MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS, HELD ON TUESDAY, MAY 8, 2012, BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

ROLL CALL

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

ABSENT: None

PLEDGE OF ALLEGIANCE

Brownie Scouts from Troop 61429 led the pledge of allegiance to the flag.

SPECIAL PRESENTATION

1. Recognition of Historical Commission Essay Contest Winners

Mayor Carpenter recognized the winners of the 28th Margaret Thompson Annual Essay Contest.

2. Recognition of Donald McDonald, Historical Preservation Award Winner

Mayor Carpenter presented a proclamation to Donald McDonald as the winner of the first Historical Preservation Award.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Los Altos residents John Pacholski, Carol Nakamoto and Luciana Guarnieri, representing the Cambridge Square Neighbors Group, opposed opening a rear entrance to Egan Junior High School along Thames Lane.

Los Altos residents Andy Bajka, Michele Coldiron, Deb Galdes, Jane Osborn, Monica Jain and John Walker opposed a proposed traffic signal at Miramonte Avenue and Covington Road.

Los Altos resident Carol Commendatore, representing Carmel-Altamead Neighborhood Association (CANA), spoke in support of a proposed traffic signal at Miramonte Avenue and Covington Road.

Kim Cranston gave notice of pending litigation and requested the release of a staff memorandum regarding the 400 Main Street property.

Los Altos resident Suzanne Ambiel encouraged participation in "Bike to Work Day" on May 10, 2012 and reported that the Bicycle and Pedestrian Advisory Committee will be at Lincoln Park during the morning of May 10, 2012.

CONSENT CALENDAR

Councilmember Satterlee pulled item number 3. Mayor Pro Tem Fishpaw disclosed a financial conflict of interest for item number 5 (owns property within 500 feet of the project) and announced he would abstain from voting on that item.

Action: Upon a motion by Councilmember Packard, seconded by Mayor Pro Tem Fishpaw, the Council unanimously approved the Consent Calendar with the exception of item number 3 and with Mayor Pro Tem Fishpaw abstaining from item number 5, as follows:

1. Council Minutes

Approved the minutes of the April 24, 2012 regular meeting.

2. Crosswalks at Los Altos High School

Approved the CIP Description for Almond Avenue and Gordon Way Improvements, Project 12-16 and appropriated $143,000 from the Capital Projects Fund for the new capital project, 12-16.

3. Amendments to the Municipal Code regarding City Commissions

Pulled for discussion (see page 3).

4. Emergency replacement of sewer stand-by truck

Appropriated $37,000 from the Equipment Replacement Fund to replace a sewer stand-by truck subject to $26,000 in combined automotive collision insurance and salvage-value recovery.

5. Parcel Map for 36 Lyell Street

Approved the Parcel Map for 36 Lyell Street.

6. Installation of a sculpture on State Street

Approved installation of *Torso 3* at State and Third Streets.

7. Household Hazardous Waste Program

1) Approved the Agency Agreement for Countywide AB939 Implementation Fee; 2) approved the Agreement for Countywide Household Hazardous Waste (HHW) Collection Program; and 3) authorized the City Manager to execute the agreements on behalf of the City.

8. General Liability Insurance Joint Powers Authority provider

1) Approved membership in Bay Cities Joint Powers Insurance Authority and the purchase of General Liability insurance; 2) approved membership in Employment Risk Management Authority

and the purchase of Employment Practices Liability insurance; 3) authorized City Manager to execute documents to become a member and to purchase insurance with Bay Cities Joint Powers Insurance Authority; 4) authorized City Manager to execute documents to become a member and to purchase insurance with Employment Risk Management Authority; and 5) authorized City Manager to execute documents to withdraw from the current insurance provider, Association of Bay Area Governments Pooled Liability Assurance Network.

9. Council Appointee to the Joint Community Volunteer Service Awards Committee

Appointed Councilmember Casas as the Council Representative and Councilmember Packard to an unexpired term ending in 2013 to the Los Altos-Los Altos Hills Joint Community Volunteer Service Awards Committee.

PUBLIC HEARING

10. Payday lending moratorium extension

City Attorney Houston presented the report.

Mayor Carpenter opened the public hearing. There were no speakers. Mayor Carpenter closed the public hearing.

Action: Upon a motion by Councilmember Casas, seconded by Councilmember Packard, the Council unanimously adopted Interim Ordinance No. 2012-380 extending a temporary moratorium on the establishment, expansion or relocation of payday lending and check cashing businesses within the City of Los Altos and declaring the urgency thereof.

ITEM PULLED FROM CONSENT CALENDAR

3. Amendments to the Municipal Code regarding City Commissions

Councilmember Satterlee expressed concern that powers and duties of the Traffic Commission were being removed from the Municipal Code and not assigned to the Planning and Transportation Commission.

Action: Upon a motion by Councilmember Packard, seconded by Councilmember Satterlee, the Council unanimously introduced and waived further reading of Ordinance No. 2012-379 amending Chapter 2.08 of the Los Altos Municipal Code to establish the Bicycle and Pedestrian Advisory Commission (BPAC), the Design Review Commission, and the Planning and Transportation Commission, with a revision to Section 3 of the Ordinance to include the current powers and duties of the Traffic Commission, excluding reference to a BPAC.

DISCUSSION

11. Zoning amendments: Commission restructuring

Assistant City Manager Walgren presented the report.

Public Comment:

Los Altos resident Kitty Uhlir expressed concerns with a five-member Design Review Commission.

