

TOWN COUNCIL MEETING NO. 763, FEBRUARY 11, 2009

ROLL CALL

Mayor Wengert called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Derwin, Driscoll and Merk, and Mayor Wengert
Absent: Councilmember Toben
Others: Town Attorney Sloan, Town Manager Howard, Asst. Town Manager McDougall, Planning Manager Lambert, SuRE Coordinator de Garreaux, and Town Clerk Hanlon

ORAL COMMUNICATIONS: None.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Derwin, the item listed below was approved by a vote of 4-0:

- (4) Resolution No. 2430-2009 Authorizing Collection of State Mandated Building Permit Fees and Retention of a Portion of Those Fees for Data Utilization and Seismic Education in Accordance with Public Resources Code Section 2705, per Town Attorney's memo of 1/21/09.

REGULAR AGENDA

- (1) Minutes of the Town Council Meeting on January 28, 2009 (Removed from Consent Agenda)

Councilmembers Merk and Driscoll made changes to the minutes of the 1/28/09 meeting. By motion and second, the minutes were approved as amended by a vote of 3-0, with Councilmember Derwin abstaining.

- (2) Warrant List of February 11, 2009 (Removed from Consent Agenda)

By motion of Councilmember Driscoll, seconded by Councilmember Derwin, the Warrant List of 2/11/09 in the amount of \$199,677.36 was approved with the following roll call vote:

Ayes: Councilmembers Derwin and Driscoll and Mayor Wengert
Noes: None
Abstain: Councilmember Merk

- (3) Resolution Regarding the Appeal of Michael and Lisa Douglas to the Planning Commission's Revocation of Conditional Use Permit X7D-55 for 888 Portola Road (Removed from Consent Agenda)

Referring to the special counsel's memo of 2/3/09, Mayor Wengert noted that Larry Anderson was representing the Town in this matter. Town Attorney Sloan left Council chambers.

Referring to the Resolution (p. 5), Councilmember Driscoll suggested replacing "that hillside" (line 28) with "Woodside Highlands."

Mayor Wengert said the language in the Appeal section of the Resolution was an amalgamation of comments made by Councilmembers during the hearing. It set forth the logic, flow and analysis that were

put into the decision made by the Council.

Councilmember Merk moved approval of Resolution No. 2431-2009, as amended, of the Town Council of the Town of Portola Valley Affirming a Decision of the Planning Commission to Revoke Conditional Use Permit X7D-55 for 888 Portola Road, Portola Valley, California, If Certain Conditions Are Not Met, and Denying the Appeal of Michael and Lisa Douglas. Councilmember Driscoll seconded, and the motion carried 3-0, with Councilmember Derwin abstaining.

Ms. Sloan returned to the dais.

(5) Presentation on and Adoption of San Mateo County Energy Strategy [8:07 p.m.]

Richard Napier, Executive Director C/CAG, discussed: 1) the purpose of the San Mateo County Energy Strategy; 2) background of the project and C/CAG's participation; 3) structure of the document; 4) goals, strategies and potential actions with respect to energy, water, collaboration, economic opportunities and leadership; 4) next steps; 5); benefits to cities and towns; 6) outreach; 7) San Mateo County Energy Watch; 8) Local Government Partnership agreement; 9) funding of energy efficient projects; 10) CO₂ inventories; and 11) San Mateo County's leadership.

Responding to Mayor Wengert, Mr. Napier said there was no timeline for cities in terms of accomplishing certain things. Each jurisdiction had its own local priorities and budget. From a program standpoint, it was hoped that all 20 cities in the County would adopt the program, which usually took 4-5 months. Programs would be instituted and draw on the \$5 million that would be available in the next 3-4 months. The Town was ahead in this area. Responding to Mayor Wengert, he said after input was received from the 20 cities, a significant commitment would be made during this calendar year when a lot of these things would be ramped up. Responding to Councilmember Merk, he said there was some concern about setting deadlines and how cities would react. After the cities adopted the Strategy, everyone could work together to set some goals and deadlines. Alexis Petru noted that when the document was first being developed, there was no AB 32. If deadlines had been included in the document, they might have contradicted the State's goals. In terms of water, there was a more specific goal because that was based on the contracts BAWSCA had with the San Francisco Public Utilities Commission and the recognized need to find more water sources. Responding to Councilmember Merk, Mr. Napier said he would report back on what "MN" stood for on page 9.

