

TOWN COUNCIL SPECIAL MEETING NO. 768 , APRIL 22, 2009

ROLL CALL

Mayor Wengert called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Driscoll, Merk and Toben, and Mayor Wengert
Absent: Councilmember Derwin
Others: Town Planner Mader, Asst. Town Attorney Leigh Prince, Town Manager Howard, Public Works Director Young, and Asst. Town Manager McDougall

ORAL COMMUNICATIONS: None.

(1) Proclamation Honoring Stacie Nerdahl for Outstanding Contribution to Design and Implementation of Town Website

Mayor Wengert read the proclamation honoring Ms. Nerdahl for her outstanding assistance on the design and implementation of the new Town website. Councilmember Driscoll said he had received a number of very favorable comments from citizens on the website and commended Ms. Nerdahl for her fine work. Ms. Nerdahl thanked the consultants, staff and all who contributed to the development of the website.

(2) PRESENTATION: Emergency Preparedness Planning and Priorities

Craig Taylor, Emergency Preparedness Committee (EPC), introduced Committee members and gave a Powerpoint presentation on emergency preparedness. He discussed: a) major threats in Town; b) approach to preparedness planning; c) household preparedness and response; d) neighborhood preparedness and response; e) emergency operations center (EOC); f) Town resources; and g) desired outcome of the Council's discussion. He reviewed the goals, components, status and early priorities for household, neighborhood, EOC and Town preparedness.

Responding to Mayor Wengert, John Carnes said there were a number of documents/checklists that suggested what households should do, but there had never been a survey to see how many people were actually doing those things. There were standards, but people were encouraged to personalize the checklist. An EPC member said there was a difference between those things that every household should do and a way of determining how effective household preparedness was. Mr. Carnes added that metrics would evolve as preparedness improved. The first thing was to get some initial measures in place to understand where things stood. CERPP was pretty well situated to collect that information. A number of the divisions had e-mail addresses, and information could be gathered from the residents.

Councilmember Driscoll suggested the Town conduct an inventory to find out what kind of equipment people had, if there were retired nurses in Town, etc. Mr. Taylor said there should also be a list of trained volunteers in Town, how to contact them and what their level of training was. He agreed that commercial, private and individual resources should be polled. By publicizing that and getting people to sign up and list equipment, it would also get people engaged with the problem. After an earthquake, it would be nice to have that information in a database. That could be compiled by the CERPP divisions. Councilmember Driscoll felt the information should be consolidated. Mr. Taylor agreed the information should be passed to the Town. Councilmember Merk noted that it was not easy to give data to the Town without it being public. Mr. Taylor said in CERPP, each person's homepage was password protected. You could also ask people if they were willing to have their information published in a Town emergency directory.

Mr. Taylor said it was important to understand the roles of the Town and the other government agencies,

how to connect with them, what they were willing to do for the Town, and what they thought they were doing. Derry Kabcenell, EPC, said everyone needed to agree on the functions of the EOC with respect to other emergency agencies and how information would flow. Once everyone agreed on that, what was needed in the EOC would become clearer. Responding to Mayor Wengert, he said some equipment could be placed in the EOC right away to make it functional as soon as possible. The additional equipment that the Committee proposed last year probably should wait until there was a clear idea of exactly what would be going on in the EOC.

