



TUESDAY, JULY 22, 2008

4:30 P.M. - COUNCIL STUDY SESSION

Council Chamber, Los Altos City Hall
One North San Antonio Road, Los Altos, California

1. Civic Center Master Plan

6:30 P.M. – SPECIAL MEETING (CLOSED SESSION)

Redwood Conference Room
One North San Antonio Road, Los Altos, California

Public Comment on Closed Session

1. Conference with Legal Counsel – Threatened Litigation

Pursuant to Government Code section 54956.9(b)1) (one case)

7:00 P.M. - REGULAR CITY COUNCIL MEETING

Community Meeting Chambers, Los Altos City Hall
One North San Antonio Road, Los Altos, California

NOTE TO PUBLIC

Please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council in order for it to become part of the public record

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1 N. San Antonio Road, Los Altos, California during normal business hours

ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION

Proclamation Honoring Nonagenarian Donald McDonald

PUBLIC COMMENTS

Members of the audience may bring to the Council's attention any item that is not on the agenda. Please complete a "Request to Speak" form and submit it to the City Clerk. Speakers are generally given two or three minutes, at the discretion of the Mayor. State law prohibits the Council from acting on items that do not appear on the agenda.

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. Council Minutes
Approval of minutes – regular meeting of July 8, 2008
2. Management Analyst/Business Liaison Job Position (continued from July 8, 2008)
Recommendation to adopt a resolution eliminating the Economic Development Coordinator position and creating a new Management Analyst/Business Liaison position

3. Civic Center Master Plan Advisory Committee Membership
Recommendation to appoint two additional members (Becker/Casas)
4. Crossing Guard Report
Update on All City Management Services and areas of concern for upcoming school year
5. Opposition to AB 2716 (Ma) – Employment: Paid Sick Leave
Recommendation to authorize the Mayor to sign a letter stating opposition to AB 2716
6. Parcel Map 780 Dixon Way
Recommendation to:
 - A. Approve a Parcel Map for 780 Dixon Way; and
 - B. Amend conditions 16, 17 and 18 requiring they be satisfied prior to final occupancy
7. Final Map for Tract No. 10,000, 4400 El Camino Real
Recommendation to:
 - A. Approve a Final Map for Tract No. 10,000, 4400 El Camino Real;
 - B. Amend condition 20 requiring it be satisfied prior to final occupancy; and
 - C. Authorize the City Manager to execute a subdivision improvement agreement for 4400 El Camino Real
8. Pavement Management Technical Assistance Program (P-TaP) Grant
Recommendation to:
 - A. Accept the Metropolitan Transportation Commission (MTC) Pavement Management Technical Assistance Program (P-TAP) grant for \$32,400 to conduct a street condition assessment, and
 - B. Appropriate \$6,480 from the Operating Reserve to Engineering to provide the city's share of the grant

DISCUSSION

9. Proceeds from Sale of Former Los Altos Treatment Plant
Recommendation to adopt Resolution No. 2008-36 with respect to the use of payments received from the City of Palo Alto in connection with the sale of the former Los Altos treatment plant

PUBLIC HEARING

10. Zoning Code Amendments
Recommendation to introduce and waive further reading of an ordinance amending:
 - A. Chapter 14.02 of Title 14 pertaining to the modification of the definitions of “front lot line” and “frontage;”
 - B. Chapters 14.06, 14.08, 14.10 and 14.12 of Title 14 pertaining to accessory structure regulations in Single-Family districts; and
 - C. Chapters 14.18, 14.20 and 14.22 of Title 14 pertaining to trash enclosures in the rear yard of Multiple-Family districts and the single-story height restriction for Multiple-Family district properties within 100 feet of a Single-Family district

11. Hearings and Related Actions with Respect to Sewer Service Charges
Recommendation from the City Attorney to:
- A. Conduct Public Hearing on Proposed Sewer Service Charges and Sewer Service Charge Ordinances
 - B. Announcement of Protests Received
 - C. Adopt an urgency ordinance amending Article 10.12 of the Los Altos Municipal Code pertaining to Sewer Service Charges and setting the Sewer Service Charge rate for Fiscal Year 2008-09 and subsequent fiscal years
 - D. Introduce and waive first reading of an ordinance amending Article 10.12 of the Los Altos Municipal Code pertaining to Sewer Service Charges and setting the Sewer Service Charge rate for Fiscal Year 2008-09 and subsequent fiscal years
 - E. Conduct Public Hearing on Sewer Service Charge Rate Report
 - F. Adopt Resolution No. 2008-37 approving the report of sewer service charges for fiscal year 2008-2009, and directing the filing of charges for collection by the County Tax Collector

COUNCIL REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

COMMISSION REPRESENTATIVES:

HISTORICAL:	Justin Drewes
PLANNING:	Kitty Uhler
PARKS, ARTS & REC:	Marian Cooper
TRAFFIC:	Preston Tollinger
YOUTH:	Colin DeMartini

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2720.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS, HELD ON TUESDAY, JULY 22, 2008, AT 7:00 P.M. AT LOS ALTOS CITY HALL, ONE
NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ROLL CALL

PRESENT: Mayor Carpenter, Councilmembers Packard, Satterlee, Casas and Becker

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Carpenter led the pledge of allegiance.

