

Town of Los Altos Hills

City Council Regular Meeting Minutes

December 11, 2008
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Mordo called the City Council Regular Meeting to order at 7:00 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, City Attorney Steve Mattas, City Clerk Karen Jost

CONSENT CALENDAR

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

1. Resolution Declaring Canvass of Returns and Results of General Municipal Election Held on Tuesday, November 4, 2008 – Resolution #80-08
2. Approval of Meeting Minutes:
Regular City Council Meeting – October 23, 2008
Regular City Council Meeting – November 13, 2008
3. Review of Disbursements: November 1, 2008 – November 30, 2008 \$678,341.58
4. Adoption of Ordinance 513 Amending Title 6, Chapter 5 and Sections 5-8.08 and 12-2.207 of the Municipal Code Related to Public Nuisance Abatement Cost Recovery (Staff: K. Jost)

Motion to Waive Further Reading

Motion to Adopt the Ordinance

5. Approval of Contract Amendment: Additional Engineering Design Services and Construction Support Services for El Monte Road Pathway (Segment 3) Project (Staff: R. Chiu) Resolution #81-08
6. Dedication of Right-Of-Way; Lands of Soltanzad/Najmi, 13330 Burke Road (Staff: R. Chiu) Resolution #82-08

APPOINTMENTS AND PRESENTATIONS

7. Presentation to Outgoing Councilmembers – Councilmember Mike O’Malley and Councilmember Craig A. T. Jones

Council thanked Councilmember Mike O’Malley and Councilmember Craig A. T. Jones for their contributions to the Town during their tenures on the City Council.

Councilmember O’Malley was recognized for the many accomplishments of his two term service. Specifically, his leadership on the Town’s infrastructure/sewer expansion, adoption of the General Plan update, Pathway Map approval, and the construction of the new Town Hall. Councilmember Jones successful efforts to return a neighborhood public school accessible to all Town residents and his commitment and dedication to improve recreational opportunities for residents were acknowledged as successes that would be enjoyed for many generations of Town residents.

It was noted that the accomplishments mentioned were but a few of the many projects and successes where Councilmembers O’Malley and Jones had played significant roles. Each of the retiring Councilmembers was presented a framed picture of Town Hall Council Chambers and plaque acknowledging their service to the Town.

Councilmember O’Malley thanked his wife Sharon for her support during the past eight years. O’Malley offered that he had enjoyed the opportunity to work with the amenable and professional Town Hall staff during his years on the Council. He spoke to the significant progress that had been made within the community for a more open and respectful dialogue and encouraged the residents to consider public office or volunteering for the Town. O’Malley offered that his experience had been rewarding and he had a true passion for the Town of Los Altos Hills.

Councilmember Jones thanked the residents for the opportunity to serve the community and noted that it had been an honor to be a Councilmember. He thanked his wife Pamela and children for their support and understanding when he had to be away from home for a Town commitment during his term on the Council. Jones offered that it had been a pleasure to work with the Town Hall staff and acknowledged their leadership and responsiveness to the Town and Council’s needs. In addition to the City Council accomplishments that had been sited, Jones spoke to the “smart green development” programs that the Council had put in place that were beneficial to both the environment and residents. Jones encouraged the new Council to continue the programs that cement a sense of community including Westwind Barn events and programs, the Town picnic and special recreation events.

8. Administering the Oath of Affirmation and Seating of the Newly Elected/Re-elected Councilmembers

The City Clerk administered the Oath of Office to newly elected Councilmember Rich Larsen, Councilmember Ginger Summit and re-elected Mayor Jean Mordo.

COUNCIL MEETING RECESSED AT 7:25 P.M.

COUNCIL RECONVENED TO PUBLIC MEETING AT 7:50 P.M.

The Council took their places at the dais.

Councilmembers Present: Mayor Jean Mordo, Mayor Pro Tem Dean Warshawsky, Councilmember Breene Kerr, Councilmember Rich Larsen and Councilmember Ginger Summit.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to two minutes.