In terms of CERPP, Councilmember Merk agreed that CERPP was in need of additional leadership and some direction from the Town. Some divisions were very active and prepared, and some were not. Finding volunteers was a very difficult challenge, and the Board appointed a nominating committee to look for more Board members. As far as direction from the Town, Mr. Taylor said the Town should tell CERPP what was expected. There needed to be a dialog in order to determine what the Town should fund. Right now, there was money budgeted, but there wasn't good dialog. When the Board was reconstituted, he thought the Town and Woodside should get together with the Board and have that dialog. The same was true of Woodside Fire Protection District, the Sheriff's Office, and San Mateo County. It was the Council's ultimate responsibility to indicate what the expectations were. If the Town was clear on what these agencies would do for the Town and what they probably could not do, procedures could be built around that. Councilmember Merk said the Sheriff's Office and the County should not be separated. The relationship between the County and the Town in an emergency would be through the County OES, which all the cities were a member of. The County had a very well developed emergency response capability. He was concerned with the Town's ability to communicate effectively with them. Mr. Kabcenell noted that the Sheriff's Office provided law enforcement services to the Town under contract. Councilmember Driscoll suggested that when the Sheriff's contract came up for renewal, the Town should ask for a liaison component for emergency planning. Mr. Carnes noted that OES had a liaison assigned to the Town for emergency planning. Councilmember Merk felt the Sheriff's Office and OES were not completely separate during an emergency.

Mr. Taylor said it was important to put together a road map. Given this was an ongoing process, there should be a meeting once or twice a year to review the road map that set out realistic quarterly goals with metrics and targets. The Council would need to decide what they wanted to buy into and how much staff time would be allocated. He saw the Committee's role as helping Ms. Howard, as Director of Emergency Services, execute the quarterly goals. The road map should be the Director of Emergency Services's road map—not the Committee's road map. Once the road map was established, it would provide a framework to work on.

Councilmember Driscoll suggested the Town plan for the most likely disasters, such as earthquakes, and develop some hypothetical scenarios of what the Town would encounter. Mr. Taylor agreed and felt the Town should work with the utilities. CalWater was identifying where the mains were across the San Andreas Fault and what they would do when those mains were destroyed. The Town should know CalWater's plan and keep checking with them to see what was being done. A little pressure could go a long way to getting things done. Responding to Councilmember Driscoll, he said the Town should go through each of the threats listed, and develop a simple plan. Then, you could go to the next level with more details. Councilmember Driscoll suggested getting someone from USGS to come out and indicate what would happen when the San Andreas Fault ruptured. They would have a lot more information than what the Town could think of. Mr. Taylor agreed that a lot of the process would be information gathering.

Regarding emergencies involving hazardous materials, Councilmember Merk said the south County had a well developed and equipped HAZMAT team. A truck spilling something would probably only require a phone call to be dealt with. He added that an earthquake, fires starting in homes from broken gas mains, groundshaking causing earth failures, and creeks dammed up could all happen at once. He felt one of the highest priorities was to get the new EOC outfitted so that it was a usable, functioning space. The second

priority would be to develop outreach to residents for personal participation in their homes and participation at a community level. Staff time should be committed to those two priorities—particularly training of staff, Council and other people who would keep the EOC running.

With respect to the questions posed to the Council in the presentation, Councilmember Toben said he was struck that the impetus tonight came from a committee of volunteers and not from the staff. He suggested that at the first meeting in July, there be a strong statement from the Director of Emergency Services that responded specifically to some of the points raised, such as galvanizing the Town's relationship with CERPP, capability of the EOC, etc. The first responsibility of any government was the safety of its residents. The first criterion for measuring the success of the Town's management and the Council was how well the safety of residents was being protected. As part of the road map, he wanted to see a plan for the Town's responsibility in support of the leadership challenge that had been identified. While CERPP might be the proper jurisdiction over the household and neighborhood preparedness functions, the Town at the higher level needed to indicate what it could do to equip the leadership to perform those functions. The Town should also bear some significant responsibility to help with recruitment and all the training necessary to get that done. When the fifth Wednesday concept was adopted, he envisioned a multitude of different ways that might roll out. First, the Town could sponsor training of all Town committees on emergency thinking. The Town should also be able to do a tabletop exercise once a year. Chapters of the master binder should be discussed. In terms of the monitoring function, it might be too much to ask the CERPP divisions to follow up with the household checklist. That feedback was critical to understand if the Town was making progress or not. Some Town involvement and Town staffing might be necessary. He would also like the Town Manager to provide a frank assessment of the abilities within the staff to support these functions. The Council needed to know just what it could ask with respect to commitments of time within job functions to do this sort of thing. It was also unacceptable that there were certain CERPP divisions that were inactive; he wanted to see progress on that issue by the first meeting in July. The Committee provided a good start, but he was not comfortable with where the Town was in emergency preparedness.

