

TOWN COUNCIL MEETING NO. 766, MARCH 25, 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, Merk and Toben, and Mayor Wengert  
Absent: None  
Others: Town Attorney Sloan, Town Planner Mader, Town Manager Howard, Asst. Town Manager McDougall, Building Official Fitzer, Planning Manager Lambert, SuRE Coordinator de Garmeaux, and Town Clerk Hanlon

ORAL COMMUNICATIONS

Ed Wells, Naranja, read his memo of 3/25/09 on his request to end the utility taxes. He discussed: a) utility tax per household; b) how people could use this money for wildfire fuel removal or energy audits; c) increased property tax revenue; and d) divisive elections.

(1) PRESENTATION: Six-month Report on Sustainability and Resource Efficiency [8.03 p.m.]

Ms. de Garmeaux reviewed her report of 3/20/09 on achievements, work in progress and work planned. She discussed: 1) outreach to schools; 2) outreach to the community; 3) liaison to committees and organizations; 4) keeping abreast of new developments; 5) measuring effects of Town's programs; 6) energy audits; 7) Town Center tours; 8) Town Center pamphlet; 9) environmentally preferable purchasing policy; 10) bulk buys; 11) transportation; 12) reports; and 13) awards.

Responding to Councilmember Toben, Ms. de Garmeaux said the Earth Day Fair would be publicized by posting it on the website, sending out e-mails to those in the database, sending a flyer to the schools and using their distribution network, and posting on the community bulletin boards and PV forum. Councilmember Toben said others should be enlisted to assist. For example, the science teachers could assist in devising a game to be played at the Earth Day Fair that would entice third graders and their parents. He did not think that standard marketing techniques would be sufficient to grab people. Ms. de Garmeaux noted that she was working on a scavenger hunt for the Town Center poster project with the science teachers. Councilmember Driscoll suggested allowing the third graders to carry a photograph of each LEED point so they could document what the LEED points actually were. There might be a contest for who had the best picture.

Responding to Councilmember Merk, Ms. de Garmeaux said the LEED business program was directed towards businesses located in Portola Valley. Councilmember Merk said businesses that did business in Town, such as contractors, was another big group.

Councilmembers praised Ms. de Garmeaux's efforts, noting the since her arrival, the Town's progress on sustainability and energy efficiency had advanced dramatically.

CONSENT AGENDA [8:23 p.m.]

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

Ayes: Councilmembers Derwin, Driscoll, Merk and Toben, and Mayor Wengert

Noes: None

(3) Warrant List of March 25, 2009, in the amount of \$201,240.15.

#### REGULAR AGENDA

(2) Minutes of Town Council Meeting of March 11, 2009 (Removed from Consent Agenda)

Councilmember Merk submitted changes to the minutes of the 3/11/09 Town Council meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(4) Hasso Plattner 2008 Year End Audit (Removed from Consent Agenda)

Responding to Councilmember Merk, Ms. Howard said audits were always included in the Consent Agenda whether or not any action was required on the Council's part. Responding to Councilmember Toben, she said the Council did not need to accept this audit as it was not an audit required by the State or any other agency. The audit would be sent to the Hasso Plattner Foundation in Germany. Councilmember Driscoll moved to accept the audit. Councilmember Toben seconded, and the motion carried 5-0.

(5) PUBLIC HEARING: Proposed Noise Element of the Town's General Plan [8:47 p.m.]

Town Planner Mader reviewed the staff report of 3/18/09 on the proposed Noise Element. Referring to the Element, he reviewed: 1) the introduction; 2) general objectives; 3) the noise environment; 4) transportation generated noise and levels; 5) non-transportation generated noise and levels; 6) mitigation measures for transportation generated noise; and 7) the five goals and related policies. Responding to Councilmember Derwin, he said it was preferable to adopt the Noise Element before the noise ordinance, because the ordinance was based on the Element, which provided a better legislative policy background. The noise ordinance was not a part of the zoning regulations; if it were, the Element would have to be adopted first.

Responding to Councilmember Derwin's question on Goal #4, Policy #4 (p. 13), Town Planner Mader said staff could use the information in the technical report and Element to put together the guidance manual on noise control for the public. Staff would also be developing the "quiet neighbor" program and a program for dealing with chronic noise complaints (Goal #5, Policies #4 and #5); the Council would provide direction on the nature of those informational programs. Responding to Councilmember Derwin, he said noise from businesses in Town would be a part of the CUP review. Now that there were noise standards, noise from facilities could be judged. They were not grandfathered in or exempt. Responding to Councilmember Derwin, Ms. Lambert said the residents with noise complaints were satisfied with the Noise Element. Responding to Councilmember Derwin, Town Planner Mader said he did not think there were any inconsistencies with Goal #3, Policy #1 and Policy #2.

