

TOWN COUNCIL MEETING NO. 731, OCTOBER 24, 2007

ROLL CALL

Mayor Driscoll called the meeting to order at 8:03 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll  
Absent: None  
Others: Town Administrator Howard, Dep. Town Planner Vlastic, Public Works Director Young, Town Attorney Representative Leigh Prince, Asst. Town Administrator McDougall, Planning Manager Lambert, and Assistant Clerk Hanlon

ORAL COMMUNICATIONS

Mayor Driscoll introduced Lt. John Courtney, Sheriff's Dept., noting that he would be in charge of the Town's area.

Carol Goodstein, Spring Down Equestrian Center, said the Goodsteins proposed to create a conservation easement as described in her letter of 10/6/07. She hoped to accomplish the project before the end of the year and would appreciate hearing from the Council at the earliest possible date. Mayor Driscoll noted that it was agendaized for the closed session this evening.

Bill Lane, Westridge, said he was pleased to see some bicycle arrests on Westridge. Westridge was a dangerous road for bicycles—particularly for those who wanted to ride tandem or hand-in-hand. Drivers had to cross the double line to avoid them. Additionally, he hoped the Town would consider outsourcing when discussing new positions—especially for the IT position. Outsourcing would eliminate the need to add new staff and would save office space. The Town could also look at outsourcing for the proposed Resource Efficiency Coordinator position.

CONSENT AGENDA

By motion of Councilmember Derwin, seconded by Councilmember Davis, the items listed below were approved with the following roll call vote:

Ayes: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll.  
Noes: None  
Abstain: Councilmember Merk on approval of Warrant List, item #3

- (2) Minutes of the Town Council Special Meeting on 10/10/07.
- (3) Warrant List of October 24, 2007, in the amount of \$1,006,567.75.
- (4) 2007-2008 Budget Amendment in the amount of \$400,000, per Admin Services Officer's memo of 10/24/07.

REGULAR AGENDA

- (1) Minutes of Town Council Special Meeting of October 4, 2007 (Removed from Consent Agenda)

Councilmembers submitted changes to the minutes of the 10/4/07 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(5) Approval of Agreement with Woodside Fire District

Ms. Lambert reviewed her memo of 10/24/07 on the Memorandum of Understanding (MOU) between the Town and Woodside Fire Protection District for Fire Code compliance plan review and inspection procedures. In addition to the items identified in the memo for review by the Fire District, she said other items would be added to the list in the future. She said staff recommended approving the MOU, including the requirement that any substantial remodel that exceeded 75% of the value of the existing buildings be reviewed by the Fire District.

Denise Enea, Fire Marshall, said the Fire District adopted the Fire Code and then made amendments to the Code. The Fire District would be adopting a 50% valuation/threshold for remodels, and she wanted the Council to feel comfortable with that. That threshold had been used in plan checks for a number of years, and she did not intend to move backwards. The Town had more and more projects coming to staff, and many of these projects were on lots where access was difficult. To approve a project that didn't have a hydrant or proper access was negligent to the community and possibly put fire fighters at risk. She discussed problems the Fire District had with access for the Russell fire; as a result, two houses burned to the ground. If the District amended the Code using 50%, that would be consistent with the County as well as the Town of Woodside. Fifty percent was a fairly large amount and generally represented major work on a structure. Ms. Lambert said staff anticipated an additional 12 projects would be captured using a 50% threshold. Right now, there were 30-40 addition/remodel projects per year.

Ms. Enea noted that the Code allowed for "practical difficulties" if someone could prove it was not feasible to have adequate access. Additionally, she said many people did not want to put sprinklers in their houses and planned projects to be under the 75% threshold for sprinklers. It was the same with 50%. People would make their projects smaller to avoid the threshold. People also phased their projects over the years to avoid complying with the Fire Code.

Responding to Councilmember Davis, Ms. Lambert said this was the first MOU with the Fire District. In the past, most but not all projects were routed to the Fire District for review. The MOU was a way of clarifying which projects were subject to Fire District review.

Responding to Councilmember Derwin, Ms. Lambert said the sprinkler ordinance included a calculator for determining value. Staff felt the same calculator could be used. The valuation of the property was based on the square footage of the structure. The national standard was \$107 per sf. Responding to Mayor Driscoll, she agreed that was out-of-whack for the Town. Ms. Enea said the sprinkler ordinance had been in effect for quite a while. People sometimes complained that it was a burden, but she felt the system worked very well in the County.