Mayor Wengert said the role that the EPC played was unique. The amount of detail covered in the presentation was staggering. It was clear that one of the biggest challenges was prioritizing, organizing and trying to find the time and staff to know how to tackle it. Ms. Howard's role as the head of this process would be critical. She agreed that in a relatively short time, Ms. Howard should provide an idea of what staff resources she needed to work with the Committee, who was committed to work with the staff in a more proactive and forward thinking way. The difficult thing was that all of these issues were top priority. She understood first hand the difficulty in getting people motivated initially and continually. The Town's role would be critical, and the relationship with CERPP needed to be clarified. Additionally, she felt quarterly goals were very aggressive, and she suggested half-year or annual. With respect to drills, they were very valuable; training was key. She also agreed that the fifth Wednesday was the right time to come up with those exercises.

Councilmember Merk noted that CERPP was continually called out by the County as being the model in the County. One of the things that made the relationship between the Town, Woodside, the Fire District and CERPP unique was because it started before the CERTS and NERTS elsewhere in the County that were specific to a city. The Town had something that was a little harder to deal with because it involved three public entities and one non-profit.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Mayor Wengert, the item listed below was approved by a vote of 2-0, with Councilmembers Driscoll and Toben abstaining.

- (3) Minutes of the Town Council meeting of April 8, 2009.

REGULAR AGENDA

(4) Warrant List of April 22, 2009 (Removed from Consent Agenda)

Responding to Councilmember Merk, Ms. Howard said the new lights in the library (check #41622, p. 1) were hung too low, and the cables had to be shortened.

By motion of Councilmember Merk, seconded by Councilmember Toben, the Warrant List of 4/22/09 in the amount of \$112,165.67 was approved with the following roll call vote:

Ayes: Councilmembers Driscoll, Merk and Toben, and Mayor Wengert
Noes: None

(5) Support of West Nile Virus and Mosquito and Vector Control Awareness Week (Removed from Consent Agenda)

Councilmember Merk said he was very much in favor of the San Mateo County Mosquito Abatement District and the work they did. But traditionally, the Town did not adopt this type of resolution. Responding to Councilmember Driscoll, Ms. Howard said she talked to Joe Fil about the resolution, and he felt it was very important.

Councilmember Merk moved adoption of Resolution No. 2444-2009, Declaring April 20 through April 26, 2009, as West Nile Virus and Mosquito and Vector Control Awareness Week. Councilmember Toben seconded, and the motion carried 4-0.

(6a) PUBLIC HEARING: Proposed Noise Ordinance and Negative Declaration

Town Planner Mader reviewed the staff report of 4/6/09 on the proposed noise ordinance, noting that the Council considered the ordinance at four previous meetings. Referring to the ordinance, he discussed: 1) definitions; 2) noise standards; 3) permitted sources of noise; and 4) prohibited sources of noise. He said some people indicated on the PV forum that the hours of operation for commercial gardeners on Saturday were inconsistent. The earlier versions of the ordinance all had the same wording, and there had been no change. The question was whether that wording reflected the desire of the Council. At one of the workshops, residents indicated that they wanted more freedom on Saturdays for that activity. Additionally, Councilmember Merk pointed out that a provision had been inadvertently dropped out of this version of the ordinance. That provision, which the Council agreed to, should be reinserted and stated: "Domestic garden tools may be used by property owners for the purpose of removing dry grasses only that pose a fire hazard on all days except holidays between 8:00 a.m. and 7:30 p.m. from May 15 to July 15." Ms. Howard noted that Councilmembers had been provided with copies of postings on the PV forum.

