.

Jones added that there was a possibility that additional ideas and projects could be presented at the December 13, 2007 meeting including a proposal by Hidden Villa.

#### 13A(1) Update on Status of Repairs to Westwind Barn (staff)

City Manager Cahill reported that rehabilitation work had begun at Westwind Barn. The painting was underway and the contractor had made repairs to areas where dry rot had been identified. Cahill displayed a custom-made window built by the contractor that would be installed in the Barn's dormers for Council review. They were similar in design to the original windows.

Cahill reported that the Town's request for matching funds had not been favorably received by the Supporters of Westwind Community Barn. They suggested that the work being done could be categorized as maintenance. However, Cahill offered that restoration work was primarily deferred maintenance.

Cahill provided an overview of the additional work to be performed at the facility. Additional repairs and an upgrade to the electrical system were currently under review. The architect was proceeding with an in-depth structural analysis of the building to garner a better understanding of the facility's needs. Once the structural engineer

completed his study, the architect would be able to determine the appropriate course for bringing the facility up to standards dependant upon the direction of improvements at the Barn. Cahill clarified the different building standards. The minimum “life and safety” standard would be voluntary but Cahill suggested that it would be appropriate if the Barn was to be retained as a boarding facility and the second standard would be required if the facility had a change of occupancy and a caretaker’s residence or community room was added to the building. Both options and standards would be discussed in more detail at the December 13, 2007 City Council meeting.

Cahill suggested that the Council defer any decision on the doors and electrical repairs until the next meeting. This would allow time for the Supporters to consider the Town’s request and for Councilmembers to visit the site to assess the current work being undertaken.

Mayor Jones commended staff for their initial work at the Barn and offered that the cosmetic changes to the facility had made positive visual improvements. He encouraged staff to return to the next meeting with a request for the additional funding to finish the first level restoration as described by Cahill.

Nancy Couperus, resident, commended the staff on the recent improvements to the facility. She advised Council that members of the 4-H Handicapped Riding Program were making a personal pledge of private funds in the amount of \$5,000. for the current restoration project at the Barn.

Mayor Jones and Council thanked her for the positive support and contribution.

#### 13A(2) Consideration of Options for Bullis Field Improvements

Mayor Jones provided a brief history of the park proposal for the Bullis School site. Council had been encouraged by Los Altos School District Superintendent Justus during a recent visit to provide direction to the district on what the Town’s needs were and what level of financial support for the improvements they would be able to provide. The Town developed and provided the district with preliminary designs for a small park on the upper field and small playing field for the site that would benefit both the community and school. Jones reported that the school board, at their last meeting, had authorized their staff to move forward with an initial study for a large soccer field as an alternative to the Town’s proposal. Jones suggested that it would be appropriate for the Council to authorize the Mayor to send a letter to the district, placing the emphases on the desire of the Town and residents to build a small park at the school and request that further consideration be given to the park by the district as the project most compatible with a residential neighborhood.

Vice Mayor Mordo concurred with the Mayor and commented that he would prefer a park to a large soccer field. However, he did have some reservations that the park had certain accessibility limitations, limited parking and questioned its broad use by residents.

Councilmember Warshawsky spoke to his prior experience when he was joined by former Los Altos Hills Mayor Emily Cheng and broached conversations with the district

soon after the campus was closed regarding potential improvements to the fields. The district had stated that they had no plans for the fields and the Town would have input on any improvements. The Town has been meeting regularly with the district since that time and the tone has been consistent, and now the direction has abruptly changed. Warshawsky suggested that the Council consider a resolution expressing their concerns about the board's decision or authorize the Mayor to contact the Superintendent directly and have a personal conversation.

Council consensus was to support the park over the large soccer field and to convey their interest to the district.

City Manager Cahill reported that the Town's preliminary plans for a park at the site, previously approved by Council, had been modified to incorporate ADA access and emergency access. Cost estimate for the project was approximately \$1,000,000.

**MOTION SECONDED OR CARRIED:** Moved by Warshawsky, seconded by Mordo and passed unanimously to authorize the Mayor to contact the district and voice the Council's wishes for a park at the site and to follow up with a letter on behalf of the Council if appropriate.

#### 13B. Return Public Elementary School Education to Los Altos Hills

Mayor Jones advised Council that the Standing Education Committee was hosting a public forum on education issues December 4, 2007 at Town Hall. District superintendents were scheduled to speak and would be available to answer questions regarding the opening of Bullis-Purissima and the opportunity for residents to attend. A Town wide mailing noticing the event was scheduled to go out shortly.

#### 13C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that more than 700 sewer surveys had been returned. The Ad Hoc Committee was developing a database that would identify the interest for sewer connections by area. Findings would be returned to Council at a future meeting.

#### 13D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

Councilmember O'Malley deferred his report to Pathways Chair Ginger Summit. She advised Council that the draft pathways walking map had been reviewed by the Committee. Staff was investigating cost of printing. She noted that the map would continuously be updated as new pathway easements were accepted by the Town.

Pathways Committee representatives had scheduled a meeting with City Engineer Kianpour and staff to review cost estimates for the pathway projects that would be forwarded to Council for their consideration at the December 13, 2007 meeting. Plans were underway for staff and committee members to walk the proposed projects.