CLOSED SESSION ANNOUNCEMENT

Mayor Carpenter announced that no action had been taken in the closed session held prior to the regular council meeting.

SPECIAL PRESENTATION

Mayor Carpenter read and presented a proclamation to Nonagenarian Donald McDonald.

PUBLIC COMMENTS

LaNae Avra, Los Altos resident, commented on the crossing guard program and requested coverage at Montclair and St. Simons Schools.

Stratton Jaquette, Los Altos resident, requested heightened enforcement of the leaf blower regulations.

CONSENT CALENDAR

Item no. 6 was continued to a date not certain.

On a MOTION BY MAYOR PRO TEM SATTERLEE, SECONDED BY COUNCILMEMBER PACKARD AND PASSED UNANIMOUSLY, the following items were approved with the exception of item no. 6:

1. Council Minutes
Approved the minutes of the regular meeting of July 8, 2008.
2. Management Analyst/Business Liaison Job Position (continued from July 8, 2008)
Adopted a resolution eliminating the Economic Development Coordinator position and creating a new Management Analyst/Business Liaison position.
3. Civic Center Master Plan Advisory Committee Membership
Appointed Susan Becker and Louise Burton to the Master Plan Advisory Committee.
4. Crossing Guard Report
Accepted a report on All City Management Services.
5. Opposition to AB 2716 (Ma) – Employment: Paid Sick Leave
Authorized the Mayor to sign a letter stating opposition to AB 2716.
6. Parcel Map 780 Dixon Way
 - A. Approve a Parcel Map for 780 Dixon Way; and
 - B. Amend conditions 16, 17 and 18 requiring they be satisfied prior to final occupancy

MOTION BY MAYOR PRO TEM SATTERLEE, SECONDED BY COUNCILMEMBER PACKARD, to continue to a date not certain. THE MOTION CARRIED UNANIMOUSLY.

7. Final Map for Tract No. 10,000, 4400 El Camino Real
 - A. Approved a Final Map for Tract No. 10,000, 4400 El Camino Real;
 - B. Amended condition 20 requiring it be satisfied prior to final occupancy; and
 - C. Authorized the City Manager to execute a subdivision improvement agreement for 4400 El Camino Real

8. Pavement Management Technical Assistance Program (P-TAP) Grant
 - A. Accepted the Metropolitan Transportation Commission (MTC) Pavement Management Technical Assistance Program (P-TAP) grant for \$32,400 to conduct a-street condition assessment, and
 - B. Appropriated \$6,480 from the Operating Reserve to Engineering to provide the city's share of the grant

DISCUSSION

9. Proceeds from Sale of Former Los Altos Treatment Plant
City Attorney Houston reported the necessity for adopting the resolution.

The following Los Altos residents commented:

King Lear
Gerry Madea
Kristi Clarke

Mark Mandell, outside counsel to the City, clarified that the purpose for the funds will be determined after the city attorney investigates appropriate uses.

Council discussion included allocation of funds derived from the sale of the site, responses to questions posed by a member of the public, and acknowledgement of Councilmembers who negotiated the sale with the City of Palo Alto. Additional language to the resolution was suggested to clarify that previous Council action regarding the allocation of the surplus funds is null and void. One Councilmember asserted that the additional language is unnecessary.

MOTION BY COUNCILMEMBER PACKARD, SECONDED BY COUNCILMEMBER CASAS, to adopt Resolution No. 2008-36, with the additional language to paragraph 4: "and declares null and void, *ab initio*, the two motions regarding such which were made on November 29, 2005, since, upon subsequent review, they were made without a specific notice appropriate for a change of such a long-standing policy", with respect to the use of payments received from the City of Palo Alto in connection with the sale of the former Los Altos treatment plant. THE MOTION CARRIED 4-1, with Mayor Pro Tem Satterlee dissenting.

When a determination is made for the appropriate uses for the surplus funds, there will be discussion, with an opportunity for the public to comment, and direction given relative to the use of the funds, at a regularly scheduled City Council meeting.

PUBLIC HEARING

10. Zoning Code Amendments
Associate Planner Dahl reported that the amendments are responsive to public concerns and clarified the definitions.

Mayor Carpenter opened the public hearing and, there being no speakers, closed the public hearing.

Staff responded to questions posed by Council relative to height and square footage restrictions for both accessory structures that are in the setback area and structures that are outside the setback area and within the main footprint of the home. There was a concern raised, regarding garages at the rear of the property, that the changes would create a dead zone thereby discouraging them in neighborhoods where they are standard.

MOTION BY COUNCILMEMBER PACKARD, SECONDED BY COUNCILMEMBER BECKER, to introduce and waive further reading of an ordinance amending:

- A. Chapter 14.02 of Title 14 pertaining to the modification of the definitions of "front lot line" and "frontage";
- B. Chapters 14.06, 14.08, 14.10 and 14.12 of Title 14 pertaining to accessory structure regulations in Single-Family districts; and
- C. Chapters 14.18, 14.20 and 14.22 of Title 14 pertaining to trash enclosures in the rear yard of Multiple-Family districts and the single-story height restriction for Multiple-Family district properties within 100 feet of a Single-Family district

THE MOTION CARRIED 4-1, with Mayor Pro Tem Satterlee dissenting.