Councilmember Merk said Resolution 500 and the proposed creek regulations relative to rebuilding had an escape clause for people who had lost their property because of force majeure. As proposed, the MOU required that any project that exceeded 75% of the value had to be made in its entirety to conform to the Fire Code requirement for new buildings or structures. He questioned how someone who was flooded out would be affected when trying to rebuild and re-establish the status quo that they enjoyed before the flood carried the house away. Ms. Lambert said the non-conforming ordinance would come into effect as well as the flood plain ordinance. There were a number of things that would be looked at. It might be appropriate to add an escape clause to the MOU for those instances where there was a disaster of some sort. But, if someone's house burned down, rebuilding should comply with the Fire Code. Councilmember Merk felt a person should have the right to rebuild to whatever degree of non-conformance they enjoyed prior to a natural disaster--if that was their choice. Ms. Lambert said the existing ordinances would allow that.

Ms. Enea said if someone did not have adequate access, they would be asked to conform to the Fire Code and they would be told why it was so important. But, if it was a natural disaster, she would not hold them to

it or require a fire hydrant. She said she could entertain adding an amendment for natural disasters to the Fire Code. She added that she had been using 50% in all her plan checks for the Town, as had the previous Fire Marshall. It was business as usual, but now it would be put in writing.

Mayor Driscoll said he was surprised there hadn't been complaints about \$107 per sf, which was far below market. Most kitchen remodels in Town would exceed 50% for houses that were more than 20 years old. Ms. Enea said contractors did not always use the true cost when they applied for a permit. She did not think there was a problem and felt the sprinkler ordinance worked very well.

Ms. Enea said the Fire Chief did not want the Fire District to move backwards in the Fire Code. The 50% threshold had been used for a long time, and she hoped for staff's and the Council's approval. She reiterated that the Code allowed for practical difficulties. She said she was fairly compassionate when it would cause a financial burden.

Councilmember Davis said "shall be made in its entirety to conform" didn't imply any judgment. Almost any project would trigger the requirement. People would suddenly find that what they initially thought was a modest project could potentially require a major rehab of their facilities. Ms. Enea said the Fire Code as it applied to residential construction basically addressed access and hydrants. Not having good access and not being able to get a fire truck close to a building that was burning potentially put the whole community at risk. Every minute of delay had the potential for greater intensity. There was also mutual aid from other places; those trucks could not fit into some of the areas and driveways in Portola Valley. She noted that she had amended the Fire Code and downgraded some of the requirements. This was not an urban community, and there wasn't a grid water system or hydrants every 250 feet, which was what the unamended Fire Code called for. Alternate methods had to be used to try to create a Fire Code that could be lived with. That included a fire hydrant within 500' of structures. There was no other community in San Mateo County where that was allowed. She noted that her Code covered unincorporated San Mateo County, Woodside and Portola Valley. Responding to Councilmember Merk, she said the Fire Code was a complicated document. For residential construction, there were very few restrictions. The Code mostly dealt with commercial construction.

Responding to Councilmember Derwin, Ms. Lambert said staff recommended the 75% threshold because that was the threshold for sprinklers. It would not be difficult to change to 50%; more projects would have to upgrade to bring in water lines, hydrants, and get proper access. More people would be protected but potentially at the cost of one particular resident. Mayor Driscoll noted that the 75% threshold for sprinklers had been a Council decision some years ago.

Mr. Vlasic said it was critical to let people know up front about the requirements. Most people appreciated the need to have adequate water at their site. If they knew up front, they could budget and plan for it. The access question was more complicated and involved, with regard to width of driveways as well as radius. There were a number of situations where existing driveways that served existing development would require significant upgrade to come close to fire requirements. The escape clause mentioned by Ms. Enea had been critical in the past. Some of the projects that resulted in more safe and secure houses could not have gone forward if they had to re-grade the whole driveway. There could be huge impacts to the project and the whole neighborhood. There was no way, for example, you could bring the Woodside Highlands road system up to speed. Hopefully, the water situation could be improved over time. In the case of the two residences that had been burned, the structure had been moved farther away from the property line to give more clearance.

