

Meeting Minutes December 15, 2005

Town of Los Altos Hills City Council Regular Meeting

Thursday, December 15, 2005 6:00 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Ragsdale, Director of Public Works/City Engineer Henry Louie and City Clerk Karen Jost

2. APPOINTMENTS AND PRESENTATIONS

2.1 Honorable Ira Ruskin, 21st Assembly District

The Honorable Ira Ruskin addressed Council. He thanked Council for the opportunity to share with his constituency an overview of the past legislative year in Sacramento and offered that he was pleased with the recent opportunities to have an exchange of ideas with various members of the Los Altos Hills Council. Assembly Member Ruskin summarized his capitol assignments and recent legislation efforts. He noted that he had authored eighteen (18) Assembly Bills and seven of the nine forwarded to the Governor's desk had been signed and enacted. Ruskin introduced Richelle Noroyan, his local District Director and encouraged the Council to continue their dialogue with his office on shared matters of interest.

Council thanked Assembly Member Ruskin for his vigilant representation of the Town and residents' concerns in Sacramento.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on December 8, 2005. He noted that the Commission had reviewed Lands of Malavalli, a request for a new residence and auxiliary buildings. The project was approved by a 5-0 vote. Discussion had centered on the Pathways Committee's recommendation, with the Commission confirming the Pathways Committee's request that called for the construction of a native path as shown on the 2005 Master Path Map. Two additional items on the meeting agenda were for fence exceptions. Both requests were denied.

Cahill advised Council that the Planning Commission had approved the draft fence ordinance and noted that the draft ordinance would be scheduled for a public hearing before Council for their consideration of adoption in January.

Cahill explained that the draft ordinance on highly visible lots had been continued by the Commission for further review.

Cahill reported that the Commission had also continued the discussion of the rezoning of unincorporated San Antonio Hills scheduled as Public Hearing Item 11.1 on tonight's Council's agenda. The Commission was seeking additional information on the subject and recommended that Council continue the hearing to such time as the Commission had completed their review and could provide the appropriate recommendations.

Cahill informed Council that the County of Santa Clara and Stanford University had reached consensus on the S1 trail and were moving forward with the S1C alignment. Council had before them a map of the trail and press release of the agreement. Town staff had requested funds to improve the path alignment segment through Town and funds up to \$1 million dollars would be provided. A formal agreement between the Town and Stanford would return to Council at a future meeting for their approval.

4. CONSENT CALENDAR

Items Removed: 4.4 (Mordo/O'Malley) 4.5 and 4.9 (O'Malley) 4.7 (Kerr)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the remainder of the Consent Calendar with Mayor Kerr abstaining on the payment to Toeniskoetter & Breeding included as a disbursement in agenda item 4.2 due to a potential conflict of interest:

4.1 Approval of Minutes: Regular City Council Meeting December 2, 2005

4.2 Review of Disbursements: 11/23/2005 – 12/2/2005 \$285,786.68

4.3 Acceptance of the 2004-2005 Street Rehabilitation, Storm Drain Improvements and Pavement Marking Project – Resolution No.109-05

4.6 Notification of Fast Track Approval: Lands of Nie: 13070 S. Alta Lane; A Request for a Site Development Permit for 456 square-foot first and second

story addition, major remodel, and 472 square-foot attached secondary dwelling unit (maximum height 24 feet) (85-05-ZP-SD-GD)

- 4.8 Resolution of the Town of Los Altos Hills Commemorating the 75th Anniversary of the Santa Clara Valley Water District – Resolution No.110-05

Items removed:

- 4.3 Award of Bid for Actuarial Consulting Services – Resolution No.111-05

Councilmember Mordo requested clarification of the scope of services for the actuarial consultant. He requested assurance that meeting time with the Finance and Investment Committee was included. Administrative Services Director Sarah Ragsdale confirmed that the agreement included two meetings with “clients” and a scheduled meeting with the FIC would be most appropriate.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to award the bid for actuarial consulting services.