Councilmember Merk said agricultural uses were not addressed in the ordinance. There were quite a few residents who had sizable wineries on their property. Someone could be working at the winery and claim that it was an agricultural use. The only way the Town could address that was through the maximum noise levels. He thought agricultural use should be added to bring that into control. Councilmember Toben said Ed Wells commented at one of the workshops about his vineyard and the fact that it was important to do certain activities early in the morning. Responding to Mayor Wengert, Ms. Lambert suggested putting something in the use permits about noise and hours. She added that only two vineyards in Town had use permits.

Responding to Councilmember Toben, Town Planner Mader confirmed that noise levels for pool pumps, generators, and air conditioners were included in the ordinance, but placement, design and specifications would be addressed in the Design Guidelines. Testing of home generators was addressed in the ordinance.

Referring to section 9.10.050D (p. 5), Councilmember Toben said this chapter outright prohibited musical instruments, sound amplifiers and sounds in general. He thought there might be exceptions for special events; specific hours and advance notice to neighbors would be required. As written, a dance band in the backyard for a wedding reception was outlawed. Responding to Mayor Wengert, he said the "reasonable person being disturbed" standard was a very difficult standard to apply. Councilmember Merk noted that Ms. Lambert's memo on resolving neighborhood disputes indicated that neighbors should be notified for special events/parties. Town Planner Mader said the noise consultant also felt that it should be taken care of through neighbor relations. Councilmember Toben felt the ordinance should be as precise as possible.

Councilmember Driscoll asked if the ordinance would cover things like the noise coming from the private ice hockey rink. Responding, Town Planner Mader said there were non-transportation noise standards in the ordinance. Additionally, the definition section talked about "impulsive sounds." Councilmember Driscoll said he did not see any reference to that in Section 9.10.050. Councilmember Merk noted that the exterior noise level could not be higher than 65 dBA between 7 am and 10 pm.

On commercial gardening, Councilmember Toben said the participants in the workshop for the most part felt that commercial gardening activities should be permitted on Saturdays because a number of households needed to oversee the work of the gardeners. In some cases, the labor costs were less on Saturday, and people got a better deal. He thought the original draft permitted commercial gardening on Saturdays. There was strong support in the community for allowing that.

Mayor Wengert opened the public hearing.

With respect to barking dogs, Ed Wells, Naranja Way, said Ms. Lambert's draft material plus the fact that the word "dog" actually appeared in the ordinance was a great leap forward. He hoped the Town would help dog owners who were bothered by complaints. Ms. Lambert's preamble needed to go much further and have samples of equipment that could be used on a loaner basis. There were other things that could be done. Additionally, the community had accepted the construction hours of Monday to Friday 8 am to 5:30 p.m., which allowed a half hour for lunch. You could hear the dogs when they took lunch, before they started work and after work. The construction noise was not bothersome. He had had two teardowns immediately adjacent to his property go on for two years. He could live with the construction noise. For 50 weeks, five days, it was 250 days. If you let the commercial builders work on Saturdays, it would reduce the construction time. There could be longer hours from April through September when there was full daylight. Construction people could go 10 hours a day. He suggested that be pursued the next time the noise ordinance was redone.

Joan Leighton, Willowbrook, said she would like to hear from a fire expert about the advisability of weed whacking dry grasses as the sun was setting between 5 pm and 7:30 pm. She thought the best time to do that kind of work would be at 6 am just as the sun rose and the air was still cool. The sun didn't set between May 15 and July 15 until 8:30 pm or 9:30 pm. Responding, Town Planner Mader said the Fire Marshal indicated it was not good to do this in the middle of the day when the grasses were dry. She preferred it be done later in the day when it wasn't quite as dry. On weekdays, it could start at 8:00 am. Referring to his memo of 3/5/09, he said the Fire Marshal indicated that grass began to dry out in June and that was the time to cut grass. The District usually recommended the cutting be done in the morning when grasses were more likely to be moist and less susceptible to catching fire from a spark. Virgin Bacon had asked that she be allowed to do this in the evening. No one had suggested allowing this prior to 8 am. If that was desired, then the ordinance would have to be amended.