9. Council Appointments to Committees and Outside Agencies

Following a brief discussion, the City Council appointments were made as follows:

<u>Town Standing Committee</u>	<u>Council Liaison</u>
Community Relations	Warshawsky
Education	Warshawsky/Summit (alternate)
Emergency Communications	Larsen
Environmental Design and Protection	Summit
Environmental Initiatives	Larsen/Kerr (alternate)
Finance/Investment	Mordo (voting member)
History	Mordo
Open Space	Kerr
Parks and Recreation	Mordo/Warshawsky (alternate)
Pathways	Kerr/Summit (alternate)
Westwind Community Barn	Kerr (voting Member)
Volunteer Awards	Mordo
 <u>Outside Agencies</u>	
Association of Bay Area Governments (ABAG)	Warshawsky/ Kerr (alternate)
Local Agency Formation Commission (LAFCO)	Summit
Emergency Preparedness Councilmember	Larsen
League of California Cities- Peninsula Division	Summit
North County Library Authority	Mordo
Joint Powers Authority Library Board	Mordo
Valley Transportation Authority (VTA) Policy Advisory Board	Kerr
Purissima Hills Water District	Mordo
Santa Clara County Emergency Preparedness Comm.	Mordo
Santa Clara Valley Water Commission	Mordo
SCVWD Lower Peninsula Flood Control District and Watershed Advisory Board	Summit
Santa Clara County Cities Association Board	Summit
Santa Clara County Cities Association Selection Comm.	Kerr/Larsen (alternate)

PASSED BY CONSENSUS: To approve the Council appointments as noted.

Council directed staff to agendize for their consideration at the next regularly scheduled Council meeting dissolution of the Westwind Community Barn Committee offering that their charge had been completed. Council consensus was to form a Council Sub-Committee to oversee the Barn projects for 2009. Councilmembers Kerr and Summit volunteered to serve on the proposed Sub-Committee.

Additionally, staff was directed to agendize an amendment to the Standing Committee Resolution modifying the Councilmember membership to the Education Committee as voting members. The Council recommendation called for the Committee to have a Council Liaison.

PRESENTATIONS FROM THE FLOOR

Bill Balson, resident, thanked the Council for their many efforts to retain the rural nature of the Town. He suggested that the newly installed “no parking signs” were not appropriate and that there were alternatives to the signage that were more aesthetically compatible with the Town. Balson provided a sheet of sign designs that he believed were preferable.

Nancy Ginzton, resident, Town representative to the VTA’s Bicycle-Pedestrian Policy Advisory Committee, addressed Council. She reported that at the last VTA meeting, the Town’s signage regarding bicycles on El Monte Road had been discussed and were a point of contention. She understood the purpose of the signs as a safety measure but suggested that alternative signage that directed bicyclists to the new bicycle path route would be a more suitable solution.

Staff noted that the signs had been removed and alternative signage was being investigated.

Kathy Evans, resident, reported that the Holiday Barn Lighting celebration at Westwind had been very successful and attendance for the event was up. She thanked the Town for their current stewardship and operation of the facility. Evans requested the formation of a Council Ad Hoc Committee to examine opportunities for improved cell coverage.

Council noted that cell coverage had been investigated by a Council sub-committee and a map had been prepared and was available for her review at Town Hall. It was noted that the Town had a wireless facilities policy that encouraged vendors to locate cell sites in Town.

PUBLIC HEARINGS

10. Review and Consideration of an Initial Study and Adoption of a Mitigated Negative Declaration for the Taaffe Road Recreational Pathway Project
(Staff: R. Chiu)

City Engineer Richard Chiu introduced the item to Council. Council had before them the Initial Study and Mitigated Negative Declaration for construction of an approximately 1300 foot long unpaved recreational pedestrian and equestrian path to connect an existing path at the north end of the project site with an existing path along Taaffe Road. Chiu

reviewed a schematic of the pathway. He noted that the environmental document had been distributed in conformance with CEQA requirements and a Notice of Intent to adopt the Mitigated Declaration had been published in the Los Altos Town Crier.

Chiu explained that based on the Initial Study, staff had concluded that the proposed project, as mitigated, would not have a significant effect on the environment. The 30 day review period had concluded and to date, the Town had not received any public comments regarding the project.

In response to a Council inquiry, Chiu explained that the proposed path would be constructed as a native path with switchbacks similar to the Artemas Ginzton trail.

OPENED PUBLIC HEARING

No comments.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the Initial Study and adopt the Mitigated Negative Declaration for the Taaffe Road Recreational Pathway Project.

UNFINISHED BUSINESS

11. Update on Town Goals
 - Emergency Preparedness
 - Environmental Initiatives
 - Parks and Recreation Assets and Programs
 - Sewers and Infrastructure

No reports were given.

NEW BUSINESS

12. Update on Sewer Capacity Availability Annexation Request (Staff: R. Chiu)

Public Works Director/City Engineer Richard Chiu introduced the item to Council. Chiu explained that the report had been prepared to provide Council an update on the sewer capacity availability for an annexation request.