- 4.4 Approval of Annual Update to Personnel and Employee Benefits Manual
Resolution No.112-05

Councilmember O’Malley requested clarification on the date of the last update of the manuals under consideration. Administrative Services Director Ragsdale explained that the last update was performed in January, 2005.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Mordo and passed unanimously to approve the annual update to the Personnel and Employee Benefits manuals.

- 4.7 Notification of a Fast Track Approval: Lands of Kim: 13686 Page Mill Road; A Request for a Site Development Permit for a 5,999 square-foot two-story New Residence with a 2,686 square-foot Basement (maximum height 27 feet) and a 677 square-foot Swimming Pool.(129-05-ZP-SD-GD)

Mayor Kerr requested additional information on this item.

Ginger Summit, Pathways Committee Chair provided an overview of the Pathways Committee’s recommendation for the siting of the path on the property below the berm on Page Mill Road. She offered that the Committee had differed with the staff recommendation for locating the path on the shoulder of the road. The project had been approved with the staff recommendation.

Mayor Kerr appealed the Fast Track approval of the project, Lands of Kim, for consideration by the City Council at a future meeting. He noted his concern for the path on a highly trafficked road. Kerr would follow-up with a notification in writing of his appeal to the City Clerk.

Jitze Couperus, Page Mill Road, neighbor of Lands of Kim, voiced his support for the Fast Track approval of the project and the staff recommendation for the path. He offered that there was ample room for the path. He distributed photos to the Council.

4.9 Approval of Revised Investment Policy

Councilmember O'Malley requested clarification on the item from Administrative Services Director Sarah Ragsdale. Ragsdale noted that the investment instruments had been modified at the request of the Town's financial consultants, the PFM Group. Their request and the investment vehicles had been reviewed and approved by the Finance and Investment Committee.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the revised Town of Los Altos Hills Investment Policy.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr advised that the Council would be considering a component of the Strategic Conservation Goal as agenda item 6.2.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr announced that the Bullis Charter School was currently holding open enrollment for the next school year.

Councilmember Jones advised Council that the Public Education Committee would be reporting out to Council in January, 2006.

5.2 Underground Project Status Report

Mayor Pro Tem Warshawsky reported that the early start date for the two Town pilot undergrounding projects was November, 2006 and the late start date was April, 2007. He noted that there was interest from several neighborhoods in Town to underground their utilities and the Ad-Hoc Undergrounding Committee was investigating how best to facilitate/accommodate these requests. Warshawsky explained that individual projects move more quickly through the maze of PG&E requirements than Rule 20A projects.

5.3 Update on General Plan Review

Councilmember O'Malley reported that the Ad-Hoc Committee had scheduled two meetings in January, 2006 on the second and fourth Wednesday at noon.

5.4 Update on Improved Cell Phone Coverage

Planning Director Carl Cahill reported that the Cingular Wireless application for a cell tower at Town Hall was expected to be agendized for Council consideration at a February meeting. A neighborhood meeting to provide residents the opportunity to review the project with Cingular representatives had been scheduled for December 21, 2005. Currently the project called for a mono-pine tower located behind the Heritage House.

Mayor Kerr asked if it was possible for the cell phone providers to generate their own energy. Cahill responded that he would advise Cingular that there was interest in the possibility of solar driven power. He noted that the providers engineers would report on the feasibility of the request.

Cahill advised Council that the T Mobile "cow" on De Bell Road was scheduled for installation within the next thirty (30) days. It would serve as a visual story pole for neighbors and coverage reference.

5.5 Status of Town Pathways Projects

Public Works Director/City Engineer Henry Louie introduced this item to Council. Council had before them a spreadsheet titled "CIP Funding Update (12-15-05). Louie summarized the status of the Robleda Road Path, Moody Road Path (Segment 1) and Foothill College Path (Segment 2) projects and reviewed their funding.

