

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS, HELD ON TUESDAY, AUGUST 13, 2002, AT 7 P.M., IN THE COMMUNITY MEETING CHAMBERS, LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

ROLL CALL

PRESENT: Mayor La Poll, Mayor Pro Tem Casto, Councilmembers Becker, Lear, and Moss
ABSENT: None

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF CLOSED SESSION ACTION

Mayor La Poll reported out on closed session action, stating that the Council had directed the City Attorney to file an appeal in the case Society of St. Vincent de Paul v. City of Los Altos. The City Attorney's performance review was continued to the adjournment of this meeting.

PUBLIC COMMENTS

Mike Bruno, 545 Pine Lane, urged the Council to cease any further consideration of the creekside ordinance, which was developed by the Environmental Committee and recently heard as a public hearing item by the Planning Commission. He felt the ordinance was unnecessary and, if passed, would result in a number of homes being classified as non-conforming structures. He believed that the Santa Clara Water District already had adequate creek protection regulations in place.

Joel Goldfus, 540 Lassen Street, distributed a Mountain View Voice article, dated August 9, 2002, to the Council regarding day workers in Los Altos.

Matt Weiss and Taylor Weiss, 1488 Fallen Leaf Lane, and Julie Fish, 345 West Portola, presented a poster to the Council on behalf of the Covington Swim Team, in appreciation for the Council's efforts toward bringing a swim facility to Los Altos.

Tracy Weiss, 1488 Fallen Leaf Lane, commented on the importance of water safety programs in the community and stated that, for years, Los Altos has not had such a program. She noted that Menlo Park, a community close in size to Los Altos, has three community pools and urged the Council to move ahead with a pool in Los Altos. She commented on the importance of swim programs on team building and mentoring.

Council discussion followed with a notation that the pool facility will be built through private donations. Efforts are underway to raise the required \$3 million.

Gerry Madea, 853 Carnation Court, requested a copy of the City Attorney's confidential legal opinion regarding the use of the City's sanitary sewer and solid waste enterprise funds. He felt that, as a resident, he was entitled to the opinion. He questioned the legality of how these funds were being allocated by the City.

CONSENT CALENDAR

ITEM 2 WAS REMOVED FROM THE CONSENT CALENDAR BY COUNCILMEMBER CASTO AND WAS RE-NUMBERED AS ITEM 6.5.

ON MOTION BY COUNCILMEMBER MOSS, SECONDED BY COUNCILMEMBER BECKER, AND PASSED UNANIMOUSLY BY VOICE VOTE, the following actions were taken:

1. Council Minutes
Approved minutes - Regular Meeting of July 23 and Special Meeting of July 22, 2002
2. Median on Cuesta Drive at Springer Road (REMOVED FROM CONSENT CALENDAR AND RENUMBERED AS ITEM 6.5)
Acceptance of the improvement plan for the median at Cuesta Drive at Springer Road
3. Disadvantaged Business Enterprise Goal for 2002/03
Adopted Resolution 02-59, establishing an annual Disadvantaged Business Enterprise (DBE) Program goal of 11% for fiscal year 2002-03 for Federal Department of Transportation assisted projects

PUBLIC HEARING

4. Citywide Speed Limits
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Jim Porter, Public Works Director, presented the Staff Report dated August 8, 2002, recommending the introduction of an ordinance amending Section 8.08.020 A and C of Chapter 8.08 SPEED LIMITS of Title 10 VEHICLES AND TRAFFIC of the Los Altos Municipal Code. He noted that the ordinance corrected the Code by deleting reference to Springer Road, between Foothill Expressway and Cuesta Drive, in Section A. (25 mph). Section C was also revised to establish the area of the 35 mph speed limit on Fremont Avenue between El Monte Avenue and the south city limits, consistent with the speed zone survey.

MAYOR LA POLL OPENED THE PUBLIC HEARING.