Summit reported that the Committee and staff had developed a spreadsheet that identified pathway maintenance issues and she was happy to report that many problems had been successfully resolved.

#### 13E. Complete the Redrafting and Approval of the Town General Plan

Councilmember O'Malley reported that the Ad Hoc Committee would begin the review of the Land Use Element at their next meeting. He expected the draft update to be forwarded to the Planning Commission for their review in March, 2008.

#### 13F. Complete the Undergrounding Pilot Project

City Engineer Cyrus Kianpour reported that the contract for the project was scheduled for Council consideration at the December 13, 2007 meeting with the work scheduled to begin in early January, 2008.

### NEW BUSINESS

#### 14. Report on 24-Hour Supervision Requirement and Boarding Capacity at Westwind Barn (staff-D. Pedro)

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

Planning Director Debbie Pedro introduced the item to Council. Pedro explained that the Conditional Use Permit for the Barn required 24 hour supervision. Currently, the supervision was provided by the barn manager and a ranch hand who served as the overnight and weekend attendant. The ranch hand resided at staff quarters adjacent to the facility.

Council had directed staff to commission a report regarding equestrian standards for horse care and boarding at Westwind Barn. Pedro summarized the report:

1. 24 Hour Supervision: The report recommended that an employee should live on-site at the boarding facility and have the responsibility of a horse care walk through at the end of each evening. Additionally, it recommended the incorporation of a time clock to ensure that checks were performed nightly if an overnight attendant was retained.
2. Housing Options: The report noted that prefabricated modular housing was a common option for on-site employees for equestrian facilities and recommended several manufacturers. Pedro reviewed slides of the prefabricated cottage units. Cost estimates were from \$20,000 to \$50,000 and did not include the foundation, utility hook-ups or transportation for the unit to the site.
3. Boarding Capacity: The report found that the current number of horses was appropriate for the size of the pasture to ensure that year round grass was maintained. However, the consultant suggested that with supplemental hay feeding, it was possible to increase the number of horses on the preserve.

In conclusion, Pedro commented that staff was recommending Council consider amending the CUP conditions for the barn to address the specific responsibilities of an overnight attendant noting that the current attendant was not residing on the premises.

Vice Mayor Mordo commented on the consultant's report that had been included in the agenda item. She had identified the boarding rent at the barn below market value and he questioned if the barn repairs were completed and quality 24-hour supervision was provided, would a rent increase be justifiable? Mordo added that improved rents could off-set costs of the facility. Consultant Lauren Del Sarto responded that if the horse enclosures/stalls were renovated in addition to the other enhancements (barn repairs and 24-hour on-site supervision), a higher board rent would be appropriate.

Councilmember O'Malley offered that the barn currently had stalls available. He suggested that it was not just the lack of a 24 hour attendant that kept the rents low but the condition and amenities of the facility. He did not believe the Town was undercharging. O'Malley offered that it was important for someone to monitor the horses during the night and live on the premises. This affords the ability to assess any horse in distress and contact the owner or someone for assistance.

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Mordo and passed unanimously to refer review of the Conditional Use Permit for Westwind Barn to the Planning Commission and direct them to consider amendments to address specific responsibilities for the 24 hour supervision at the facility.

#### 15. Discussion and Overview Regarding Potential Sewer Assessment District Process for West Loyola Annexation Area Sewer Line Improvements

City Attorney Steve Mattas introduced the item to Council. Before Council was a memo outlining the different mechanisms for providing sewer facilities to the West Loyola Annexation area. Options included: 1) sewer reimbursement agreement; or, 2) the formation of a sewer assessment district for the area.

Mattas reviewed the different scenarios. With the sewer reimbursement agreement, some property owners in the area would advance the cost of the sewer infrastructure and then receive partial reimbursement from other property owners as they hook into the improved system. The Town would assist through administration of the agreement and collection and disbursement of the funds for the term of the agreement. The original investors would be at risk for the cost and there was no obligation to collect or remit the fee once the time period for the agreement had elapsed. Alternatively, with the creation of a sewer assessment district the affected, benefited property owners, become part of an assessment district and would be subject to a levy that was payable on their property taxes. The collected revenue would support the bonds secured by the assessments for construction of the improvements. With both options, the Town would ultimately own and maintain the sewer main and lateral lines. Mattas offered that the sewer assessment district would require more action by the City Council. He reviewed the procedures included in the memo.

Vice Mayor Mordo asked if the Council was obligated to pursue the sewer assessment district if the ballots in the Proposition 218 protest hearing favored the establishment of the district. Mattas responded no.

Warshawsky questioned if there were any other options to determine the benefit spread for the assessment district. Mattas clarified that the collective obligation would be spread amongst the benefited properties and must be proportional.

Council discussion of general questions regarding sewer assessment districts ensued.