Council thanked Louie for his report and expressed their support of the projects. Mayor Kerr advised Council of the status of VTA approved funds for the Moody Road and Foothill College. The VTA had approved approximately \$400,000 for the project and additional funding would be provided by Foothill College through matching funds. Kerr noted that the project cost estimates had increased since Council's earlier approval in concept of the path. He believed the project would greatly improve pedestrian and bicyclists safety and provide a safe and attractive route. Once completed, with the availability of parking space at Foothill College, the Town could enforce "no parking" restrictions on Moody Road. Kerr noted the additional outside funding the Town would receive for the 2005 Street Improvement CIP as identified on Louie's spreadsheet.

OPENED PUBLIC COMMENT

Ginger Summit, Pathways Committee Chair, stated that the Committee was "thrilled" with the planned projects and thanked the City Engineer and Mayor for their efforts. She requested that the Pathways Committee be kept apprised by the City Engineer of the status of the projects.

Sandy Humphries, Environmental Design and Protection Committee, expressed her concern about any asphalt path being placed near a creek (Foothill College). She

concluded that it was important to get a safe route for bicyclist on El Monte Road. Humphries added that she would like rolled/residential friendly curbing as the standard for any road/street projects.

CLOSED PUBLIC COMMENT

5.6 Arastradero Traffic Signals Update (Mayfield Project)

Planning Director Carl Cahill advised Council that the Town was monitoring the Mayfield Project. The City of Palo Alto staff had reported that they had completed the traffic count and an analysis of the findings would be completed in January, 2006. They expected the study would provide them with an indication regarding the necessity of traffic signals or alternative traffic calming methods.

Council requested clarification on Town resident participation in the Palo Alto neighborhood meetings. Cahill noted that staff had not been advised of the first neighborhood meeting however, Town residents were in attendance. Council requested that residents be advised of future neighborhood meetings.

6. NEW BUSINESS

6.1 Consideration of Proposed Mayor's Letter to Former Mayors Regarding Attending the 50th Anniversary Gala

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the revised draft letter to former Mayors submitted by the Community Relations Committee.

6.2 Report on Zero Permit Fees for Solar Panel Systems

Planning Director Carl Cahill introduced this item to Council. He noted that at the City Council meeting of December 1, 2005, Councilmember Jones requested that the Town consider waiving the building permit fees for new solar electric systems. He offered that in 2005, the Town's Building Department had collected \$8,800 in permit fees for solar systems. Cahill noted that the Town already waives the roadway impact fee and the permit fees collected represent most actual processing costs.

Council discussion ensued. They concurred that eliminating the building fees would symbolize the Town's interest in encouraging resident solar systems. Councilmember Jones shared a San Jose Mercury news article and chart of municipal permit fees for solar applications that ranged from \$50 to \$1,620. The Town's current fees placed them below the average cost of identified cities but Jones noted that it would send a symbolic signal of the Town's support of solar power if they were the lowest with zero (\$0) cost of permits. Jones noted that the Environmental Initiatives Committee was supportive of the proposed zero fee. Jones recommended that the new zero fee be permanent.

Council concurred. Mayor Kerr advised that some exceptions to the zero fees might include larger systems that could potentially require outside consultants to review. Cahill explained that the Building Inspector usually relied on the applicant's engineers' documentation/specifications for building review and the issuance of a permit. Cahill added that planning permit fees would still be required for any proposed solar system that required a variance or Planning Commission public hearing.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to direct staff to draft the necessary fee amendment resolution for a permanent reduction of the solar system building application fees to zero. Planning fees would still be applicable if a variance or public hearing was required for the application.

6.3 Discussion of November 2, 2005 Appointment of a Committee Member to the Pathways Committee, Including Potential Rescission of the Appointment

Mayor Kerr provided a brief overview of the appointment of Courtenay Corrigan to the Pathways Committee by Council at the November regular Council meeting. Following the appointment, the issue of residency requirement for Committee members had been broached by the Community Relations Committee and Pathways Committee.

City Attorney Steve Mattas noted that Council had been provided a background memo by staff.