Referring to the staff memo of 2/11/09 (p. 3), Councilmember Merk asked if there were any goals in the Energy Strategy that did not complement Town goals, or goals that were contradictory to the Sustainability Element. Ms. Lambert said both blended together very nicely. Ms. de Garneau said the Energy Strategy complemented the Sustainability Element in the areas of economic opportunities and leadership from the top. The Town's goals with respect to bringing in businesses were different from the County's, but it was important for the Town to be aware of what was happening in the regional effort. Responding to Councilmember Merk, Ms. Petru said she was not involved in the development of the data in the section titled "Largest Commercial Energy Users in San Mateo County by Industry." Mr. Napier said he would follow up on the numbers shown for real estate. Ms. Petru noted that sectors that had the most energy usage would be targeted.

Responding to Councilmember Derwin, Ms. Petru gave examples of energy efficient projects such as a community center or senior center that needed to replace lighting with more energy efficient lights, or businesses that needed energy efficient lighting, refrigeration, air conditioning, etc. Mr. Napier said some of the programs could be funded up to 100%. Responding to Ms. Howard, Ms. Petru said this program was regulated by the CA Public Utilities Commission; they had strict goals to meet actual energy savings. A water conservation program that resulted in a lot of energy savings would apply to the Energy Watch program. And, it was hoped that there would be future funding for water conservation projects undertaken

by cities.

Mayor Wengert said the report was very comprehensive. It brought into focus the magnitude of the problems and some of the differences between the communities. There were areas in which the Town had done a very good job, and there were other areas highlighted in the report that would be challenging for the Town. One of the most stunning observations was that water prices in the Hetch Hetchy system were expected to triple by 2015 (p. 29). Those were huge numbers that everyone needed to be prepared to deal with in a very forward-thinking manner. The one area she felt that might potentially be in conflict with Town policies was the comment about switching to artificial turf for playing fields (p. 31).

Referring to page 11 of the document, Councilmember Merk said the statement about local governments making housing and transportation planning decisions to reduce fossil fuel consumption was in conflict with the housing requirements that the State imposed on cities. Portola Valley did not have public transportation, inexpensive land, or transportation arteries. Mr. Napier said not every goal in the document would fit every community. While something might appear to be a contradiction for Portola Valley, it would not be a contradiction for Redwood City and other cities. The things in the document that worked for your community should be used. There were 21 agencies that this document had to go through. Referring to the case study in Marin County where an energy use cap was set on new large homes (p. 27), Councilmember Merk said that was a worthy goal for consideration in Town. As houses/buildings got larger and larger, there should be a requirement for energy efficiency. Responding to Councilmember Merk, Mr. Napier confirmed that a lot of these programs were being ramped up quite quickly. "Within this year" referred to in Section 7 meant calendar year. There were other things in the document that were spread over 2 years. Some things were ahead of schedule, some were behind, and some were unscheduled.

Ms. de Garreaux reviewed the section in the staff report of 2/11/09 (p. 3-4) that highlighted: a) how the main goals of the Energy Strategy supported the Town's Sustainability Element; and b) the benefits of adopting the Energy Strategy. As indicated in the staff report, she requested that the Council appoint a Councilmember to be a contact for the Town's climate action program for the County and C/CAG.

Councilmember Merk moved approval of Resolution No. 2432-2009 Adopting the San Mateo County Energy Strategy. Councilmember Driscoll seconded the motion. Councilmember Derwin said she felt Energy Strategy would be a guiding light for all the cities. Having everyone work together was the only way that this problem would be solved. She also agreed that the collaboration and sharing of ideas was the only solution. It also brought people together. Mayor Wengert called for a vote, and the motion carried 4-0.

After discussion, Mayor Wengert appointed Councilmember Derwin as the Town's contact for the County and C/CAG on the Energy Strategy. Council unanimously concurred.

(6) Proposed Revisions to the Advisory Committee Handbook [8:45 p.m.]

Mayor Wengert noted that a number of the Committee Review panel members were present. Ms. McDougall discussed: 1) formation of the Committee Review panel; 2) purpose of the review; 3) importance of committees; and 4) panel makeup. She said the cover memo to the revised Policies and Procedures Handbook for Town Advisory Committees was prepared by Wil Patterson and Susan Gold.