Mayor Wengert asked for public comments.

Virginia Bacon, Golden Oak, asked how service personnel would be made aware of the Noise Element and standards in Town. She described an incident where a truck's horn was exceptionally loud. Town Planner Mader said traffic noise came from vehicles on the road, which was normally a function of tires on the pavement and speed of the vehicle. He did not know how you could control noisy horns or how it could be enforced; it would be difficult to address isolated incidents. Ms. Bacon suggested there be a policy statement that loud horns were discouraged in Town. Ms. Sloan said there was something about horns in the noise ordinance. They had to be allowed if they were used in accordance with the Vehicle Code.

Ed Wells said in the first draft of this material, barking dog noise was buried in the technical report. Since then, the issue had surfaced in the workshops. Barking dog noise needed to be addressed—not just

handled as a complaint. The Town needed a program so that people with complaints could work with the dog owner. He didn't see how that was included in Goal #5, Policies #4 and #5 or anywhere else in the document. A lot of time had been spent on truck noise, but that was not the noise that was the most intrusive in Town. Responding, Ms. Sloan said the noise ordinance would be before the Council shortly. The ordinance would implement the goals and policies in the Element. Councilmember Merk added that within the Element, there were references to the technical report as an addendum. In that report (p. 18), barking dogs were listed as an issue along with things the Town could do to address that. The ordinance would address the specifics. Town Planner Mader said Goal #5, Policy #5 addressed chronic complaints such as the barking dog problem. That program needed to be developed. Mayor Wengert added that a number of items were addressed in the noise ordinance that fell under Goal #5, Policies #4 and #5 of the Element, such as barking dogs, leaf blowers, construction hours, etc. The ordinance was very different from the Element. Mr. Wells said he hoped there would be some workshops where people could help the staff get more specific on what would be in the ordinance. Mayor Wengert noted that there had been two workshops.

Beverly Lipman said she hoped the ordinance would provide a way for people to respond to things. Mr. Wells had produced a document/system for people to respond to dog noise. Responding, Councilmember Toben said the Council was working with staff on how standards could be made clear enough so that a resident could go next door, refer to the standards in the ordinance, and resolve the problem. This would necessitate much more reliance on voluntary compliance and good neighborly relations than on some rigid law enforcement mechanism. The Council was very cognizant that the problem was real. Everyone was committed to getting down to a very detailed regimen that would escalate the intervention. People would be able to go on the website and see how to approach neighbors, etc.

Marilyn Water, Coyote Hill, said she recalled that there used to be a system in Town. If there were three complaints, someone from the Humane Society or the Sheriff's office called the owner of the dog. Ms. Howard said the Sheriff's Dept. and Humane Society had a policy that if three calls were received about a specific dog, the Humane Society was supposed to step in, make contact and work with the dog owner to see what could be done. But, people were uncomfortable calling the Sheriff's Dept.

Pierre Fischer, Valley Oak, referred to the technical study and Table 4 (p. 12) and said on Alpine Road between Westridge and Arastradero, the speed limit was 40 mph--not 35. The description (p. 8) on that section of Alpine said vehicular traffic was about 45 mph, which was above the speed limit. That should be deleted. Ms. Sloan pointed out that if people were going that fast, there was no way to dispute that in the consultant's report. Councilmember Merk added that that section of Alpine was both 35 and 40 mph.

Councilmember Derwin said Town Planner Mader and the Planning Commission had done a meticulous job on the Element. Councilmember Driscoll concurred; these were good general guidelines that were backed up by statistics. Councilmember Merk suggested that throughout the Element itself, "churches" should be replaced by "religious institutions," which was a more neutral and inclusive term. Mayor Wengert said she felt the Element was an excellent start and would serve as a basis for the ordinance.

Referring to Table 3, footnote c, Town Planner Mader said it should have been removed as recommended by the Planning Commission.