Courtenay Corrigan, addressed Council. She explained that she and her husband had purchased property on Fremont Pines Lane in Los Altos Hills and were currently moving through the planning process to build a new residence on the site. In the interim, she and her family planned to relocate to a family residence and would be residing in Los Altos Hills on Robleda Road. She expressed her desire to continue on the Pathways Committee and noted her belief that participation in public service was very important to being a good community citizen. She expected to be relocated to the Robleda Road residency in several weeks.

Ginger Summit, Pathways Committee Chair, acknowledged that the residency issue was resolved by this information and she noted that she looked forward to working with Corrigan.

City Attorney Steve Mattas suggested that Ms. Corrigan notify the Town in writing via the Clerk when they had relocated in Town. Corrigan concurred.

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

7.1 Herbicide Reduction Proposal – Open Space Committee

and Staff Report

Director of Public Works Henry Louie introduced this item to Council. He explained that the Open Space Committee in late October, 2005 had submitted a herbicide reduction proposal to staff requesting the suspension of the Town's weed control spraying operation. In response to the proposal, staff had re-examined the Town's existing operation and policy. Louie explained that the Town was currently using the most cost effective method to control weeds along public rights-of-way. The program was similar to those employed in Portola Valley, Atherton and Daly City. Herbicides used by the Town are EPA approved. Louie reviewed the Town's 1998 Council approved "Weed Control Spraying Strategy for the Town". He advised that the OSC proposal for manual labor to control the weeds could potentially cost an additional \$250,000 per year and the mowing alternative could cost \$200,000 per year for contract services. The Town currently contracts with Clark Pest Control for two rounds of spraying of approximately 18 miles of roadways and pathways at an annual cost of \$20,000.

OPENED PUBLIC COMMENT

Roger Spreen, Open Space Committee Chair, commented that the Committee at this time was more interested in focusing on the first part of their request identified in their proposal before Council. This included "working with the Public Works staff to investigate an alternative approach to roadside weed maintenance and to report back to Council on the proposed approach with its economic and environmental impact." Spreen noted that they would suspend their request to halt spraying operations at this time.

Sandy Humphries, Environmental Design and Protection Committee member, suggested that Council use the Clean Bay Initiative as a resource on the subject.

CLOSED PUBLIC COMMENT

Council discussion ensued. They concurred that it would be appropriate to review the Town's policy and suggested that any outside research should be conducted by the Committee. Councilmember Jones requested that the study include an investigation for a more environmentally friendly herbicide as an alternative option.

City Manager Cassingham offered that staff would move forward with the Committee as time permitted. She requested that the Public Works staff be the direct contact with any of the Town's vendors and that the Committee work through staff.

Council consensus was to continue with the spraying program at this time to control weeds.

COUNCILMEMBER REPORTS

Councilmember O'Malley reported that he had attended a Santa Clara Valley Water District meeting and the Adobe Creek project was moving forward.

Councilmember O'Malley reported that he and City Manager Cassingham had met with TEA consultant Greg Sellars and the effort to recapture the Town's property tax share was progressing. He expected a conclusion to the process in early 2006.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Budget for Consulting Services to Support the Ad-Hoc Committee Chartered to Make Recommendations to the City Council on Steps to Strengthen the Mandate and Membership of the Parks and Recreation Committee to Include Oversight Responsibilities over Town Recreational Facilities – Mayor Kerr

Councilmember Jones reported that the Ad-Hoc Committee had convened their initial meeting. They had agreed to move forward in a "fact finding mode." Jones explained that the Committee might require assistance from a consultant with a background in equestrian/barn management. He noted that a consultant was already in contract with the Town to look at the structural integrity and condition of the barn and the supplemental consultant would be used to provide information on the utilization of the facility and an unbiased industry opinion. Jones requested a budget authority of not-to-exceed \$5,000.

Councilmember Mordo commented that he would support a consultant if the Committee were included in the selection process. Jones concurred.