Chiu provided an overview of the 2007 sewer agreement between the Town and the City of Los Altos. The agreement had required the installation of several flow meters to verify the quantity of discharge for payment to the City and to ensure that the Town's capacity was not exceeded. The City has awarded a contract to install the required flow meters and the expectation is that they will be operational within 6 months with an additional 12 months needed to collect the appropriate data to calculate an average flow from the Town and from the City.

Chiu reviewed the available capacity within the Los Altos Sewer Basin. Currently the capacity is 0.3399 million gallons per day with a potential increase of 0.126 million gallons per day for a total potential capacity of 0.4659 million gallons per day. Town staff was currently working with the cities of Palo Alto, Los Altos and Mountain View to obtain the additional capacity. Chiu offered that capacity is integral to the Town's requests for annexation from properties located in the unincorporated County area that wish to connect to the Town's sewer system.

Chiu deferred to Planning Director Debbie Pedro for an analysis of annexation possibilities with Council. Pedro proceeded with a PowerPoint Presentation that included a map of the Town's boundaries; pockets of unincorporated County areas that were eligible for annexation to the Town and, the Town's Sphere of Influence and Urban Service Area boundaries. Pedro divided the pockets into two areas: Area #1 included the south-eastern part of Town; and, Area #2 included the south-western portion of Town.

Pedro reviewed the two areas with Council. The six pockets ranging in size from 9 acres to several 100 acres in Area #1 were all served by the Los Altos Sewer Basin. The number of parcels within the pockets varied with one pocket consisting of a single property to pockets with over two hundred parcels. Area#2 had one pocket within the Los Altos Sewer Basin and one pocket that was served by the Palo Alto Sewer Basin.

Chiu explained that the issue before Council was review of potential annexation requests with consideration of the Town's capacity for sewer. Chiu noted that given the current unavailability of flow meter data, assumptions were required in calculating the flow per residence. He reviewed a spreadsheet that used 300 gallons per day (gpd), 350gpd, and 400gpd per residence and the estimated percent of capacity for the Los Altos Sewer Basin considering those assumptions for properties already connected, connected plus potential connections within the Town's limits, and connected plus potential connections including annexations.

Chiu offered that staff was seeking direction from Council regarding annexation requests and whether the Town should reserve available sewer capacity for current Town residents. He noted that within 18 months after the flow meter data was reviewed, there would be a better idea of the actual quantity of flow being discharged by the Town.

Chiu reviewed the options that had been prepared by staff for Council consideration:

- Option #1-18 month Moratorium on annexations and then revisit after the flow meter data is available to review;
- Option #2-Limit annexation to 1 pocket of up to 24 parcels within the next 18 months; and
- Option #3-Allow annexation of all pockets as requested.

Chiu noted that there was a possibility of additional capacity becoming available in the future but at this time only the potential increase of 0.126 million gallons per day was under discussion.

Chui introduced Jayesh Shah, La Loma Drive (unincorporated area) who was seeking annexation and a sewer connection. Shah had started his development project in 2003.

He provided an overview of his project's 5 year history with LAFCO, the County, and Town. His property can not meet the new septic system requirements and he has been advised that annexation to the Town would be required to connect to the sewer which is located within 25 feet of his property. He submitted his application in April, 2008. The Town has advised Shah that it would be preferable to annex the entire 11 parcel pocket. It was noted that the properties were all conforming to the Town's one acre minimum standards.

Mr. Shaw's architect addressed Council and offered that the applicant would be happy to submit a request for a single annexation if that would streamline the process.

Council discussion ensued:

In response to inquiries from Council, staff explained that annexation of an entire pocket was preferable to a single parcel noting that the streamlining process for "island annexation" that had been developed by LAFCO would not be applicable to a single property. Additionally, it was noted that approximately 10-20 connections were made to the Town's sewer per year and it was doubtful that the Town could connect all parcels within its boundaries in the next 20-30 years given the topography and distance to sewer lines for many residences.

There was a general consensus that it was preferable for neighborhoods or small pockets to be annexed as a group rather than single properties (parcels). Council concurred that they would not restrict annexation of the smaller, identified pockets but preferred to wait for the data from the flow meters before moving forward with annexation of the larger pockets. Councilmember Larsen offered that many of the concerns regarding sewer capacity at the plant had been resolved and he could support annexation of any neighborhood group that was compliant with the Town's standards and was interested in annexation within the Town's Sphere of Influence.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Warshawsky and passed unanimously to provide sewer connection rights without limitations to all small island neighborhoods identified in the staff report map.

Staff was directed to return to Council with a specific plan for the future annexation process.

13. Consideration of Westwind Barn Operations Budget Amendment
(Staff: N. Pegueros)

Mayor Pro Tem Warshawsky and Councilmember Kerr recused themselves from consideration of this item and stepped down from the dais.