Councilmember Davis moved adoption of the resolution approving the MOU to include a threshold of 50% versus 75% for substantial remodel review by the Fire District. Councilmember Derwin seconded.

Referring to the Woodside Fire fee schedule, Councilmember Merk noted that the solar plan check fee was

\$120. He suggested reducing that to a minimal amount to encourage people to consider photovoltaic projects. The Town's permit fee was \$50. Ms. Enea said she would be willing to waive the Fire District's fee for solar plan checks.

Mayor Driscoll called for the question and Resolution No. 2368-2007, Approving and Authorizing Execution of a Memorandum of Understanding, as amended, Between the Town and Woodside Fire Protection District was adopted by a vote of 5-0.

Ms. Enea said she would be working with the Town to ensure staff was comfortable with any amendments to the Fire Code. Mayor Driscoll suggested looking at the national standard used to calculate value. Ms. Enea said she would be happy to participate in discussions if problems arose in the future.

(6) New Primary Electrical Service with PG&E to Serve Town Center Property

Mr. Young reviewed his memo of 10/24/07 on the new primary electrical service line serving the Town Center property.

Responding to Councilmember Merk, Mayor Driscoll said the architects estimated that the photovoltaics would cover about half the electrical use. With the amount of photovoltaics planned and relatively careful usage, he did not think the actual usage would be that much more than what was generated. Responding to Councilmember Merk, Mr. Young confirmed that gas was not part of this project, as indicated in the Distribution Service and Extension Agreement Declarations (page 1 of 2). He confirmed for Councilmember Merk that the \$32,360 payment would be the largest payment out of the budgeted \$152,114 for utility connection. There was a Cal Water payment of \$27,000, and there would be another minor electrical connection for the maintenance building; Comcast and the telephone were free. The total cost would be well below the budget.

Councilmember Derwin moved approval of Resolution 2369-2007 Approving and Authorizing Execution of an Agreement Between the Town and PG&E and authorizing payment as outlined in method #2 described in the staff report. Councilmember Davis seconded, and the motion carried 5-0. Mr. Young said construction would start next week under Portola Road. Once all of the infrastructure was in, PG&E was responsible for pulling the wire from their pole and setting the transformer.

(7) Purchase of Town Vehicle for Maintenance Crew Use

Ms. McDougall reviewed her memo of 10/24/07 and recommendation to purchase a GEM eL XD electrical vehicle from Hartzheim Dodge. Responding to Mayor Driscoll, she confirmed that staff had driven the vehicle and looked it over carefully. Being able to take it out on Town roads added great value to the maintenance function. The maximum speed was between 25 and 30 mph. Typically, the driver would pull over and allow cars to pass. For the Town's purposes, it would work well. Responding to Councilmember Merk, she confirmed that the vehicle used a regular electrical outlet. The dealer indicated that the cost was typically 1 cent per mile. She described the gel battery, which did not require the same level of maintenance that typical batteries did. Responding to Mayor Driscoll, Ms. Howard said the charger options shown in the brochure were for fast charging, which the Town would not need. The vehicle went up to 30 miles/day and would be charged overnight.

Responding to Tim Duran, Zapata Way, Ms. McDougall said under the maintenance agreement that was part of the package, maintenance would be done at the Town Center. She said her predecessor had done some preliminary outreach to various dealers in the area. She described other vehicles considered by staff, noting that the GEM el XD model had a payload capacity of 1,400 lbs. Responding to Mayor Driscoll, she said delivery would be in about 4 weeks.

Councilmember Toben moved approval of Resolution No. 2370-2007 Authorizing the Purchase of the GEM eL XD Electric Vehicle from Hartzheim Dodge. Councilmember Merk seconded, and the motion carried 5-0.

(8) Current and Future Personnel Requirements

Ms. Howard reviewed the staff memo of 10/24/07 on the Town's staffing history and future requirements. She discussed the Planning and Building Dept., which she said was receiving increasingly complex projects that required an enormous amount of time. The Planning and Building Dept. had a reputation for offering superior customer service, and staff spent hours with applicants and their teams throughout the entire process. If someone left, got sick or went on vacation, it was more and more difficult to provide the level of service the community expected. She reviewed recommendations set forth in the staff report.