Bill Crook, 1133 Golden Way, submitted and read into the record a statement urging the Council to take specific action with regard to the speed limit on Springer road between Foothill Expressway and Cuesta Drive, including: a) restoring the 25 mph speed limit on the Los Altos controlled portions of Springer Road and directing radar enforcement; and b) directing staff to work with the City of Mountain View toward a 25 mph limit on northbound Springer from the Mountain View city limit to Cuesta Drive. He noted that the basis for Council action was Section 627 of the Vehicle Code concerning pedestrian/bicycle safety and residential density. He also addressed the issue of Miramonte Avenue speed limits, particularly the 35 mph speed limit between Portland Avenue and the Mountain View border, noting that this is an unsafe walking and biking school route. He urged that this matter be agendized for a future public hearing.

Andrew Korpontinos, 650 South San Antonio Road, objected to the 30 mph speed limit on Springer Road and urged that it be reduced to 25 mph for pedestrian and bicycle safety reasons.

As there was no one else wishing to speak, MAYOR LA POLL CLOSED THE PUBLIC HEARING.

Council discussion followed regarding the use of Vehicle Code Section 627 in conjunction with speed surveys to establish speed limits. The City Attorney advised that Section 627 allows the Council to consider pedestrian/bicycle safety and density issues in conjunction with speed survey data to establish posted, radar-enforceable speed limits. He noted that the law states that such criteria may be considered when conducting the survey, and advised it best to consider the survey and supplemental findings as a package. It was noted that staff considers the nature of a street when setting speed limits, comparing pedestrian accident ratios to national and state standards.

There was considerable Council interest in changing the speed limit on Springer Road from 30 to 25 mph, based on the speed survey and supplemental findings regarding pedestrian and bicycle safety issues. A number of e-mail communications received by Councilmembers, documenting the findings, were inserted into the record. At least one Councilmember voiced support for earlier public comments on this item, particularly those of Mr. Crook. There was also interest in considering a reducing the speed limit on Miramonte Avenue at a future meeting.

Staff was asked why speed limits for some streets are listed in the Municipal Code, but not for others. The Public Works Director clarified that the Vehicle Code specifies that all local residential streets are 25 mph; residential streets are defined as streets having widths of no more than 40 feet, 2 lanes, and an uninterrupted length of no more than one-half mile. The streets listed in the Municipal Code are those on which speed surveys have been completed or those that do not meet the local street exception. There was some Council interest in voting on speeds for streets other than Springer and Fremont, since the legal notice was general in nature. The City Attorney advised that it was important to look at more than the title of the ordinance and, therefore, another public hearing should be noticed for streets other than the two streets under discussion. A suggestion was made to notice a future public hearing to review all streets over 25 mph.

COUNCILMEMBER LEAR MOVED that the Council accept the traffic analysis performed on Springer Road, from Foothill Expressway to Cuesta Drive. In consideration of Vehicle Code Section 627, find that there is sufficient residential and pedestrian traffic to set the speed limit at 25 mph. THE MOTION WAS SECONDED BY COUNCILMEMBER MOSS.

MAYOR LA POLL OFFERED AN AMENDMENT that the 25 mph speed limit encompass all of Springer Road within the City limits. THE AMENDMENT WAS ACCEPTED BY COUNCILMEMBERS LEAR AND MOSS AND THE MOTION, AS AMENDED, PASSED UNANIMOUSLY BY VOICE VOTE

COUNCILMEMBER MOSS MOVED that staff be directed to set a public hearing for the purpose of considering speed limits on all streets within the City with speed limits above 25 mph. THE MOTION WAS SECONDED BY COUNCILMEMBER BECKER AND PASSED UNANIMOUSLY BY VOICE VOTE.

COUNCILMEMBER MOSS MOVED that, pursuant to the speed zone survey, the only portion of Fremont Avenue that will be 35 mph will be the section from El Monte Avenue to the east City limits. THE MOTION WAS SECONDED BY COUNCILMEMBER CASTO AND PASSED UNANIMOUSLY BY VOICE VOTE.