Jon Silver, Portola Road, said if the Fire Marshal indicated that later in the day was okay, he felt that was a pretty good approval of safety. He did not want an exception for weed whacking before 8 am. He felt the ordinance was pretty good. He would like to see a prohibition of gasoline powered leaf blowers, but there was not a strong enough consensus in the community to support that. He wanted less noise but would

prefer to have the freedom to work on his property on the weekends. He also didn't feel the need to prohibit commercial gardeners on Saturdays. If they were allowed, it would be nice to have them leave their leaf blowers at home. Even though a leaf blower used by a homeowner was just as noisy as one used by a commercial gardener, there were a lot less of them used by homeowners and for a lot less length of time.

Gene Chaput, Alamos Rd., said with SOD and lots of trees succumbing to this, there was a need to cut them up. The flexibility to allow people to use equipment on Saturdays was critical. Additionally, hearing started to go as one got older, and he didn't hear leaf blowers or weed whackers any more.

A resident said gardening had always been a grey area. During the workshop, she commented about needing quiet weekends. She was backing off on that and thought commercial gardening was okay on Saturday. There was a lot of dry brush, etc., that needed to be cleaned out. A resident should be able to direct commercial gardeners to cut the trees on Saturdays. Additionally, she wanted to keep things as simple as possible in terms of construction noise, and 8 am to 5:30 pm Monday through Friday was appropriate.

Marianne Plunder said she had a neighbor who had a commercial gardener on Saturday. It was easy to know if it was a commercial gardener; it was every Saturday at the same time and the same noise. If gardeners came on Saturday without the blower, it wouldn't be such a problem. Additionally, she felt the Sunday hours from 10 a.m. to 5 pm weren't appropriate when it was hot. She suggested extending the hours for residents to 6 pm.

Mayor Wengert closed the public hearing.

Councilmember Driscoll [*inaudible*] said some people made a reasonable claim that they might want to do some things on the weekend outside of hours or they might want to have a commercial gardener on Saturday. Other people made a reasonable claim that they didn't want any noise. He thought it made sense to have an exception provision for someone who made a reasonable case about needing to use, for example, a chainsaw to cut up dead limbs. That one-time exemption should be granted at the staff level.

Councilmember Toben said he wanted to minimize work for the staff. Secondly, he felt that kind of scenario could be addressed by the neighbor/courtesy mode as opposed to formalizing some kind of procedure. Councilmember Driscoll said he was inclined to agree. It would be almost impossible to come up with some kind of exception to address a reasonable request. Mayor Wengert concurred, noting that exceptions could be re-addressed after the ordinance was in place for a while.

Councilmember Merk said he was basically happy with the ordinance. He wanted to add back in the language that was inadvertently omitted about extended hours for weed whacking for fire control. With respect to the PV forum posting about hiring a laborer from a landscaping company to work more cheaply on the weekend, he said this would be someone who was not licensed, not licensed with the Town, without liability insurance, without specific training, etc. You needed to think about the possible long-term ramifications of going with the cheapest possible way to get a job done.

Referring to the ordinance, Definitions, p.2, Councilmember Toben suggested defining "noise" as "Any sound which annoys..." Under Section 9.10.040B, pp. 4-5, he felt commercial gardening activities on Saturdays should be allowed. He did not know whether Saturday workers were unlicensed, uninsured, etc. But, the argument had been made that homeowners who worked during the week wanted to be able to supervise the work of a commercial gardener on the weekend. He felt that was a rational argument—especially when combined with special circumstances. He suggested, "Domestic garden tools may be used by commercial companies Monday through Friday between 8:00 am and 5:30 pm, and Saturdays from 10 am to 5." That reflected the majority viewpoint in the workshops that he heard. Under Section 9.10.050D (p. 5), he was concerned about the complete ban on musical instruments with no provision for special

events. He suggested adding, "There shall be an exception for special events such as wedding receptions, graduation parties, etc., providing that the host of that special event observes specified hours and so long as two weeks advance notice is provided to the neighbors." That provided a little more flexibility on an occasional basis only. The kid in the garage with a drum set was a different story. Under Section 9.10.050H (p. 6), he said it talked about measuring from a distance of 50 feet. That metric should be moved up to the first sentence (i.e., "...shall not produce a sound that exceeds 65 dBA when measured from a distance of 50 feet...").