Councilmember Merk moved approval of Resolution No. 2441-2009 Adopting a Noise Element, as amended, as an Amendment to the General Plan and Findings Under CEQA. Councilmember Driscoll seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(9) Possible Amendment of the Building Code to Include Chapter 7A Regarding Fire Safe Construction  
*[9:07 p.m.]*

Ms. Lambert reviewed the staff report of 3/25/09 on: a) requirements of Chapter 7A of the Building Code; b) whether Chapter 7A should apply Town-wide; c) the definition of “new building” as it related to Chapter 7A requirements; d) who would be responsible on determining what products were ignition resistant; and e) who would be responsible for enforcing fuel management and maintenance. Responding to Councilmember Merk, she said Chapter 7A required vegetation clearance and maintenance. The Moritz assessment and maps contained a lot of good programs with regard to fuel management and mitigation. Some things could be pulled out of the Moritz assessment and map and used in place of the vegetation clearance requirements. Responding to Councilmember Derwin, she said Woodside’s ordinance consisted of the materials and scoping of Chapter 7A and eliminated the vegetation requirement. Woodside had not yet decided who would determine what products were ignition resistant or who would be enforcing fuel management and maintenance. The deadline for adopting the Cal Fire map was sometime in April. Responding to Councilmember Derwin, she said the Planning Commission would review this only at the direction of the Council.

Responding to Councilmember Toben’s question on the definition of “new building” and using 75%, Mr. Fitzer said a number of communities had been surveyed on their definition and what they used. He felt what was proposed was fair and could be reasonably applied. Responding to Councilmember Toben, he said vegetation requirements were not proposed for new construction. Currently, if the construction was in the Cal Fire “very high risk” area, the vegetation clearance rules would only apply for new construction. If the Town decided to apply the design and materials provisions of Chapter 7A throughout the Town, it was up to the Council to decide what kind of vegetation management plan they would like to enact for areas in the Town that were not designated by Cal Fire as very high risk. One size did not fit all neighborhoods in Town with respect to vegetation management. But, one size could fit all structures in Town with regard to roofing, decking, etc. Staff felt the Moritz map and assessment could be used to come up with vegetation management guidelines or an ordinance.

Responding to Mayor Wengert, Mr. Fitzer said for the definition of new building, decks were not considered in 75% or more of the floor area. The Cal Fire product list allowed redwood or cedar decking; the framing of the decking would have to be fire treated or more fire resistant.

Councilmember Driscoll said the Town was 99% built out. New building resulted from teardowns. He was concerned that a lot of attention and time was being spent on a small percentage of the problem. He asked what one single thing the Town could do that would affect the fire hazard vulnerability of most of the homes in Town. Mr. Fitzer said Chapter 7A was meant to reduce the potential for conflagration—not just a fire, but fires like southern California experienced. With the definition of new building, the 75% threshold would affect a change. If the threshold was reduced, more houses would be captured. On the other hand, using ignition resistant materials did not make the house fire proof or even fire resistant. It was intended to reduce the potential for embers to ignite the house and continue the devastation. The Blue Oaks construction guidelines emphasized fire resistant construction. Chapter 7A addressed ignition resistance. In Blue Oaks, the exterior walls were not combustible; it would take approximately an hour for a fire to burn its way in or out. Chapter 7A did not approach that level of fire; it just said that if you did this, you would reduce the chance of flying embers igniting your house or radiant heat causing your windows to blow in. It was not as restrictive as the construction guidelines in Blue Oaks. The designers had come up with designs that would meet not only the Blue Oaks construction guidelines but Chapter 7A as well. The architects were sensitive to this area, and their designs incorporated provisions in Chapter 7A voluntarily long before this issue was on the radar. The character of the Town wouldn’t radically change, but there would be some changes to details and the selection of materials. Councilmember Driscoll said in the next 50 years, he did not think the majority of the housing stock in Town would turn into Blue Oaks-like houses. All of the homeowners who

presently had old shake roofs or old wood shingle siding would have to replace them because they would wear out. He wanted to make sure those situations were captured and those people were given guidelines. Responding, Mr. Fitzer said for the older homes with shake roofs or shingle siding, Chapter 7A would require slight modification to the roof assembly because of concerns about radiant heat. Chapter 7A would also require a leaf shield on any rain gutters. Those were the only modifications that a re-roof would require under Chapter 7A. For sidewall shingles, the Cal Fire materials list called for shingles that were already fastened to a sheet of plywood; individual shingles were not on the product list at this time. The Cal Fire product list was not exhaustive and was voluntary. Documentation could be submitted that something passed a certain test. He was surprised what appeared on the list.

Responding to Councilmember Derwin, Mr. Fitzer said there was no conflict between solar panels and Chapter 7A, but it was a design issue. The typical solar panel was elevated off the roof surface anywhere from 3-6 inches. That could become a heat trap where heat was trapped or stored and embers could get underneath. Responding to Councilmember Derwin, he said he would build his house in Town to comply with Chapter 7A if he had the resources.