#### OPENED PUBLIC COMMENT

Rich Larson, Berkshire Drive, addressed Council. He spoke on behalf of his neighborhood and commented that a majority of the residents were interested in bringing sewer to the area. He estimated the approximate cost of the project to be \$1.5 million. Larson offered that the neighborhood favored the establishment of a sewer assessment district because it would spread the cost of the project over multiple years and would be tax deductible. He suggested that it could serve as a good test model for the sewer initiative to expand sewer service currently being investigated by the Town and encouraged the Council to move forward with their proposal.

Maj Green, W. Loyola Drive, noted that the area in question contained 54 parcels. The general size and distance from the existing main were the primary deterrents to a self-funded project. She hoped that the option of spreading the costs over a period of time and the assurance that property owners would not be forced to hook-up if their septic system was functioning would be more acceptable to those residents not interested in a self-funded project.

Barry Young, Chardonnay Lane, concurred with the comments of Larson and Green and added that given the associated costs with the project, he believed it would not be built if it had to be self funded. He suggested that the benefits of the sewer assessment district matched the objective of the Town to extend sewer to more residents. Young suggested that the SAD could serve as a model for other public improvements.

#### CLOSED PUBLIC COMMENTS

Councilmember O'Malley commented that he liked the concept of helping the residents bring sewer to the area. However, he would have some concerns if the vote in favor of the sewer assessment district by those affected was not substantial. He believed there were both positive and negative aspects to the proposal and suggested Council should proceed with caution.

Councilmember Warshawsky explained that he had studied the complicated process for establishing assessment districts as a means to underground utilities in Los Altos Hills. He noted that Tiburon had set a threshold of 60% signatures for the petition that started the process and set aside funds in addition to the cost of the project for "hardship cases" to assist residents who could not pay the assessment. Warshawsky recommended that Council also consider setting funds aside for potential legal costs.

Vice Mayor Mordo commented that he was enthusiastically in favor of the proposal offering that if sewers were a high priority for the Town, the West Loyola neighborhood's proposal could serve as a good test case. He noted that he had the same concern as Councilmember O'Malley about the obligation being placed on people who might not be able to afford it. He suggested that the threshold of approval for the sewer assessment district be a super majority of the residents in the area.

Mayor Jones expressed his support for the concept and suggested that this might be a viable solution for getting sewer to the Town's residents. He noted that additional time was needed before Council could revisit the issue.

Mattas suggested that it was important for everyone to have a clear understanding of the costs associated with the proposal and offered that January was a more appropriate scheduling date than December for Council review.

Mayor Jones thanked everyone for their comments.

COUNCIL RECESS 8:50 P.M.

COUNCIL MEETING RECONVENED 9:00 P.M.

16. Introduction of Proposed Ordinance Further Amending the Los Altos Hills Municipal Code by Amending Section 2-4.04 Concerning Bidding Procedures and Adoption of a Resolution in the Matter of the Uniform Public Construction Cost Accounting Procedures. (staff-N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. Pegueros explained that the Town was currently subject to provisions of the Public Contract Code that governed how and when contracts for a public project by a local agency were to be advertised, bid and awarded. Before Council was a Resolution for the Town to voluntarily become subject to the uniform Public Constructing Cost Accounting Procedures and a proposed ordinance amendment that would implement the informal bid process for public projects of \$125,000 or less. Pegueros spoke to the benefits of the proposed bidding procedure primarily in streamlining the process and providing greater efficiency.

Mayor Jones questioned if other cities were employing the proposed procedure.

City Attorney Steve Mattas offered that the proposed changes were especially cost effective and beneficial for small, low-cost projects. It was noted that the procedure was widely adopted by other municipalities. He cited South San Francisco and Hillsborough as examples.

Staff advised that the City Manager's signature authority was not changed by the proposal and that Council maintained the authority to reject any bid.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by O'Malley and passed unanimously to adopt Resolution No. 89-07 " In the Matter of Uniform Public Construction Cost Accounting Procedures" and to waive reading and introduce the ordinance "Further Amending the Los Altos Hills Municipal Code by Amending Section 2-4.04, Concerning Bidding Procedures".

17. Request from Friends of Westwind to Restructure the Loan Agreement for the Repair to the Riding Arena

No discussion on the item. The request had not been forwarded to the Town at the time of the meeting.

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

Mayor Jones noted that the dedication of the Little League field honoring Sgt. William Sigua was scheduled for November 11, 2007, Veteran's Day, at noon. He encouraged the members of Council and public to join in the ceremony.

#### STAFF REPORTS

City Manager – none

City Attorney – none

City Clerk – none

#### COUNCIL INITIATED ITEMS

18. Request for Grant Funding from Second Harvest Food Bank – Vice Mayor Mordo

Vice Mayor Mordo introduced the item. He offered that the Second Harvest Food Bank of Santa Clara County was supported by many of the surrounding communities and the County of Santa Clara. He suggested that it was appropriate to approve their request for \$2,000 and extend an invitation for them to participate next year in the review process for funding of nonprofit grants. Councilmember O'Malley acknowledged that he personally contributes to the organization and spoke to the wonderful work that they perform.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the grant in the amount of \$2,000 to the Second Harvest Food Bank.

#### ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:00 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

Minutes of the November 8, 2007 regular city council meeting were approved as presented at the January 10, 2008 regular city council meeting.