DISCUSSION AND PUBLIC INTEREST ITEMS

5. Adoption of Blight Ordinance

Marc Hynes, City Attorney, presented the staff report dated August 8, 2002, recommending that the Council introduce an ordinance adding a new Chapter 11.10 to the Municipal Code on the subject of property blight and nuisance abatement. He called the Council's attention to language regarding the storage of house trailers, where a ten-foot height limit and 10,000 pound weight limit had been inserted as place holders for purposes of discussion. He noted that all other regulations regarding house trailers had been carried forward, including no restrictions for side yards.

Council discussion followed with some concern that the ordinance, as proposed, did not adequately reflect the Council's prior direction to staff. There was interest in sending the ordinance back to staff to bring the ordinance into compliance with other sections of the Code.

Jaelyn Rusch, 1865 Capistrano Way, felt that the ordinance did not reflect Council's direction to staff with regard to removing reference to recreational vehicles from the blight ordinance. She asked the Council to send the ordinance back to staff for further revision.

Travis Duder, 1865 Granger Avenue, stated that he believed the meeting had been incorrectly noticed for August 23; otherwise he believed that more people would be in attendance. He presented a prepared statement dated, August 13, 2002 and noted that City staff members were interpreting code regulations differently and advising residents inconsistently. He urged the Council direct staff to produce a document that accurately and clearly dictated where recreational vehicles may be stored.

Tom Freed, 640 Covington Road, commented on a recent San Jose Mercury News article regarding the use of recreational vehicles for emergency response vehicles. He suggested that the Council take another look at the value of recreational vehicles as command sites during an emergency.

COUNCILMEMBER BECKER MOVED that the blight ordinance be returned to staff with direction to made the ordinance fully compliant with the existing Municipal Code. THE MOTION WAS SECONDED BY COUNCILMEMBER MOSS.

MAYOR LA POLL OFFERED AN AMENDMENT to incorporate the City Manager's suggestion of modifying Section 12 of the Zoning Code to include all regulations concerning recreational vehicles. Also, remove all references to recreational vehicles from the blight ordinance. THE AMENDMENT WAS ACCEPTED BY COUNCILMEMBERS BECKER AND MOSS.

THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Council discussion followed with a request that the ordinance be reviewed by a number of staff members to ensure consistency with other parts of the Municipal Code. One Councilmember asked if cars can legally park on landscaped areas and noted her preference for prohibiting this activity; the City Attorney responded that he would review Chapter 14 of the Municipal Code and clarify the issue with the Council.

6. El Monte Avenue Striping

Jim Porter, Public Works Director, presented the staff report dated August 5, 2002, recommending that the Council direct staff to: a) defer installation of a speed table on El Monte Avenue between Springer Road and Cuesta Drive pending notification on the Almond Safe Routes to School Grant and

Transportation Fund for Clean Air grant applications; b) implement striping modifications included in the attached drawings; c) replace dashed yellow line with double yellow line; d) install "25 mph" speed limit pavement markings at speed limit signs; e) defer installation of a speed table at Edna Court for at least six months following installation of a speed table at South Clark; f) fund all striping and signage improvements using approved Annual Traffic Calming on Collectors CIP funds. He commented on the effect of striping to narrow lanes and "channelize" cars, but noted that it would significantly change the appearance of the roadway.

Council discussion followed with support for the majority of the staff recommendations. There was some concern, however, regarding the appearance of striping to narrow lanes; some felt it would detract from the semi-rural atmosphere of the area. It was felt that the double yellow center line and the speed markings on the pavement would improve safety.

COUNCILMEMBER CASTO MOVED that the Council: a) defer installation of a speed table on El Monte Avenue, between Springer Road and Cuesta Drive pending notification on the Almond School Safe Routes to School Grant and Transportation Fund for Clean Air grant applications; b) replace the dashed center yellow line with a double yellow line; c) install "25 mph" speed limit pavement markings at speed limit signs; d) defer installation of a speed table at Edna Court for at least six months following installation of a speed table at South Clark; and e) fund all striping and signage improvements using approved Annual Traffic Calming on Collectors CIP funds. THE MOTION WAS SECONDED BY COUNCILMEMBER BECKER AND PASSED UNANIMOUSLY BY VOICE VOTE.