Councilmember Toben noted that there was no specific recommendation in the memo for augmenting the current Planning and Building team. Responding, Ms. Howard said there were three in-house planning employees which were augmented by the services of Spangle and Associates. If the three in-house people could dedicate themselves completely to doing planning/building functions, that would probably be sufficient at the current time. By hiring a receptionist, many of the duties that now fell to those people in addition to their primary responsibilities could be designated to the receptionist-type position.

Councilmember Toben asked what evidence there was to support the statement in the staff report that expectations relative to services the Town provided had increased and necessitated an expansion of staff. Ms. Howard said expectations from the community for the playing fields was one example. Five or seven years ago, the fields were not used nearly as much as they were today. There were no complaints and people seemed to be happy with the ways the fields were used. She did not think that was true now. There was an expectation that the fields would be used as much as possible. The season and timeframes had been extended, and the Town staff had to provide much more work to keep the fields usable.

Councilmember Merk said another example of changed expectations in the community was the trails. Fifteen years ago, someone walking along a trail that came across a tendril of poison oak hanging across the trail would cut it back. Now, they called the Town and staff had to walk the whole trail to take care of it.

Ms. Howard said another example was the planning process itself. As the Council adopted ordinances that had more requirements for things like fencing or creek setbacks, staff had to explain those to the residents and often go out to the property and show people where things could go. The Town had always done that, which was unusual. The expectation was that the staff would be able to do that for everyone. There were also County, State and federal regulations, such as the requirement that every construction site had to be inspected by October 15 to make sure there was conformance with water runoff requirements. The Town had to send an inspector out to every single active site. That was not the case 5-10 years ago. Additionally, when someone was hired, all kinds of agencies had to be notified to make sure they weren't delinquent in child support, etc. It was a whole process just to hire a person.

Councilmember Davis said the Town used to do everything with volunteers--including maintaining the trails. Two things had occurred: legal requirements and the nature of volunteers. As the original generation of individuals departed, they were replaced by a younger set of individuals who were centered on other kinds of projects; there was a change in the character and amount of talent that contributed to volunteerism. Those items that weren't done through volunteers fell on staff. Responding to Councilmember Davis, Ms. Howard said she had a few indications from committees that they preferred staff take on some responsibilities--like planning holiday parties or being more involved in the picnic. Publication was now a staff function as opposed to a volunteer function. For a lot of things, including the website, what started out as being a volunteer and staff function had become totally a staff function. That kind of volunteerism that the Town depended on in the past was not there as much as it used to be. People led very busy lives.

Mayor Driscoll noted that years ago, the Trails Committee maintained the trails. Unfortunately, if they did certain things, they might not be insured by the Town as volunteers. A lot of it had to do with society's litigiousness and insurability issues. Ms. Howard said even staff had to be sent off for training on how to use certain equipment in order to be certified.

Responding to Councilmember Davis, Ms. Howard confirmed that the recommended additions to staff set forth in the memo was the right next step. Five years from now, it would need to be revisited. A lot of the climate protection program function would probably be rolled into planning staff. To get the Town up and running, someone dedicated to that function with the passion to get things going was needed. Within a year, the Town could look at the position again.

Mayor Driscoll said he felt the IT support should be done by outside consultants. Ms. Howard agreed noting that the IT problem had blossomed because people wanted more and more. Things were being piecemealed with different people doing different functions. She wanted to bring in a consultant to provide a more cohesive service that would address all the different levels and steer the Town in the right direction.

Councilmember Toben said he was not overwhelmed by the argument in the memo about the need for significant augmentation to staff. He would have been more impressed if a quantitative approach had been used, such as: 1) an indication that the time for processing use permits had increased by three months as a result of increasing pressures on staff; or 2) the cost of public service per capita was now the least of any city in San Mateo County; or 3) the number of active volunteers had declined by "x" percent. That kind of evidence would be more persuasive than what was in the memo. Having said that, he felt the recommendations were reasonably modest. He agreed that outsourcing, contracting, or job-sharing for a constant IT expert was the right way to go. He felt the treatment of the Resource Efficiency Coordinator position was a little superficial in the memo. He did not think the position should be filled by an intern or even a consultant. The addition of that position was strongly indicated in the whole new suite of tasks that the Town was talking about. While the Council might not endorse all of those activities, the duties summarized in the job description went well beyond anything that staff was currently performing and appropriately reflected the Town's commitment to this issue as a new move and leadership opportunity for the Town. He felt a one-year contract, employment position for a Resource Efficiency Coordinator would be appropriate starting in FY2008/ 09. Under the "What is Needed" section in the memo, he did not think the Hasso Plattner agreement requirements would add substantially to the workload. He also thought janitorial services could be outsourced. With those comments, he was generally in agreement with the recommendations set forth. He noted that the correct term was "climate protection" as opposed to "climate control."