Responding to Mayor Wengert, Mr. Fitzer said he could come up with the number of additional houses that would be captured if the percentage was reduced to 50% or 60%. Reading from a Cal Fire bulletin, he said "New wildland-urban interface building codes will increase the cost of new construction an average of \$1,800 per home." They did not indicate how big the structure was, what the predominant materials were, or where in California the house was being built. He said he could provide the data on how many buildings would be captured at different thresholds, but not costs. Mayor Wengert said she was more interested in learning what percentage of the housing stock would be subjected to Chapter 7A.

Ms. Bacon said there could be a conflict between the homeowner who wanted to build green as well as fire safe. Chapter 7A didn't prevent fires but helped to curtail the impact. Secondly, lots of homes in the design guidelines were intended to make the house part of the landscape. Trees were close to decks or close to the house. She asked how fire management would affect design and architectural issues. A lot of people in Town felt strongly about architectural issues.

Harry Doshier, Santa Maria, said he felt Chapter 7A was a good idea. He questioned why Chapter 7A and Cal Fire requirements only applied to new construction. Responding, Mr. Fitzer said the scoping provisions of Chapter 7A said it only applied to new structures; it was probably also in the Wildland-Urban Interface Code. Ms. Sloan said Chapter 7A, Section 701A.3.2.4 required that prior to building permit approval, the property shall be in compliance with the vegetation clearance requirements prescribed in California Public Resources Code 4291 and California Government Code Section 51182, which were both included in Exhibit C. She interpreted this to mean that if you adopted Chapter 7A, it only required an inspection at building permit final approval of the vegetation clearance requirements. However, if you adopted the Cal Fire map, it had a requirement that vegetation clearance be maintained. Chapter 7A included a one-time inspection at the time of building permit approval. The Council needed to decide whether to adopt an ordinance that applied Chapter 7A throughout the Town. Section 701A.3.2.4 applied to buildings. Staff suggested not dealing with vegetation at this point until the Council had a chance to think more about the Moritz map and vegetation requirements; that was what Woodside had done.

Responding to a resident, Ms. Sloan said if someone had applied for a building permit and it was in the pipeline, the Council would have discretion of whether the new rules would apply.

Responding to Michael Katz, Mayor Wengert said if the Town adopted the Cal Fire map, maintenance of vegetative clearing was required if you were in the very high risk designation, which was not the same for new homes in Town that were not in that designation.

Responding to Virginia Bacon, Ms. Sloan said there were guidelines for creating defensible space. Clearing

of underbrush to 30' of the structure and preventing trees from overhanging the roofs were required. It didn't affect mature trees or trees that would become mature.

Pierre Fischer encouraged the Council to apply Chapter 7A to new decks, new roofs and new windows. That would have more of an impact.

Councilmember Toben said he was comfortable with adopting the structural requirements of Chapter 7A townwide for reasons having to do with the vulnerability of the community. He also appreciated the staff's recognition that issues of vegetation and topography differed from place to place in Town; excluding the vegetation standard would be appropriate, and the Moritz report should be the guidance required for making the different areas in Town as safe as they could be. With respect to the rate of housing stock renewal conforming to Chapter 7A, if 1% was replaced in a year and there were 1,700 homes, he asked how far the percentage should be dropped in order to get 50/year housing stock renewal. With regard to the vegetation issue, he was mindful of the concern about existing landscaping that was established and mature. He felt there was a lot of latitude in the guidelines that was available to homeowners. Provided you took care of the fuel ladder problem and tended to dying trees, etc., there was a lot of accommodation to the homeowner. He had some overhanging trees and intruding vegetation, and the fire department was pleased with what they found. He did not think it would be the straightjacket that some people feared. With respect to outreach, with the clarity of Chapter 7A and the sophistication of the design community, he was not certain that a great amount of outreach would be necessary. There needed to be outreach with respect to what would be permitted and what would be prohibited. But, he did not want the Town to be overwrought about the outreach. For now, he was comfortable with the general approach.

Councilmember Merk said he was basically comfortable as well. He was satisfied with most of the definitions. In the areas of siding, roofing and windows, he thought it could be tightened up. Those three items might fall under a lower threshold category so that someone who was doing 50% of the siding of their house might have to have some kind of membrane behind it that provided the required fire resistance, or new windows had to be tempered glass. Those were relatively easy things to do. He was happy with the 75% threshold for the definition of new buildings but thought a lower threshold would be appropriate for specific things that would capture more. He would like to see the fuel management issue put off until there was more information from the Moritz map. The guidelines for defensible space did not talk about lean and green, which was a term he heard from Sonoma County. If you kept the dead wood out of the trees, kept the leaves and litter off the ground, and plants were alive, burning embers would not start fires so easily. He would like to see some discussion about that way of approaching this. Referring to page 6 of the defensible space guidelines, he said there were plant spacing guidelines where they talked about slopes of 0 to 20%. There was a huge difference between flat and 20%, but they had the same requirement for spacing between shrubs. If he had 2 times the height of the shrubs in his backyard, he would be looking at the traffic on Portola Road all day. He thought some of the guidelines should be tweaked to fit more of the needs of the Town—particularly on small lots. In general, he liked what Woodside did and was in favor of adopting this as laid out by staff.