Referring to the handbook, (p. v), Councilmember Merk said he was surprised by the statement that said appointment to the Town's two commissions was limited to residents of the incorporated area of Portola Valley. He wanted to know when that policy was adopted. Councilmember Driscoll said in the past, there was a landscape architect on the ASCC from Menlo Park with a lot of technical expertise that was very valuable. He felt it would be desirable to allow people from outside the Town to be appointed if no one in Town was available. Councilmember Merk agreed and said it should be the same policy for the committees. Mayor Wengert said the thinking was that for the two commissions and the council, the

stakeholders were more likely to be residents; the committees had broader representation. Councilmember Merk suggested limiting it to the Town's sphere of influence so that Ladera, Vista Verde and Los Trancos Woods residents could be appointed. They had a stake in what happened in Town. Councilmember Driscoll said there should be a preference for Town residents. Mayor Wengert suggested eliminating the appointment to Town commission statement on page v.

Referring to Terms of Office (p. 1), Councilmember Merk said committee members were appointed—not nominated—for a one-year term. On the Role of the Chair section (p. 4), Councilmember Merk said having a Chair serve as the sole liaison between the committee and Town staff was not always effective. Sometimes a member of a committee had a particular set of skills that made it much more advantageous for him/her to work with staff on a particular project. Sending it through the Chair added the possibility of things being misinterpreted. Councilmember Derwin said the intent was to address the situation where many people from a committee called staff and provided input. Councilmember Driscoll suggested the Chair be given the ability to appoint a committee liaison. Councilmember Merk suggested rewording "sole liaison." Mayor Wengert suggested "designated liaison;" elsewhere in the document it talked about having other members be designated.

Referring to the Role of the Council Liaison section (p. 5), Councilmember Merk questioned the statement about Council liaisons being required to attend committee meetings quarterly. Mayor Wengert said the panel discussed how much the Council liaison, as well as staff liaison, should be required to attend meetings. The feeling was that any time a committee requested the presence of the Council liaison, that would trump all other rules. In some meetings when it was business-as-usual and there was good communication with the liaison and the Chair, the liaison might not need to attend each meeting. The panel felt that "at least quarterly" was a reasonable way to deal with it. Councilmember Merk said this was a departure from the way it had always been. It was the responsibility of the liaison to be there in case things started going off in some direction or there were procedural issues. Additionally, this didn't address situations where the committee didn't meet regularly or met yearly. Mayor Wengert suggested "...at least a quarterly basis for those committees that meet monthly." Councilmember Driscoll said he understood that as a Councilmember, he was to serve as a liaison to committees and that he was to attend as many meetings as possible. Councilmember Merk agreed noting that alternates were supposed to attend when the liaison couldn't. Councilmember Derwin said some nights she had two meetings, and it could be excessive. Derry Kabcenell, panel member, said the panel felt it could be a burden on Councilmembers due to the number of committee meetings. Additionally, the committee Chair always had the ability to request the liaison be present. Jon Silver discussed his attendance at meetings. In some cases, he said it might be necessary for the liaison to attend every meeting and in other cases not necessary. As long as the Councilmember was keeping track of what was going on and there was a free flow of communication, it might not be essential that the liaison be there.

Mayor Wengert said there were weeks when she was going to meetings back to back to back. At some point, it could become more of a burden than it should be. She agreed that certain committees required more involvement. Without specifically earmarking those, she felt Councilmembers had a good sense about which ones were more self reliant and less problematic. One of the benefits of rotating the liaisons every year was that all the Councilmembers would have a much better sense of each of the committees. If a committee was high functioning, the Chair could be asked whether he/she felt the liaison needed to be present. Councilmember Merk said "attendance at least quarterly" was a major change. He suggested adding some language that had to do with need.