Councilmember Derwin said she felt adding a receptionist was a good idea. Debbie Martinez had not been happy sitting at the receptionist's desk. It also looked like the receptionist could take care of a number of things like administering Town classes as well as help the planning department. She agreed with Councilmember Toben's comments about the Resource Efficiency Coordinator position. She also agreed the IT function should be outsourced. Regarding landscaping maintenance, she did not feel that the daylighting of Sausal Creek would require a lot of maintenance. With respect to the native gardens and landscaping, she said it was hard to get natives established. But, once established, it would not take a lot of work. It was a different kind of gardening that was more seasonal. She also thought the Conservation Committee members would be willing to do some of the work.

Ms. Howard said PWA would be providing a maintenance plan for the creek, which someone would have to learn how to do. Responding to Councilmember Derwin, Councilmember Merk said the person would need to be able to recognize plants that should be pulled, etc. Mayor Driscoll said he felt the Conservation Committee would be happy to do the work as a demonstration project. Councilmember Toben said the Boy Scouts might be willing to assist.

Mayor Driscoll said he was proud of the fact that the Town had one full-time employee per 355 citizens. Councilmember Toben said there was a time when the Town's cost of public service per capita was the lowest. Now, it was mid-range, and he was interested to learn that the cost had gone up substantially per capita relative to the Town's neighbors. Responding to Mayor Driscoll, he said it was calculated by budget divided by population and excluded the Town Center project.

Councilmember Toben said another set of tasks that might need to be added was a Facilities Manager. Green buildings could be a little fussier than conventional buildings. Some consideration should be given to the expertise required to keep the new buildings in good shape.

Bill Lane said the Town had grown over the years along with the expectations and necessities. He could see the need for a receptionist. He also predicted that a number of things would be hitting the Planning Dept. Contractors would be challenging planning, real estate agents would try to skin the cat, there would be issues related to drainage and connecting to sewers, etc. He thought some additional functions could be outsourced to the Town Planner's office. It was a credit to the Town staff that they had absorbed as much of the change in procedures, etc., as they had. The future would be more demanding. Additionally, if there was a catastrophe, it would put a tremendous burden on the staff and the volunteers. While he did not think that should be anticipated in the sense of staffing up for an emergency, it was something to think about in terms of the flexibility the Town had and training volunteers to work with staff. He agreed expectations were high when people moved to this community. The way people thought about the Town was unique, and the functions the staff and volunteers provided were very important.

(9) Resource Efficiency Coordinator Position

Councilmember Derwin reviewed the memo of 9/27/07 on the creation of the Resource Efficiency Coordinator position and the job description. Mayor Driscoll suggested coming up with a different job title. Resource Efficiency Coordinator would be shorted to REC, which would sound like a recreation coordinator. Councilmember Derwin noted that Mountain View used "Environmental Sustainability Coordinator," and Prince George County, MD, used "Sustainability Coordinator." Currently, four part-time people in the City of Palo Alto were doing the sustainability coordinator functions; they would be hiring a full-time person next summer.

Mayor Driscoll said he found the job description perfectly adequate. There was an aspect of planning and building that required some technical expertise. There was also an aspect of environmental science, which required some scientific training as well. And, there was an aspect of communications and teaching that required some communication expertise. This would be a relatively unique individual with multiple disciplines as opposed to being a specialist. There was some breadth to the position. Councilmember Derwin said Mountain View had a one-year position with a salary of \$6,000-\$7,500/month. They were looking for someone with environmental science, engineering, economics, and planning background. She reviewed their job description, which was not dissimilar to the Town's. Ms. Howard recommended a personnel consultant review the Town's job description and recommend an appropriate salary range.