Finance Director Nick Pegueros introduced the item to Council. Council had before them a resolution amending the Town's fiscal year 2009 budget to authorize expenditures for the six month period ending June 30, 2009.

Pegueros provided an overview of his report. When the Town assumed operations of Westwind Barn, there was no historical experience that could be used as a template for

operating an equine boarding facility and staff requested a temporary budget for 6 months. The initial budget was built on user fees and expenditure data that was provided by the former operator. In November, 2008, the City Council approved new user fees for boarding services and facility use at Westwind Barn that would close the gap between revenues and expenditures and reduce the subsidy to the boarding operations. The item before Council would amend the existing Town budget for operations of the facility for the six-month period beginning on January 1, 2009 and ending June 30, 2009. The previous budget authorization of six months would end on December 31, 2008.

The budget amendment appropriated funds to sustain the boarding operation at the barn, the barn manager's salary and benefits, contract stall cleaning services, feed, bedding, utilities, and other incidental costs.

Council discussion ensued. It was noted that the proposed budget assumed 90% occupancy at the facility and currently, the Barn had 100% occupancy. Mayor Mordo suggested that it was appropriate to be conservative with the estimates given the current economy. He offered that the previous deficit was \$15,000 but with the new fees, the amount had been reduced to \$5,000. If the current level of boarding was maintained for the next six months, the deficit would be eliminated.

City Manger Cahill offered to return to Council at a future meeting with a list of projects for the facility that needed to be addressed. Cahill added that the goal was to have a safe public recreational facility and the outstanding issues were a result of lack of capital investment in the Barn facility for the past twenty–thirty years. Council concurred with his offer and suggested that it would be very helpful to have a complete understanding of the needs for the facility and estimated costs. Mayor Mordo suggested that he would like to set a target goal to have the operating costs break even assuming a reasonable occupancy.

City Attorney Steve Mattas explained that it was within the Council's discretion to amend budgetary appropriations during the course of the year. By adopting the resolution before them, staff could continue the operations and if Council should deem it appropriate, they could amend the budget after reviewing additional information at their January meeting.

MOTION SECONDED AND CARRIED: Moved by Summit, seconded by Larsen and passed unanimously to approve Resolution No. 83-08 "Amending the City Council Adopted Budget for Fiscal Year 2009".

14. Consideration of 2002 Resources Bond Act Project Application (Staff: E. Christensen)

Mayor Pro Tem Warshawsky recused himself from consideration of the item and stepped down from the dais.

City Manager Carl Cahill introduced the item to Council. The State of California awarded approximately \$21,000 to the Town through the Roberti-Z'berg Harris Block Grant program. The resolution before Council was an administrative step in the application process to request the grant funding from the State. To date, no money has

been allocated or spent from the grant. Staff has identified the rehabilitation of the round pen at Westwind Barn as an effective use of the grant funds. The current round pen is in need of repair and it was noted that its current condition presented a safety issue. Cahill explained that the project would return to Council for their consideration at a subsequent meeting.

Council discussed the request. Staff explained that the round pen was used by the Year Round Riding Program and improvements to the pen would lessen the use of the larger riding ring. No grant monies have been spent on projects at the Barn. Councilmember Kerr, for the record, noted that he did not use the riding arena.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Summit and passed unanimously to approve Resolution No. 84-08 “Approving the Applicant to Apply for Grant Funds for the Roberti-Z’berg Harris Block Grant program under the California Clean Water, Clean Air , Safe Neighborhood Parks, and Coastal Protection Act of 2002.”

PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commissioners at their December 4, 2008 Meeting had approved a new two story residence on Elena with a requirement to lower the house and protect and preserve the existing trees on the property line. The noted Condition of Approval was to address the concerns of neighbors and the project’s impact on views. Pedro had been advised by the applicant they would be appealing the Planning Commission’s decision to the City Council. The vote on the project was 5-0.

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

Councilmember Summit reported that she had attended the Los Altos School Boards meeting. Topics discussed included opportunities for future school sites and the financial concerns of the District for the upcoming year.

STAFF REPORTS

City Manager:

City Manager Carl Cahill advised Council that Town Hall would be closed on Friday, December 26, 2008. Employees would take the day as a vacation or unpaid day.

City Attorney

City Clerk

No additional reports given.

ADJOURNMENT

There being no further business, the December 11, 2008 meeting was adjourned by consensus of the City Council at 9:45 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the December 11, 2008 meeting were approved as presented at the January 8, 2009 regular City Council meeting.