Bill Lane, Westridge, said he had been called a number of times over the years by a member of the community who had been asked to join some committee to give his opinion on the responsibilities the committee had. Several times, he had to call staff to get a better understanding of what that committee did. Additionally, it was very important for new people coming onto a chairmanship to understand the role of the Town Council liaison in representing the Council. A number of times, the liaison had been used as a crutch

to justify their own personal thoughts. The next time there was an election, it was very important for the candidates to be given as much information as possible on the responsibilities of the Town Council, which was the executive branch, legislative branch, and the supreme court. The liaison relationship had been a very helpful thing for the community. The committee handbook was very important for the community. Additionally, people needed to understand that you could be very busy as a volunteer in other activities. The Town shouldn't make the case that volunteering for Town committees was necessarily the Holy Grail of being a volunteer. You could do your part for the community in a number of ways. But, the qualifications and acceptance of Town volunteers was very critical for the Town. He was pleased to have been a member of the panel.

Councilmember Driscoll said advisory committees were appointed to give the Council advice. Liaisons had to be careful not to steer committees. The Council liaison should not be telling the committee that this was what the Council wanted you to do. The liaison should be listening and communicating what was heard. He was a little concerned that at times the liaison might step over the line and become cheerleaders or position the committee in one direction or another. He would like to see a sentence or two added to indicate that the Council liaison was not supposed to steer the committee but should listen and communicate and occasionally provide factual information on policies and procedures. Councilmember Derwin agreed.

Mayor Wengert noted that the panel felt goal setting was an important addition to the handbook. It made it very clear to every committee at the beginning of the year what their agenda would be and what the Council was looking for assistance on. She thought the additional comment about not steering the committee would be a good addition.

Jon Silver said the charters for the committees gave an overarching goal even if it wasn't specified by the Town Council. He hoped that the goals and objectives set forth in the charter would also be considered by the committee in addition to the issues that the Council called out. Mayor Wengert said all of the charters were being re-visited; whatever the Committee needed would be provided for. Some committees had gone in a number of different directions at a time when the staff was asking for input and solutions to problems that were not being addressed. The goals and objectives that each committee would work towards achieving in the year would give the committee guidance on what they needed to focus on. Those discussions would all be in a public forum. If there was anything that was inconsistent, committee members or residents could comment at that time. Mr. Silver said he recalled times when a Town committee gave advice to the Council on something that they had not been asked to give advice on. It was a mistake to tell a committee that they shouldn't be talking about something the Council had not asked for, as long as it was consistent with the charter.

Councilmember Merk said he was also concerned about setting up goals at the beginning of the year and telling the committees what they should be doing. He did not want the Council to stifle the creativity of the committees. There would not be a native plant poster if the committee hadn't come up with the idea, put it together and presented it to the Council. The same thing was true of the native plant book. That was an idea that came out of the Conservation Committee—not the Council. He didn't want it set up so strictly that the committee couldn't pursue a good idea that they wanted to do that the Council might have never thought of.

Mayor Wengert said the process would start at the committee level with a recommendation to the Council. There were specific circumstances, however, where things weren't getting done. This was meant to be a give and take. Each committee could come up with five things that the Council hadn't thought of.

Reading from the Governance section of the handbook (p. iv), Ms. McDougall noted that "Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents, provided, however, the emphasis on the committee work is to be placed on meeting the goals and objectives that have been identified by the Town Council." The panel

discussed this, and there was no intent to stifle the creativity or ideas that came from committee members. An important part of their role was to be the eyes and ears of the community and come up with great ideas that the Council might not think of. While committee members were encouraged to bring their ideas forward, they needed to remember that the Council had work that the committees specifically needed to take care of as well.

Under the Agendas section, "Urgency Items" (p. 7), Councilmember Merk said adding an urgency item to the agenda should require a two-thirds vote of the members present, as was the case for the Council, as opposed to approval by a quorum. Responding to Mayor Wengert, Conservation Committee member Paul Heiple said urgency items were added to the agenda all the time to ensure timely response to applicants. Councilmember Merk noted that Blues and BBQ also had last minute items that needed to be added.

Under the Motions section (p. 9), Councilmember Merk said the Chair could not make a motion and could only second a motion. If the committees were being asked to follow parliamentary procedures it should be correctly laid out in the handbook. Under #1, it should say that the Chair should call for a vote, ask all in favor, ask all opposed, ask for abstentions, and then for the benefit of all the members of the committee and for the benefit for the public, announce the results of the vote. That would make it clear what action was actually taken.