Councilmember Driscoll said he was comfortable adopting Chapter 7A. He also wanted to maximize the speed that the Town became more fire and ignition resistant with a minimum disruption to the community. He felt replacing roofing, siding or windows would have a significant impact. When those were replaced, they should be upgraded. It might be an increased cost, but he felt it should be done.

Councilmember Derwin agreed that Chapter 7A should be adopted townwide and wanted to follow Woodside's footsteps. Decks, roofs, sidings and windows should be replaced with the correct materials when it was time. She was okay with removing the vegetation piece until the Moritz maps were completed. She also liked the idea of a working group to help residents figure out what to do on their properties. She had to clear an acre on a slope, and it was difficult to figure out what to leave and what to take. It was also very expensive. She thought Ms. Bacon's point about materials was good and wanted to ensure that the

staff checked to make sure the proposed sustainable building code/GreenPoint rating system was compatible with the materials in Chapter 7A.

Mayor Wengert said Chapter 7A was a necessity. There was a moral imperative to move forward on it; it was a safety issue first and foremost. She would like to look at the numbers to see if the threshold could be lowered and possibly accelerate the progress. A significant difference could be made by requiring decks, roofs, siding and windows be upgraded with the new materials. She agreed that the vegetative management was best tackled by the Moritz maps, which were detailed on a much more specific basis. In terms of outreach, there were a number of ideas that could be explored on how to help homeowners. She agreed additional resources should be provided to residents to help them understand the materials and the programs on vegetation clearing.

With regard to materials that had been certified as conforming to Chapter 7A, Councilmember Toben said there could be a Venn diagram that overlaid sustainable materials with those that had already been identified to guide residents to that subset of two categories. In response to the comment about compromising aesthetic values and architecture in Town, he said the standards for construction in Blue Oaks were much more rigorous with regard to materials and fire resistant standards than Chapter 7A required. There were plenty of homes in Blue Oaks that were architectural gems. The Town should be able to make the case pretty easily that a good architect could get creative and accomplish beautiful results even under more restrictive standards. He also agreed that reaching out to the community was important. The architects were smart enough to do what was required.

Responding to Mr. Fitzer, Councilmembers agreed to look at lowering the threshold for sprinklers as well. Councilmember Driscoll said the focus was on wildland fires, which swept through a neighborhood on the outside. Sprinklers were more focused on an interior ignition of a fire and putting that out. There was also a lot more cost associated with sprinklers.

(7) Meeting Management and Protocol to Improve Communications at Council Meetings [10:10 p.m.]

Councilmember Driscoll said he asked that this item be agendaized. The Council had historically had a collegial way of going about things. In the last few meetings, there had been an argumentative mode. Councilmembers needed to agree to disagree agreeably as opposed to disagreeably. He did not think the Council needed to adopt any particular code of conduct as the City of Jackson had. But, even with a wide range of views, Councilmembers needed to be constructive with each other and not aggressively opposed to each other.

Councilmember Toben said it was a privilege to be a part of this body. When people came to the Council, they had a deep commitment to the well being of this community--irrespective of points of view, which would be different from time to time. None of the Councilmembers aspired to higher office and none received a dime. Beneath the occasional friction was a very broadly held set of shared values that came with the privilege of being able to serve on the Council. He liked to recall that even during times when he wished the meeting had gone better. He believed that the Council was fully capable of maintaining a level of discourse that was honorable and met the Bill Lane test for how people in a democracy were supposed to conduct themselves. Everyone on this dais had honorable intentions. When Councilmembers chose to disagree, the proper vocabulary could be found with the proper tone.

Councilmember Merk said he had watched the Town Council meetings since 1976. There were only a few that he missed in thirty-some years. In the last couple of years, the Council had drifted away from the traditional rules that were followed. He was very surprised a few months ago to discover that the Council never adopted Roberts Rules even though they had been used in a slightly loose way. For example, Councilmembers felt free to discuss an item before there was a motion on the floor. That saved a lot of time and allowed someone to come up with a motion that worked. He would like to see the Council adopt a set

of rules so that there was a protocol for who made motions, calling for a vote properly, etc.