Council discussion followed with a notation regarding confusion at Covington and Griffin, where the center lane for Covington is for left-turns only; while the center lane on Griffin allows drivers the option of driving straight or turning left. It was suggested that the center lanes be standardized to reduce confusion. Staff responded that this was a complicated issue that would require traffic counts and analysis to change. It was suggested by Council that the matter be examined the next time traffic counts are done in the area.

MAYOR LA POLL CALLED A RECESS AT 8:55 P.M. AND THE COUNCIL RECONVENED AT 9:10 P.M.

ITEM REMOVED FROM CONSENT CALENDAR

6.5 Median on Cuesta Drive at Springer Road

Mayor Pro Tem Casto stated that she had removed the item from the Consent Calendar as she preferred to remove the median for safety reasons rather than make the modifications proposed by staff. She noted that it was particularly dangerous for bicyclists in the area, particularly traveling west on Cuesta toward downtown Los Altos. Delivery trucks also had difficulty with the turn onto Cuesta from Springer Road, making the lane too narrow for vehicular traffic and pedestrians/bicyclists.

Council discussion followed with another Councilmember noting that the use of a median is inconsistent with the treatment of other intersections in town.

Jim Porter, Public Works Director, stated that staff evaluated the median from a traffic calming perspective with the belief that it slowed traffic. Aesthetically, staff felt the median helped indicate that drivers are entering another town and alerted motorists to a narrowing street. It was noted that the

directional "keep right" sign appeared to be helping, as the sign remains standing. It was suggested by Council that the sign be kept in place or incorporated into the new median design. One Councilmember questioned removing a traffic calming device at a time when so much emphasis is being placed on traffic calming throughout town. A suggestion was made to include a granite block in the design to be consistent with other entry points to Los Altos; staff advised that the area was too small to incorporate a granite block.

COUNCILMEMBER MOSS MOVED ACCEPTANCE of the staff's improvement plan for the median on Cuesta Drive at Springer Road. THE MOTION WAS SECONDED BY COUNCILMEMBER BECKER AND PASSED BY VOICE VOTE (4-1) WITH MAYOR PRO TEM CASTO VOTING "NO".

7. Council Reports and Direction on Future Agenda Items

Councilmember Lear reported that the August 25 50th Anniversary Community Picnic is coming together and invited the community to attend. He noted that among other activities, there will be a "safety street" near the Police Department where Police and Fire programs will be featured. He invited Councilmembers to participate in serving meals.

Mayor La Poll stated that the Peninsula Division of the League of California Cities continues to actively participate in lobbying legislators on cities' behalf.

Mayor Pro Tem Casto asked that the issue of having residents "adopt a median" to maintain be placed on a future Council agenda. There was support for the idea from Councilmembers, but a consensus that the issue be referred to the Recreation Commission for consideration as part of its "Adopt-a-Park" Program.

Mayor Pro Tem Casto asked for a clarification on the process for reviewing the Creekside Ordinance, on which the Planning Commission had recently received public comment. She understood that the ordinance would go back to the Environmental Committee prior to further review by the Planning Commission. Mayor La Poll's understanding was that the ordinance at this point would not be moving forward. There was interest by some members in reviewing and understanding the nature of the ordinance before taking action regarding its status.

Kate Disney, Planning Commissioner, reported that the Planning Commission had taken public input but no formal action on the Creekside Ordinance. It was decided that the ordinance would be placed on a September Planning Commission meeting agenda and that everyone affected by the ordinance would be noticed. Action would be taken at another meeting.

The City Attorney was asked the process for directing the Planning Commission to take the matter out of consideration, should there be Council support for doing so. The City Attorney advised that such action should be placed on a future agenda.