Under Committee Communications and pre-approval of letters for fundraising, etc. (p. 13), Ms. Howard confirmed for Councilmember Merk that all the Blues and the BBQ letters went through her office prior to being sent out.

Under "Urgency Items", Ms. Sloan said the Brown Act stated that an urgency item could be added by two-thirds of the members of the committee; or, if less than two-thirds of the members were present, a unanimous vote of the members present. Councilmember Merk said that language should be added. Responding to Mr. Silver, Ms. Sloan said there was a difference between an urgency item and an emergency item. Committees usually didn't have emergency items, which only took a majority vote. An urgency item occurred when there was a need to take immediate action, and the need for the action came to the attention of the local agency subsequent to the agenda being posted. Mr. Silver said it would be good to add some specificity as to whether things could be added to the agenda. Ms. Sloan suggested using the Brown Act language.

Referring to the list of Advisory Committees (p. vii), Councilmember Derwin suggested adding the start time for the Trails and Paths meetings. Ms. McDougall said their charter did not specify a time; the committee had been given some latitude as to start time. Referring to the Scope of Authority section (p. 3), Ms. Howard confirmed for Councilmember Derwin that staff wanted the first bullet included. Mayor Wengert said this section was specifically constructed to address the types of issues referred to.

Gary Nielsen said through the years, some committee meetings sounded more like a social club. He felt the committee Chairs should have some familiarization with Robert's Rules and perhaps be given copies. Councilmember Merk noted that there were laminated cards that had the basic rules on them. Councilmember Derwin said she attended a seminar for Parks and Rec Commissioners where they went over Robert's Rules and meeting-related items. It was very helpful to be able to sit in a classroom setting rather than reading it in a book. Ms. Howard noted that this was one of the things that would be covered at the annual meeting with the Chairs. Councilmember Derwin suggested bringing someone in. Mayor Wengert noted that a training session for committee Chairs had been discussed with the panel and could occur when the new Chairs were starting. She agreed it was very important.

After discussion, Council directed staff to incorporate the changes and bring the handbook back under the Consent Agenda. Ms. McDougall said a redlined version would be provided.

(7) Proposed Water Conservation Programs for the Town [9:40 p.m.]

Ms. Lambert reviewed the staff report of 2/11/09 on programs the Town would be pursuing for Town-wide water conservation. In addition to Council's input, she said she would be sharing the report with the Conservation Committee and the Planning Commission to get their input.

Councilmember Driscoll said some residents assumed that the Council was responsible for the fire department, school district, electrical system, etc. He was concerned that the Town's efforts in water conservation might lead more residents to believe the Council was responsible for the water supply, which was not the case. As the Town moved forward with this, it should be done in partnership with Cal Water so that their name was there; the Council would be the body encouraging them to do it in the community. Ms. Lambert said staff had met with Cal Water, and they were one of the best agencies to work with. They were motivated, and there was a lot of momentum.

Responding to Councilmember Derwin, Ms. Lambert said rebates were currently available for replacing toilets and washing machines. Those were explained on the websites for Cal Water, BAWSCA and PG&E. Councilmember Derwin said in any mention of drought tolerant native landscaping, "fire safe landscaping" should be added. Some native plants were not fire safe. Referring to the draft for "Saving Water is Easy" and the Outdoors section, she suggested adding: a) replace the lawn; b) hydro zoning, where plants with like water needs were grouped together; and c) using the right irrigation devices. She recently learned that her irrigation system was installed wrong, and a few small changes would result in an enormous savings of water. Mayor Wengert said a lot could be done through the ASCC and the Conservation Committee in terms of landscaping. They needed to encourage applicants to minimize the use of lawns and encourage natives. Ms. Lambert said an incredible amount of landscape plans came in with so much on them. Councilmember Driscoll added that even though the Town tried to choose a sensitive landscape architect for the Town Center project, it was still somewhat over designed. Councilmember Merk agreed noting that it had been a fight to keep the meadow natural. Mayor Wengert said the Town could make a significant impact in retrofitting and new construction projects. Councilmember Merk added that the Blue Oaks zones were very useful by having ornamentals closer to the house with a native transition going to whatever was there before the development. Councilmember Derwin said when the price for water went up, people would be more willing to make changes. By taking her lawns out, she could reduce water consumption down to 10,000 gallons/year from 100,000 gallons/year. By collecting rainwater, she could store 30,000 gallons. Ms. Lambert noted that Councilmember Derwin's property would be used as an example of what property owners could do. Councilmembers discussed benefits of harvesting rainwater and using water efficiently.