11. Hearings and Related Actions with Respect to Sewer Service Charges

Engineering Services Manager Gustafson reported that the approved Sewer Master Plan recommended increasing sewer rates, and that a recent California Supreme Court decision requires rates to be proportional to the benefit received. The water consumption method is more proportionate than charging a flat rate.

Mayor Carpenter opened the public hearing and the following residents offered comments:

Ted Brown	Don Anderson	Gerry Madea	Otto Gelormini
Gabrielle Tiemann	Braden Beck	Stratton Jaquette	Bill Lonergan
Kristi Clarke	King Lear	Frances Keller	Tom Lynch
Robert Belstock	Janet Wilson	Lee Shahinian	Andrew Chavez
Al Hill	Richard Moll	John Petrula	
Leon Eymil	Andrew Sides	Tom Foxen	

Mayor Carpenter closed the public hearing and then recessed the meeting from 9:00 to 9:13 p.m.

Upon reconvening the meeting, City Clerk Kitchens announced that 174 written documents had been submitted claiming to be protests. Further, 11,367 parcels are affected by the sewer charges and that a majority protest would exist only if half, or 5,684 parcels, submitted written protests. She concluded that there is not a majority protest, and advised the Council that they may proceed.

Council discussed the methodology for assessing the rates based on the water usage during the three rainiest months of the year. Given that there are fixed and variable components to water usage, rates may be re-assessed annually and re-submitted to the County Tax Collector by August 10. They amended the language in 10.12.110 paragraph G, defining "Wet season months." There were concerns raised relevant to anomalies in the estimates and Council gave assurances that the ordinance provides for an appeal by a parcel owner who believes their estimation is inaccurate. Council directed staff to schedule a study session to discuss the appeals process and to develop guidelines.

MOTION BY COUNCILMEMBER PACKARD, SECONDED BY COUNCILMEMBER CASAS, to adopt an urgency ordinance amending Article 10.12 of the Los Altos Municipal Code pertaining to Sewer Service Charges and setting the Sewer Service Charge rate for Fiscal Year 2008-09 and subsequent fiscal years, as amended. THE MOTION CARRIED UNANIMOUSLY.

MOTION BY COUNCILMEMBER PACKARD, SECONDED BY COUNCILMEMBER CASAS, to introduce and waive first reading of an ordinance amending Article 10.12 of the Los Altos Municipal Code pertaining to Sewer Service Charges and setting the Sewer Service Charge rate for Fiscal Year 2008-09 and subsequent fiscal years, as amended. THE MOTION CARRIED UNANIMOUSLY.

Mayor Carpenter opened the public hearing on the Sewer Service Charge Rate Report and the following residents commented:

Janet Wilson	Al Hill	Braden Beck	Ted Brown
Gerry Madea	Kristi Clarke	Lee Shahinian	Robert Belstock

Mayor Carpenter closed the public hearing.

Council recognized that the timeframe in which data is gathered for assessing rates is not for the current fiscal year because of the deadline for submitting the tax roll to the County; therefore, data from the prior calendar year was used. They noted that computation errors found in the preliminary roll for 2008-2009 will be corrected before the tax roll is submitted to the County Tax Collector.

MOTION BY MAYOR PRO TEM SATTERLEE, SECONDED BY COUNCILMEMBER PACKARD, to adopt Resolution No. 2008-37 approving the report of sewer service charges for fiscal year 2008-2009, direct staff to adjust the amounts listed for the commercial condominiums that were inadvertently calculated with a mathematical error, and direct the filing of charges for collection by the County Tax Collector. THE MOTION CARRIED UNANIMOUSLY.

COUNCIL REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Councilmember Becker announced an upcoming Santa Clara Valley Water District meeting.

Councilmember Casas requested that discussion relative to the cost of adding crossing guards at Montclair and St. Simons be agendaized. Mayor Carpenter and Mayor Pro Tem Satterlee supported. He reported on a meeting of the Dumbarton Rail Policy Advisory Committee and announced that the Valley Transportation Authority (VTA) has agendaized the governance structure for their August meeting.

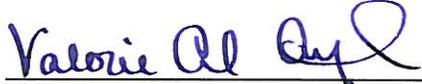
Mayor Pro Tem Satterlee requested a progress report on the recommendations in the Sewer Master Plan. Councilmembers Packard and Casas supported the request. Further, she requested an update on to Figure ES-2 of the Sewer Master Plan, Projected Expenditures, Revenues, Reserves and City Sewer Charges. This was supported by Councilmember Casas and Mayor Carpenter.

Mayor Carpenter announced that the next Downtown Zoning Committee meeting will be held on August 19, 2008, at 7:30 a.m., in Room 2 at Hillview.

ADJOURNMENT

Acknowledging that volunteers are the heart of our community, Mayor Carpenter adjourned the meeting at 10:36 p.m.


Susan Kitchens, CITY CLERK


Valorie Cook Carpenter, MAYOR