Councilmember O'Malley offered that moving forward, he would only recuse himself from consideration of Westwind Barn items that involved the Friends of Westwind because of his wife's participation as Board President. He would participate in all other discussions of Westwind Barn.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to approve a not-to-exceed amount of \$5,000 to hire a consultant with expertise in equestrian/barn (facilities) management to assist the Ad-Hoc Committee. Mayor Pro Tem Warshawsky did not participate in discussion of this item and abstained from the vote due to a potential conflict of interest created by the proximity of his residence to Westwind Barn.

9.2 Consideration of Consulting Services for Potential Energy Audit of the New Town Hall Facilities – Mayor Kerr

Mayor Kerr explained that he had been working with Public Works Director Henry Louie and the property manager to monitor the energy being used by Town Hall. He noted that an unusual amount of energy was being used on the weekends and requested a not-to-exceed budget of \$2,500 to hire an energy consultant to study the current system.

Councilmember Jones expressed his opinion that maintenance started with evaluation. He concurred with Mayor Kerr that it was good to monitor and maximize the use of energy by the Town Hall facility.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to hire an energy consultant to review the energy use of Town Hall for a not-to-exceed amount of \$2,500.

- 9.3 Consideration of Co-Sponsorship of January 30, 2006 Event Hosted by Hidden Villa at Town Hall “Urban Dreams: Remaking Our Cities for Sustainability” – Mayor Kerr

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O’Malley and passed unanimously to co-sponsor the January 30, 2006 event hosted by Hidden Villa at Town Hall “Urban Dreams: Remaking Our Cities for Sustainability”.

- 9.4 Discussion of Bridge Maintenance in Byrne Preserve – Mayor Kerr

Mayor Kerr provided a slide show of a bridge located in Byrne Preserve. He questioned the safety of the bridge and it’s ability to support three horses for crossing.

Public Works Director Henry Louie offered pictures of the bridge following cleaning. He explained that the bridge was not located in an optimum location and was situated at the low point in the valley of the creek. Louie explained that he had performed an evaluation of the bridge several months ago. He found the bridge safe but deteriorating and provided a cross section schematic of the bridge for additional clarification. He believed that the bridge had a 2-3 year additional life span and suggested maintenance/repairs as an interim solution. Louie reviewed replacement options, timelines and costs with Council, noting that it would cost approximately \$50,000 to replace the bridge and raise the profile. Replacement and relocation would eliminate the problem.

City Manager Cassingham offered that issues of maintenance could best be handled by staff and requested that future requests be forwarded to her directly. Council concurred.

10. PRESENTATIONS FROM THE FLOOR

Roger Spreen, Open Space Committee Chair, advised the Council on the successful residential response to the recently mailed “Wildlife Survey”. Approximately ten percent

of residents who had received the survey had responded. Many of the returned questionnaires included antidotal comments that were considered very helpful by the consulting wildlife biologist. Spreen noted that he would keep Council apprised of the status of the development of the Town's wildlife corridors map.

11. PUBLIC HEARINGS

- 11.1 Rezoning of Unincorporated San Antonio Hills Area: 82 Parcels (19.99 Acres) East of the Town of Los Altos Hills and South of the City of Los Altos, Generally Between Magdalena Avenue and Eastbrook Avenue Including Spalding Avenue, Par Avenue, Winding Way, Putter Avenue and Putter Way; #234-04-ZP

Planning Director Cahill advised the City Council that the Planning Commission had continued the item to permit additional time to investigate the subject.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to continue the public hearing item "off calendar". Rescheduling of the item for Council consideration at a future meeting would include re-noticing of the item as a public hearing.

Council adjourned to Closed Session at 9:05 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Government Code Section 54956.8

Property: 27210 Altamont Road (APN 182-21-016)

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Verizon Wireless by Cellco Partnership

Under Negotiation: Terms and Conditions for Lease of Property

Council Reconvened to Open Session at 9:30 p.m..

No action was taken.

13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the Council at 9:30 p.m.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the December 15, 2005 Regular City Council Meeting were approved as presented at the January 12, 2006 Regular City Council Meeting.