Mayor La Poll proposed that the Council direct the Environmental Committee and the Planning Commission drop any consideration of the Creekside Ordinance, at least until the Council had met again with the Environmental Committee on this matter. There was support from Councilmembers Becker and Moss for this approach. Staff agreed to schedule a special meeting with the Environmental Committee.

Councilmember Moss asked when the Council would again be considering the Loyola Safe Routes to School Project. Staff responded that the City should hear back from CalTrans regarding the project approval in the September timeframe and the Council will need to make a decision on whether or not to bid the project next spring. Councilmember Moss stated that the School Board voted not to open a seventh elementary school. Having just spent significant dollars renovating Covington, he felt it would be opened as a new school, so there was some potential for the District to close Loyola, depending on demographics.

The City Manager stated that he had contacted the School District on the matter and was told that no further information is available at this time. He noted that there is always the possibility that the District would decide to close Loyola and open it at a later date. The Council should consider whether they want to go ahead with the project if Loyola is the school that is closed. If the Council decided not to move ahead with the project based on this information, he suggested that the City go to CalTrans and inform them of the situation with a request to put the decision off until Spring, when more information regarding school closures would be available by the District. He suggested agendaizing the matter for the next Council meeting.

Councilmember Becker brought the Council's attention to the minutes of March 26, 2002, which stated that the Council's Community Pool Task Ad Hoc Task Force (La Poll/Moss) was directed to come back to the Council with recommendations regarding recreational swim hours at Rosita Pool. The task force had not yet made these recommendations. He asked staff to verify who is on the subcommittee and report back to Council. One Councilmember preferred not to address this at this time while the City is in litigation on the project. It was noted that the negative declaration was based on limitors regarding hours of use. The recreational swim hours would be within these limitors. The City Manager stated that staff could put the matter on a future agenda as part of a chronology of where we are in the process. It was suggested that staff come back with a staff report on the chronology of the project.

With support from Councilmember Moss, it was decided that, if it is determined that this report from the task force is outstanding, it be placed on a future agenda.

Councilmember Becker stated that a community group is working on a potential event to honor those who worked to protect the public during the events of September 11. He asked that the matter be placed on the next Council agenda, to provide an opportunity for someone to explain to the Council what is being considered for this event. Councilmember Moss supported the request. The City Manager stated that he would be receiving information from the Red Cross regarding their knowledge of what is planned in terms of memorial events and would pass the information onto the Council; people are divided regarding how this day should be observed. Councilmember Lear stated that disaster preparedness is somewhat of a focal point of the City's August 25th 50th Anniversary Event.

Councilmember Lear asked that the First/Main Street lease be placed on a future Closed Session. There was support from Mayor La Poll for the request.

Councilmember Lear had the understanding that construction recycling would be placed on a future agenda, but that was several months ago. Staff responded that the Council had a study session on this matter some time ago and would come back to the Council, pursuant to direction at that meeting. The City Manager clarified that there are two parts to the recycling issue - one residential and one commercial. The commercial aspect is subject to a dispute by the landfill operation. As such, this may be an issue for closed session; staff will update the Council at some future date when more information becomes available.

Councilmember Lear asked the status of a potential assessment district for such matters as downtown litter control. The City Manager responded that he had reported back at the last Council meeting that in September, staff has meetings scheduled to discuss the concept.

Councilmember Lear asked that the issue of charging an assessment for new commercial construction that would create traffic impacts be placed on a future agenda. The assessment would help to fund traffic calming measures. The City Manager offered to conduct a survey of other cities and provide the Council the data. No staff report would be completed.

Councilmember Lear noted his concern regarding the comments made earlier in the meeting by Gerry Madea concerning the use of the City's enterprise funds (particularly the Sewer Fund and the Storm Drain Fund). He asked to have the matter placed on a Closed Session agenda. There was support from Mayor La Poll for his request.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m. to a continued closed session in the Redwood Conference Room regarding Personnel Matters (City Attorney Performance Review).

FRANCIS A. LA POLL, MAYOR

CAROL SCHARZ, CITY CLERK