Planning Commissioner Ronit Bodner answered Council questions.

Action: Upon a motion by Councilmember Satterlee, seconded by Councilmember Packard, the Council unanimously introduced and waived further reading of Ordinance Nos. 2012-381, 2012-382 and 2012-383 that will 1) amend Chapter 14.76 to create a new Design Review Commission responsible for single-family home design and variance applications; 2) amend Chapter 14.78 to merge the Traffic Commission responsibilities with those of the Planning Commission; and 3) change all references to the Planning Commission in Chapter 13.12 – Tentative Maps and Chapter 14.80 – Use Permits to Planning and Transportation Commission, and delete Chapter 14.64 – Architecture and Site Review and Chapter 14.82 -- Variances, with the following amendments: a) remove language in Section 14.76.080 in Ordinance No. 2012-381 requiring applicants to provide notification; b) add language in Section 14.78.040 in Ordinance No. 2012-382 to state that the applicant or staff may request a study session design review either pre- or post-application; and c) remove a sentence in Section 14.78.080 in Ordinance No. 2012-382 referring to the Commission and Committee Handbook.

12. Exceptions for Downtown zoning and two stories limitation

Councilmember Packard presented the report.

Public Comment:

Los Altos resident Michael Hudnall supported the proposed amendments to the Zoning Code and encouraged the Council to apply the modifications to the CRS/OAD district.

Brooke Ray Smith, representing Passerelle Investment Company, Bill Maston and Los Altos resident Susan Russell opposed the proposed amendments.

Los Altos resident Jon Baer requested Council clarify the process for the amendments for the benefit of the public.

Mayor Carpenter disclosed ex parte communication with Keyser Marston Associates and Passerelle Investment Company.

Action: Motion made by Councilmember Packard, seconded by Mayor Carpenter, to direct the City Attorney to work with staff to amend the existing Zoning Code as to redefine exceptions to zoning

requirements for downtown projects and to restore and restate that the CRS zoning is limited to two stories. Councilmember Packard amended the motion to direct the City Attorney to consider maintaining the current Form-Based Zoning, but with lower height limits. The motion, as amended, passed unanimously.

Mayor Carpenter called for a recess at 9:15 p.m. The meeting resumed at 9:22 p.m.

13. Los Altos Parks Plan

Parks and Recreation Commissioner Larry Baron presented the report.

Action: Upon a motion by Councilmember Satterlee, seconded by Mayor Pro Tem Fishpaw, the Council unanimously adopted the final Los Altos Parks Plan, with the following modifications: 1) strike the phrase "within the downtown" from page 8; 2) add the Caretaker House to the recommendation to "make a decision on the future of the Halsey House" on page 16; 3) remove the sentence beginning "these parcels should not be considered parks" and the first bullet point under "Recommendations" on page 27; and 4) remove from page 31 the paragraph following the criteria for a skate park.

14. City of Los Altos/Los Altos School District Joint Special Meeting

Mayor Carpenter reported on the Los Altos School District Board meeting on May 7, 2012 and announced that the Board had proposed either May 16, 2012 or May 29, 2012 for a special joint meeting.

Action: The Council proposed adding items to the agenda for the special meeting related to: 1) eminent domain; 2) the agreement with Bullis Charter School; 3) City of Los Altos Pedestrian Safety Assessment for Egan Junior High School; and 4) a report of the City/Schools Issues Standing Committee meeting on May 15, 2012. The Council further tentatively set the joint meeting for May 16, 2012 at 5:30 p.m. subject to the availability of all Councilmembers.

COUNCIL REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

Council Reports:

Mayor Pro Tem Fishpaw reported he attended the "100 Fun Hundred" event sponsored by the Girl Scouts of Northern California on May 5, 2012. He further reported that the Ad-hoc Contiguous Retail Committee met on May 7, 2012 and will meet on May 21, 2012.

Mayor Carpenter congratulated Lee Price, who has been providing services for the City Clerk's Office, for being named by the City Clerk's Association of California as "City Clerk of the Year." She further congratulated Los Altos and Los Altos Hills for winning the "Drive Less Challenge." She reported she attended the Santa Clara Valley Water Commission meeting on April 11, 2012 and that the staff recommended a 9.3% increase in municipal and industrial water rates. She further reported ribbon cuttings for Box.net on April 20, 2012 and Apricot Lane on April 28, 2012. She reported attending the Santa Clara County Library District Joint Powers Authority meeting on April

26, 2012. She reported that the 60th Anniversary of Incorporation Planning Committee met on May 3, 2012 and will meet on June 7, 2012. She also reported that the Annual Commission Training and interviews for the Design Review Commission will be held on May 15, 2012.

Future Agenda Items:

At the request of Councilmember Satterlee as part of item number 11, the Council directed the Council Personnel Committee to propose language in the Commission and Committee Handbook related to commissions beginning discussion of items after 11:00 p.m.

At the request of Councilmember Satterlee, the Council requested a future agenda item to discuss encouraging the Santa Clara Valley Water District Board to reconsider proposed rate increases.

At the request of Mayor Carpenter, the Council requested a discussion of the Bus Barn Theater agreement on May 22, 2012.

ADJOURNMENT

Mayor Carpenter adjourned the meeting at 10:03 p.m. in celebration of the City's 60th year of incorporation.

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Valorie Cook Carpenter, MAYOR

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Jon Maginot, DEPUTY CITY CLERK