Councilmember Toben said he was optimistic about attracting a rich pool to draw from, even if it was a specialized pool. Within a 100-mile radius, there were some of the finest environmental studies programs in the country. Graduates of these colleges were dying for the opportunity, and he felt this would be a very attractive position if marketed properly.

Responding to Councilmember Derwin, Ms. Howard said Carol Borck and Leslie Lambert were currently doing some of the environmental/sustainability functions for the Town. The new person would take on those responsibilities in addition to the new functions.

Councilmember Toben said the School District was eager to work with the Town on getting their students involved in, for example, the volunteer summer audit program and the dashboard and monitoring energy consumption in the buildings. There would be a lot of interaction between the staff person and the School District/teachers.

Mayor Driscoll said it was still to be proven that the Town with 4,500 residents needed a full-time person for this job when a town of 100,000 seemed to think it only needed one person. Councilmember Davis disagreed. He said one of the attractive aspects of the position was the “start-up” property. This was an opportunity for someone leaving school to do his or her thing in fertile soil with no history. He also liked the idea of funding the position for one-year and then revisiting it. If the kind of talent he envisioned was hired, he felt it would be extended. Mayor Driscoll said it would likely become an expansion of the Planning and Building Dept.

Mayor Driscoll suggested changing the name to Sustainability and Resource Efficiency (SuRE) Coordinator. Council concurred. Ms. Howard said she would contact the personnel consultant on the salary range. Councilmember Toben said the marketing for this position had to be thought through carefully in terms of timing, etc. It should not happen later than February when graduates were anxious to know where they would be heading after school. It also had to be pitched in the right language.

(10) Open Space Acquisition – Westridge, Tevis Parcel

Mayor Driscoll referred to Bev Lipman’s letter of 10/17/07 asking the Town, as the assignee on the contract, for an additional extension of the contract date for the purchase of the Shady Trail lot until the 11/14/07 Council meeting. Ms. Howard confirmed that \$926,250 had been received as of today. Ms. Lipman said the price had been reduced by the seller from \$1.6 million to \$1.3 million; \$300,000 needed to be raised between now and November 14 at which time further negotiations would occur with the seller. Mayor Driscoll confirmed that the Town had committed up to \$100,000 from the Town’s Open Space Acquisition Fund. Responding to Councilmember Merk, Ms. Howard confirmed that the \$100,000 was not included in the \$926,250.

Responding to Tim Duran, Mayor Driscoll confirmed that the property would become open space. Mr. Duran said the trail easement and setbacks on the property were wide. He felt \$1.6 million was very high. Mayor Driscoll said the lot had been appraised to check the asking price, and the appraiser felt \$1.6 million was appropriate.

Mayor Driscoll confirmed for Councilmember Davis that this was the second extension. Councilmember Davis said he recalled that the Council did not want the date to go beyond the first extension. Councilmember Merk said he recalled the earlier discussion to grant one extension. While he might have been in favor of that then, he no longer felt that way—partly because the amount of money raised was so close to what was needed. He thought it deserved an additional extension, which was only a few weeks in time. He supported the extension. Councilmember Toben concurred. Councilmember Derwin said there had been some talk that this was a way for rich people to prevent a house from being built. Because she lived in the neighborhood she would abstain from the vote. Councilmember Davis said he was fine with the extension.

Mayor Driscoll said the Council was willing to contribute a small amount from the Open Space Acquisition Fund for this project because there was some Town benefit to preserving Shady Trail and preventing development in an otherwise nice area. There was not an overriding Town benefit, so the Town had contributed a nominal amount in order to facilitate the purchase. It was predominantly benefiting the local neighbors, and the Council felt the neighbors should predominantly pay for it. Ms. Lipman noted that the Town’s contribution was 7% of the price. Mayor Driscoll said the Town valued that trail and the parcel.

Responding to Councilmember Davis, Ms. Lipman said she did not want this to go on forever. The date had



been set by the seller in each case, and it had been negotiated at each stage. The seller had set the dates and extended the times. Council's cooperation was being sought.

Bill Lane said when he and Mrs. Lane were first approached on this, he didn't see any point because he hadn't ridden the trail for years. On the other hand, he had wonderful memories of riding it with his father. It was a unique trail in the Town. He and his wife had changed their minds and got onboard. Furthermore, he understood the delays even though the extensions were a little hard to swallow. He felt the Tevises had been very considerate in their role as the seller. He thanked the Council for being patient and going along with it in the first place.