Bill Lane said for many years, he served on the California Water Board. They thought very highly of Portola Valley. They were under great pressure right now to try new methods/techniques. The Town had a great opportunity to be a guinea pig as a community committed to water conservation. Responding to Mr. Lane, Councilmember Driscoll confirmed that the Town Center was hoping to store water in a cistern.

Referring to the draft on "How Much Water Do You Use," Mayor Wengert said it was very helpful. Another tool would be for people to be able to determine their household's daily total. That would make people aware of what they were actually using and where they could conserve. She also thought that target numbers would be a useful metric. It worked well psychologically to tell people to either reduce by a certain percentage or to a certain number of gallons per day. Councilmembers discussed potential allotments and rationing. Mr. Lane said things were brewing in Sacramento. Boulder Dam was down about 30 feet, and the projection was that it would never be filled up again. There was a lot of debate about northern California water going to southern California. Water should be put in the same framework as greenhouse gas emissions. Councilmember Derwin added that at the League of California Cities meeting in Long Beach, the agricultural representatives from southern California and central valley were stacked against northern California.

Councilmember Merk said 20 years ago during a drought, a lot of people instituted a lot of things like low-flow toilets, low-flow showerheads, low water demand landscaping, etc. Those habits held on for some people, and it would be difficult to reduce further. Councilmember Derwin suggested having a target amount rather than asking people who were already at the target to reduce water consumption further. Councilmember Merk suggested using 100 cf units rather than gallons because of the way water was billed.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Appointment of Members of the Community Events Committee [10:00 p.m.]

Mayor Wengert appointed the Community Events Committee members listed on Michael Bray's e-mail of 2/5/09. By motion of Councilmember Driscoll, seconded by Councilmember Merk, Council unanimously concurred. Ms. Hanlon said Nancy Lund was an adviser on the committee last year, but she was not on the list. Councilmember Merk added that a number of people said they didn't want to be on the committee but still wanted to do some work.

(9) Status of Town Center Project [10:03 p.m.]

Ms. Howard said the toilets were installed in the maintenance building as well as an alarm system. The toilets had been installed in the restroom building, and it was connected to the old septic system. A temporary fix was being worked on for the wet spot in the soccer field; if it didn't do the job, the contractor would pay for a fix this summer. Work on the tennis courts surface would depend on the weather. Donor signs had been ordered for the outside of the buildings. The temporary construction trailer was gone along with most of the other construction materials. The fence along the creek was being used to keep the deer away from the plants. The rest of the cyclone fencing would be coming down in the next week or so. Councilmember Driscoll said if the old fence along the street was removed, it would allow for a free visual flow from the road directly onto the property. Responding to Mayor Wengert, he said the fence was no longer needed. Ms. Howard said she would check and see if it was slated for removal in the agreement.

(10) Reports from Commission and Committee Liaisons [10:00 p.m.]

(a) Library JPA

Councilmember Derwin said there were a number of new representatives on the JPA. The group discussed Atherton's request to use donor city funds to expand its library and move it into the council chambers. The donor funds would not only go to renovating the new space for the library but also relocate the council chambers into another building. The attorney said that was not an appropriate use of donor city funds.

(b) Friends of the Library

Councilmember Derwin said circulation had increased since the new library opened by 50% and patrons by 100%. The librarian said staff had not been increased, but they were managing. There was apparently no money left in the Town's donor city fund to augment staff. The Friends felt it was too dark at the entrance to the Town Center at night and wanted to install some solar lights. Ms. Howard said that was being addressed.