Councilmember Driscoll felt Roberts Rules were overly parliamentarian. Ms. Sloan said she had four books on Roberts Rules. Different books said different things. There was a lot of formality even with the short versions that she didn't think the Council would want to adopt. She suggested Councilmember Merk give staff some guidance on which parts of the Roberts Rules he was interested in. The City of Jackson's Code of Conduct for Elected Officials might have parts. Councilmember Driscoll said he thought that Code of Conduct was overly detailed. Mayor Wengert agreed. The process needed to be as efficient as possible. Some meetings were very lengthy.

Mayor Wengert said there had been occasions in the last few months where agreeable disagreement had been a very difficult and unattainable goal. There had been some very negative meetings. Councilmembers should not be demotivated from staying on point, staying focused, and staying excited about what was being accomplished. It was extremely important to maintain a positive attitude, to be non-critical of colleagues, and to be supportive of staff. At all times, it should not become a personal issue. You might or might not win your point, and you needed to yield to the majority. If you made your argument and it was not accepted by your colleagues, you then became the minority voice. It was democracy in action that allowed things to move forward—even if it was not your held opinion. Councilmembers cared a lot, and these items could become very passionate. It was absolutely attendant upon everyone to not be threatening to anyone or make anyone feel as if they were not contributing in a positive process. She wanted everyone on the dais to want to continue to serve because they knew they were making a difference and their voices were heard in a reasonable fashion.

Councilmember Driscoll said it was important that Councilmembers extend courtesy to each other when any particular position was taken and that the reasoning be explained. There had been a few times when someone announced they would vote "no" without any explanation why. Councilmembers owed each other an explanation; sometimes he formed his opinion based on what he heard from others as opposed to an opinion formed before he came in. Additionally, he noticed recently an increase in the number of abstentions. It was like formalizing a vote of "maybe" or a vote of "I disagree with the process." Everyone was entitled to take any position they wanted, but it was his understanding over the years that an abstention was something you did if you were unable to vote because you perhaps weren't there--in the case of the minutes--or you were conflicted in some way or another. He would like the Councilmembers to have the courage to take a position. Abstention was not a position and was counted with the prevailing opinion. He requested that Councilmembers take a position "yes" or "no."

Mayor Wengert asked for comments from the public.

Pierre Fischer said at the Ranch, residents elected a new board member last fall who was very familiar with parliamentarian procedures and recommended that the group follow Roberts Rules. He [*Fischer*] did not want the Council to do that. Nothing got done anymore, and it was all motions and amended motions; people didn't know what was going on. Secondly, he was surprised to hear about the friction and differences. He felt the Council was doing a great job.

Councilmember Toben said he was not certain what rules the Council had drifted away from. Responding, Councilmember Merk said they were customs because there were no rules. Councilmember Toben said he shared Mr. Fischer's concern about relying on a formal set of rules that were devised for a different set of circumstances. He used Breaking Roberts Rules in his workshops, which had to do with effective public engagement that wasn't tied down. On the other hand, Roberts Rules might have something on the appropriateness of abstentions and under what circumstances abstentions should be used. While he was reluctant to move in the direction of adopting Roberts Rules, he was interested in reviving some of the customs that might have eroded away. He was open to discussing whether there were specific actions that the Council could take that were customized to the Town and Council. Mayor Wengert said she did not



want to impose so much order that it would detract from the process.

Councilmember Driscoll said each of the five Councilmembers represented the entire Town whereas in Woodside, the councilmembers represented districts. There was a difference in the politics in Town and in Woodside. In Town, the Council was a committee that represented the spectrum of opinions across the Town. That was a healthier form of government, and he was pleased that the Town's founding fathers developed it that way. But, that also put a burden on the Council to be more cooperative with each other even when disagreeing. That was a goal he hoped could be kept.

Mayor Wengert said the intent of the discussion was to re-orient Councilmembers on how they should be trying to work together as a group and identify the areas that were challenges. Everyone seemed open to considering some changes in the direction of Roberts Rules--providing it didn't become the predominant theme of how every meeting was organized. Councilmembers all needed to be very cognizant of the impact they had on one another in this process and make it a positive process for the group and staff.

Councilmember Toben said if any Councilmember had a concern that might be addressed by development of new rules or borrowing from Roberts Rules, that should be entertained as an additional procedure to the repertoire.

Referring to the protocol for the City of Jackson (p. 5-6), Ms. Sloan said it suggested ways of running a discussion on regular items and running a discussion on public hearing items. It was very close to what the Town did. Mayor Wengert said the document was very comprehensive and well beyond what the Town needed. But, there were some very good points.