Mayor Driscoll noted that some of the donations had tax deduction benefits, which would go away if they weren't used this year. There was a natural sunset on the transaction, which was the end of the year.

Council concurred with the requested extension.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(11) Appointment to Parks and Rec Committee

Referring to the e-mail from Neil McKinnon, Mayor Driscoll appointed Clair Jernick and Jon Myers to the Parks and Rec Committee. By motion and second, Council concurred.

(12) Status of Town Center Project

Ms. Howard distributed pictures of the Town Center site. She said the expected and actual rain caused work to be delayed last week, but the project was still ahead of schedule. The concrete slab for the Town Hall was poured Monday. PG&E would start the boring next week. The playground company would be submitting a proposal to resolve problems with the installation. A temporary fix had been applied, but a more permanent solution was needed. Mayor Driscoll noted that the playground could not be used while the dismantling and re-installation occurred. Responding to Councilmember Toben, Ms. Howard said the Town had paid less than half of the contract amount for the playground equipment/installation. Additionally, she said a lot of wood framing was taking place, and the buildings were taking shape.

Councilmember Toben said Council had discussed beefing up security after the theft incident several weeks ago. Ms. Howard confirmed that the recommendations were being investigated and implemented. Mayor Driscoll noted that the trailer that was broken into was the only trailer that did not have a box around the lock to prevent it from being cut. He said extra measures would be taken when the windows were delivered to prevent theft.

Mayor Driscoll said the ADT would be holding conference calls every two weeks. During his walk-arounds with C.R. Hodgson twice a week, he often saw issues that needed to be discussed with Mr. Strain. Additionally, Councilmember Merk would be taking Councilmember Davis's place on the ADT.

(13) Reports from Commission and Committee Liaisons

(a) Airport Roundtable

Councilmember Toben said a new resident in Town was quite upset about airplane noise over her home on Golden Hills late at night/early morning. He had asked the Noise Abatement Office if there was an increase in volume and would be following up.

(b) Parks and Rec Committee

Councilmember Toben said the addition of two new members had introduced a lot of nuance into the conversation, which was quite healthy. There had been some momentum towards altering the fee schedule and charging non-residents substantially more money for the privilege of playing on Town fields. The new members were asking questions, and it was a much richer conversation. The Committee was still interested in analyzing the pros and cons of synthetic turf. Councilmember Merk noted that Neil McKinnon and Clair Jernick had come to the Conservation Committee about synthetic turf. There were pros and cons, and it was a complicated and difficult decision. Mr. McKinnon would like to hire a consultant to help. Ms. Howard noted that \$15,000 had been budgeted this year for some analysis. Mayor Driscoll said he understood that a number of municipalities were looking at this issue. Rather than spending \$10,000-\$15,000, he thought information could be obtained from public documents. Ms. Howard said the Town would want a site specific report. Councilmembers discussed types of turf, watering, Woodside's fields and changing technology.

(c) ABAG

Councilmember Davis said there was only one candidate nominated for both president and vice president. Rose Jacobs Gibson would be president, and Mark Green vice president.

(d) Stanford

Councilmember Davis said a meeting had been held with Stanford representatives on the C-1 trail; George Mader, Howard Young, Lynne Davis, he and Councilmember Derwin, and Bill McClure (Town Attorney's office) attended. A number of subjects had been discussed, and it was a good meeting. The next meeting was 11/12/07. Stanford was still hoping to reach agreement in December.

(e) Conservation Committee

Councilmember Merk said the Committee discussed the plans for the C-1 trail. They were shocked to see some of the things that Stanford proposed to plant. Councilmember Davis said Stanford understood that they needed to get agreement from the Conservation Committee on plants.

Councilmember Merk added that all of the members wished to remain on the Committee. He said the Committee also discussed *dittrichia*, which continued to spread.

(f) Community Events

Councilmember Merk said Blues and BBQ took in around \$98,000 with about \$37,000 in expenses for a net profit of about \$61,000. The Committee was amazed at how well it worked given the condition of the site. Responding to Councilmember Toben, he felt there would be some turnover on the Committee.