(c) ASCC

Councilmember Derwin said there was a preliminary review for a new residence at Blue Oaks. There was also a review for a house and deck additions that incorporated sustainable elements to advance energy efficiency and indoor air quality. There was also a discussion of the new sign at the gas station, and the ASCC would be recommending a change to the Town's signage ordinance. Ms. Sloan said Mr. Vlasic

wanted more input from the ASCC, and it would go to the Planning Commission before it came to the Council. Responding to Councilmember Merk, she said the State law pertained only to gas stations and the size of the numbers for the grades of fuel. If there was a discount, they were required to show the regular price and the discount. In this case, the gas station started offering many different kinds of prices, which amounted to a sign that was more than 24 sf. Responding to Councilmember Merk, she said State law did not address color, design, etc., and stated that the sign shall be adjacent to the road. The ASCC wanted to amend the sign ordinance to allow a larger sign at gas stations. Councilmember Merk said the final approved drawings of the sign that was removed should be part of any report to see what had been there. After discussion, Ms. Sloan said she would be working with Mr. Vlastic on the amendment.

(d) Nature and Science Committee

Councilmember Derwin said Yvonne Tryce would continue as Chair, with Andy Browne as Co-chair. It appeared that Ms. Tryce could fit all the artifacts in the closet except for the nests and the freezer. The Committee was planning a number of activities, which she described. They also discussed having a nature and science open structure on MIDPEN land. Responding to Councilmember Derwin, Ms. Howard confirmed that a refrigerator had been ordered for the alcove that Ms. Tryce wanted for her freezer. Ms. McDougall discussed conversations she had with Ms. Tryce about the storage of items, condition the room was left in, and an additional permit Ms. Tryce requested from Fish and Game. After discussion, Council asked the liaison to inform Ms. Tryce that the alcove space was not available for her freezer. Responding to Councilmember Derwin, Ms. MacDougall said staff would be proposing names for the activity rooms in the near future.

(e) Trails and Paths Committee

Councilmember Derwin said there were at least two people interested in joining the Committee. She discussed a potential acquisition of property by MROSD.

(f) Council of Cities

Mayor Wengert said emergency preparation efforts by all the cities were discussed.

WRITTEN COMMUNICATIONS [10:40 p.m.]

(11) Town Council 1/30/09 Weekly Digest

(a) Sustainable San Mateo County Awards

Ms. Howard noted that the dinner would be March 18, and asked who could attend.

(b) Outdoor Hockey Rink on Los Trancos Road in Palo Alto

Referring to her memo of 1/28/09, Ms. Lambert said she would be following up with the City of Palo Alto on code enforcement for the highly visible private hockey rink.

(c) Committee Incident

Referring to Jon Silver's letter of 1/28/09, Mayor Wengert said she had not been successful in getting a response from the current Chair of the committee in question. The plan was to work with the new Chair and get involved directly with the individuals involved in the situation. Once that was accomplished, she would come up with a strategy for conflict resolution. At this point, there had been no contact with any of the people who were involved. She hoped to keep the discussions within that committee. If that was not

successful, other options would be explored. As indicated in his letter, Jon Silver said he felt a meeting with key members of the Town government and staff would be helpful.

(12) Town Council 2/6/09 Weekly Digest

(a) Businesses in Town

Councilmember Driscoll reviewed his memo of 2/4/09 and his suggestion to have the Planning Commission look at the Town's requirement that businesses in Town must demonstrate that the majority of customers came from the Town. He felt the focus should be more on the physical impacts of the business in terms of traffic, etc.

Councilmember Merk said this had come up in the past when a resident had a private office at the Country Offices. That might be another way of dealing with a resident who was interested in renting space for a web business where all of the business was conducted on the internet with no customers likely to be Town residents. He felt there were a number of businesses in Town where more than one employee was showing up at a residence and working. Mayor Wengert agreed there were some significant businesses that could be operating out of residences. Councilmembers agreed the issue should be referred to the Planning Commission.

(b) Earth Day Fair

Referring to Ms. de Garmaux's memo of 2/3/09, Ms. Howard said the fair would be held on April 18 in the Community Hall. A lot of work had been put into planning the activities, and she thought it would be exciting. Responding to Mayor Wengert, Ms. Lambert said the event would be advertised on the web site, fliers, a banner, etc.

CLOSED SESSION [10:52 p.m.]

- (13) REAL ESTATE NEGOTIATIONS – Conference with Real Property Negotiator
Government Code § 54956.8
Town Property on Wayside Road (APN: 076-244-020)
Town Negotiators: Town Attorney and Town Manager
Negotiating Party: Randell and Terry Dwight
Under Negotiation: Price and terms of payment

REPORT OUT OF CLOSED SESSION: Nothing to report.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Mayor

Town Clerk