(8) Consideration of Permanently Changing the Start Time of Regular Council Meetings [10:35 p.m.]

Councilmember Driscoll said he did not like getting home at 1:30 a.m. Starting at 7:00 p.m. had benefits. But, he would have missed the first hour of probably a dozen meetings during his tenure on the Council. It was difficult if you were working or out of Town to get back for a 7:00 p.m. meeting. Starting at 7:00 p.m. would probably mean he would be bringing his dinner to the meeting. He did not want to discourage people in mid-career from running for the Council because they wanted to spend time with their kids or have dinner with their family. It might limit candidates to retired people or empty nesters. It was also well known in the Town that Council meetings started at 8:00 p.m. When the Town started meetings earlier in the past, people still showed up at 8:00 p.m.

Councilmember Merk said by moving the time forward, you put a hardship on anyone who wanted to come to the meeting who had a family and wanted to have a family dinner. Working on how the agendas were set up might have an impact on how late the meetings lasted. There had only been late meetings in the last few months. For years, it might happen 1-2 times/year—not every third meeting. He also was concerned that even if it started earlier, the meeting would likely last to the same hour. He was not in favor of making this change and felt there would be fewer people in the audience.

Councilmember Derwin favored starting earlier and promoted it when she first came on the Council. The School Board met at 7:00 p.m., so obviously people could have family dinners and still go to those meetings. While 8:00 p.m. was the tradition, she felt it was out of sync with most in the community. She understood that career people would favor a later start time, but she felt a lot of the younger people in Town with families would prefer to meet earlier. She would like to see more younger people in the audience; she felt more people would come if the meetings started earlier as well as ended earlier. It would be better for the Councilmembers because as the night grew later, most Councilmembers started going down hill at a rapid rate. She would like the meetings to start at 7:00 p.m.; it would also be nicer for staff.

Councilmember Toben said the Town started later than every other city council in the area. He thought 7:00

p.m. was a little early, and he supported a 7:30 p.m. start. He supported a change when Councilmember Derwin first proposed it. He would also like to encourage more attendance on the front end of the meetings. The meetings were running late, and it was hard to ask someone to hang in there until 11:00 at night to discuss any item of substance.

Mayor Wengert said she favored starting earlier. It was much more in sync with other towns. She also thought productivity was significantly diminished as the hour got late. While she would personally favor 7:00 p.m., she supported 7:30 p.m. She agreed that 8:00 p.m. made it more difficult for a lot of younger families to attend; their participation should be encouraged over time.

Responding to Councilmember Driscoll, Ms. Howard said the ASCC and Planning Commission would be happy starting at 7:00 or 7:30 p.m. Councilmember Derwin said Commissioner Zaffaroni favored 7:30 p.m.

Councilmember Driscoll said he was okay with 7:30 p.m. and wanted to maximize attendance. The Town would need to make a significant outreach effort to get the message out.

A resident [*unidentified*] said 7:00 was impossible for him, 7:30 was very hard, and 8 p.m. was probably the earliest he could attend. He thought the length of the meetings was the problem. Councilmember Driscoll noted that one characteristic of the Council was that it never decided an issue without talking it to death.

Councilmember Merk said starting earlier was a step in the wrong direction. He did not think there would be a difference in productivity whether it was half an hour earlier or later. He felt 8:00 p.m. was the best time for most of the people in the community. There was also 40+ years of history. He did not support this change.

Ms. Sloan said she would bring back an ordinance amendment.

(9) Appointment to Trails and Paths Committee [10:45 p.m.]

Referring to Ellen Vernazza's e-mail of 3/18/09, Councilmember Merk said only two of the five applications were attached. There was no way to compare the five applicants for the two vacancies. Clerk Hanlon said she only included the applications for those who were recommended by the Trails Committee. Councilmember Merk said traditionally, the Committees didn't discuss appointments. People applied and the applications came directly to the Council. He was uncomfortable not having attended the meeting where the other people were interviewed. He didn't know if they were equestrians or bicycle people or walking people. That made a difference as to how the Committee was constituted. Councilmember Derwin said she attended the interviews, which had been conducted professionally. All five candidates were excellent, and all five supported multi use of the trails. She discussed the applicants recommended by the Committee for appointment and another applicant who had been on a number of Town and school committees but was not a resident. The Committee understood that an applicant need not be a resident. She suggested the Committee change the charter to take in another member, but the Committee did not want to. She described the other two applicants and Committee reactions. She felt the Mayor should appoint the two recommended candidates and notify the other applicants when there was another vacancy.