(g) ASCC

Councilmember Merk said the ASCC discussed the BEET Committee recommendations for green building and climate protection. The ASCC, Planning Commission and BEET would be forming a sub-committee. Mayor Driscoll noted that Los Altos had adopted LEED for Housing, and it was mandatory.

(h) Planning Commission

Councilmember Derwin said the Commission discussed the CUP and lot merger for the Lane conservation easement. She said Mr. Lane was present and discussed the history of the name of the property. She said

the Planning Commission also held their public hearing on the proposed creekbank setbacks, and people were generally happy with it. A resident on Grove was concerned about a tree on her property. She said a number of people asked if the Town would be assisting creekside property owners. Councilmember Merk said there was a public perception that if there was a log across the creek between neighbors, it was the Town's responsibility to remove it. He thought the letter that went to creekside property owners should make it clear that it was not the Town's responsibility.

Councilmember Toben said he received an e-mail from Commissioner Elkind who indicated some neighbors were fearful about complaining to their neighbors across the creek about trees about to fall and damaging their property. He responded and indicated it was unfortunate for neighbors to be afraid to reach out to each other and talk about potential issues. Rather than setting up a complaint procedure and waiting for the tree to fall, he suggested the Council think about setting up a complaint maintenance protocol that formalized the opportunity to walk/check the creek every year, identify potential problems, and mediate solutions.

Councilmembers discussed the Town's responsibility, notice to a neighbor of hazards, liability and public safety. Mayor Driscoll noted that the creek setback ordinance was agendized for the first meeting in November.

(i) Newsletter

Councilmember Derwin said the newsletter would be printed the week of 11/12/07. There were eight pages, with four being full color. The editor had heard from a number of committees/groups, and it should be a good issue.

(k) Friends of Sausal Creek

Councilmember Derwin said invitations went out to a targeted group, and the party would be on 11/11/07.

(l) Trails Committee

Councilmember Derwin said the Committee discussed the dog signs for the Coal Mine Ridge trails. Ms. Howard showed the Council a mockup of the signs approved by the Trails Committee. Councilmember Derwin noted that in the past year, 11-15 "No Dogs" and "No Bicycles" signs had been vandalized on Coal Mine Ridge, and 6 vandalized on other trails. Replacement signs, including labor and materials, on Coal Mine Ridge cost about \$1,000; replacement signs on other trails cost about \$600. Mr. Young proposed to put 8' steel posts in with the "No Dogs" signs at the top. It would not look rural but might deter vandalism. Incident reports would also be filed with the Sheriff's Dept.

(m) Cable and Undergrounding Committee

Mayor Driscoll said the Committee received a presentation and proposal from a firm on WiMAX for the Town. The equipment proposed was already obsolete. Committee members were very knowledgeable. Responding to Councilmember Derwin, Mayor Driscoll discussed the Committee's name and charge.

WRITTEN COMMUNICATIONS

(14) Town Council 10/12/07 Weekly Digest: None

(15) Town Council 10/19/07 Weekly Digest

(a) League of Women Voters "Bay Area Monitor"

Councilmember Toben said the League of Women Voters periodical had an article about the disposal of pharmaceuticals. He was surprised to learn that the Atherton police dept. had a drop box. He suggested the Town consider hosting an event where people could drop off their old medicine. Council concurred. Councilmember Merk said drop boxes for pharmaceuticals and CFLs could be a part of the New Town Center. Ms. Howard said she was working on the extension of the agreement with GreenWaste, and they had been asked to include CFLs in the material that they would pick up. Councilmember Toben asked Ms. Howard to look into requirements for a pharmaceutical drop box.

(b) Comcast

Referring to Comcast's letter of 10/11/07, Councilmember Merk noted that Comcast was raising its rates and his picture quality was going down. Mayor Driscoll said he would mention it to the Cable Committee.

CLOSED SESSION

(16) Conference with Real Property Negotiator  
Government Code § 54956.8  
Property: Goodstein Property, 725 Portola Road  
Negotiators: Town Attorney and Town Administrator  
Under Negotiation: Possible Conservation Easement

(17) Public Employee Performance Evaluation  
Government Code § 54957  
Title: Town Administrator

REPORT OUT OF CLOSED SESSION: None to report.

ADJOURNMENT

The meeting adjourned at 11:50 p.m.

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Mayor

\_\_\_\_\_  
Town Clerk