Councilmember Driscoll said he could not think of many times when there had been more applicants than vacancies. He recalled that when there were a lot of applicants, the liaison and the Chair helped to make that decision. He was pleased that the Trails Committee interviewed the applicants. Councilmember Derwin noted that the Website enabled people to apply to Committees, and she thought people were taking it more seriously.

Councilmember Toben said he appreciated Councilmember Derwin's commentary. He was concerned about existing members who might be contributing less than what some of the applicants would. There was

a certain sense of incumbency that existing committee members enjoyed without ever having a stress test to see if a new person might offer something different. He did not think that problem had been fully resolved. Mayor Wengert said this issue was discussed by the Committee Handbook panel; much of it ended up being moved into the hands of the Chair. Councilmember Driscoll suggested an emeritus member alternative. That person could be invited to meeting and receive agendas and minutes, but they did not vote. Some members didn't participate in the discussions. Emeritus had a little honor and granted someone who had been on a committee a long time permanent status. And, it would allow the committee to get new members that would vote and actively contribute. Responding to Councilmember Derwin, he suggested that after 15 years you became emeritus automatically or something similar. It was like a term limit. Emeritus would allow the Chair to offer the person something other than not re-appointment.

Councilmember Merk said there was one member on the Conservation Committee who had served since 1964 who was active and participated in discussions. With respect to the recommendation to appoint the two new members to the Committee, he didn't have a problem. But, if there were more applicants than vacancies, he wanted to see all the applications in the future.

Mayor Wengert appointed Elizabeth Rubin and Diane Brinson to the Trails and Paths Committee. By motion of Councilmember Driscoll, seconded by Councilmember Merk, Council unanimously concurred.

(10) Reports from Commission and Committee Liaisons [10:55 p .m.]

(a) Sustainable San Mateo County Awards

Councilmember Derwin described the award winners in various categories, including the Town, and the award ceremony.

(b) Silicon Valley Water Conservation Awards

Councilmember Derwin said she attended the awards event at De Anza College. Winners were posted at [www.waterawards.org](http://www.waterawards.org). She described winning projects and businesses.

(c) Water Showcase Presentations

Councilmember Derwin said she and Ms. de Garmeaux attended the event at the Pacific Energy Center in San Francisco. There were presentations and vendors. The keynote speeches were on water conservation and energy efficiency, low to high impact water minimization, a case study on the storage and treatment for water reuse, and the sustainable site design for the Cavallo Point project. Councilmember Merk added that there was a group in Vermont working on measuring water footprints.

To make the Council meetings shorter, Councilmember Driscoll suggested: 1) notes of these types of events be included in the digests; and 2) shortening committee/commission liaison reports to include only items that required Council's attention.

(d) Planning Commission

Councilmember Merk said the Commission discussed the revised geologic maps, which were very comprehensive and a big improvement.

(e) Cable and Undergrounding Committee

Councilmember Merk said the Committee continued its discussion of: 1) dropping SAMCAT; and 2) having the Town apply the general fund UUT to an undergrounding program. Councilmember Toben suggested

agendizing the issue before the Committee went much farther.

(f) HEART

Councilmember Merk said the group discussed their budget; the charge to the participating municipalities would remain the same as it was last year. They had leveraged \$22.53 for every dollar raised and had built 662 units in the past five years for low/moderate income levels.

(g) Cultural Arts Committee

Councilmember Toben said the Committee felt the Town Center should be dressed up with large artworks for the Town Hall, Community Hall and classrooms. He discussed possible displays.

(h) Emergency Preparedness

Councilmember Toben said the Committee discussed the chain of command functions and EPC's role. They wanted to undertake a very comprehensive plan for: 1) emergency response; and 2) community outreach and education. Committee members would be attending the April 22 Council meeting.

(i) ASCC

Councilmember Toben said the ASCC discussed the Redberry Ridge project, which was approved with a lot of neighborhood support, and the Triangle Park renovations.

(j) Sustainability/Green Workshop

Councilmember Toben said about 10 people attended. Some people were concerned about a green-ups program and having to disclose energy audits.

(k) Parks and Rec Committee

Mayor Wengert said the Committee discussed the Parks and Rec survey and the impacts on field use fees. A recommendation would be before the Council shortly.

WRITTEN COMMUNICATIONS [11:18 p.m.]

(11) Town Council 3/13/09 Weekly Digest: None

(12) Town Council 3/20/09 Weekly Digest: None

ADJOURNMENT: 11:20 p.m.

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Mayor

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Town Clerk