Regarding the suggestion about the exception for musical sounds, Councilmember Driscoll said it sounded like a big loophole. A couple of years ago, there was a party that became a real nuisance. It could have been described as a graduation party. He preferred not to have that loophole and treat it as a courtesy issue. Most requests would probably be reasonable, but it could be abused.

Mayor Wengert said she had a similar reaction. She just lived through a musical event last weekend in her neighborhood that was 100-person strong with multiple pianos and all kinds of instruments. When it moved past a respectable hour, people went over and said something, and it tamped down nicely. She also thought it was reasonable to allow homeowners to oversee people who were working on their behalf on Saturdays. She agreed with reintroducing the language that was inadvertently eliminated with respect to extended hours for weed whacking.

In terms of Saturday hours for commercial gardeners, Councilmember Merk said he did not feel that oversight happened every time. He wanted to word it so that on specific occasions, you could have your gardener come on Saturdays to show them what to do. The rest of the time, they should come during the week. Week after week was tiring for someone who just wanted to sit out in his or her yard at lunchtime and had to listen to blowers. It made it hard to enjoy all the amenities in Town.

Councilmember Toben said if there was a situation where the neighbor's commercial gardener was using a 65 dBa gas powered leaf blower, a lawn mower and a weed whacker all in concert, the proper response would be to ask the property owner to encourage use of an electric leaf blower at a time that didn't interfere with his enjoyment of his property. He supported dealing with these situations in a more informal way. That was also a more appropriate way to deal with the musical noise rather than carving out an exception.

Councilmember Merk moved to accept the document with the addition of the language that was dropped about weed whacking for fire control after hours between the specific dates named. He said the motion did not include allowing commercial gardeners on Saturdays. There needed to be some time when residents weren't inundated with noise from commercial activities. The ordinance would be re-visited, and he thought this was a good start.

Councilmember Driscoll seconded the motion. Hearing leaf blowers constantly on Saturday would drive him crazy. He was not however persuaded with the argument that these would be unlicensed, uninsured workers. One posting on the forum talked about a 16-year relationship with a gardener. But, he was not sure that allowing commercial gardeners to work six days a week was a good idea.

Mayor Wengert said in an ideal world, everyone would like peace and quiet. But, she was more persuaded by the need to balance how big a problem Saturday noise from commercial operations was with people's ability to manage their lives in a way that fit with how they lived. In today's environment, people needed to have some flexibility. If it was a problem, she preferred that the neighbor ask if there wasn't some other accommodation that they could make.

Councilmember Toben questioned to what extent the Council should be in the business of prohibiting things. He understood the value of enjoying peace and tranquility in Town. But, he thought the neighbor approach should be exhausted before a certain class of activity was prohibited on a day that was an

important chores day. Residents might not have the capacity or the ability to do the chores themselves, but their property still needed to be maintained for aesthetic as well as fire safety reasons. He preferred to adopt an ordinance that continued to allow reasonable commercial activity on Saturdays with the expectation that in bad cases, there would be informal means of finding a solution.

Councilmember Driscoll said the Town liked to refer to itself as rural and country. A leaf blower that blew the street clean was inconsistent with that image. It was consistent with a well-maintained suburb.

Mayor Wengert noted that a suggestion had been made to allow commercial gardeners but no leaf blowers on Saturdays. Councilmembers Driscoll and Merk said they could approve that. Mayor Wengert questioned whether that was realistic or enforceable. Councilmember Driscoll said he did not have a problem with electric leaf blowers. That would make Friday the same as Saturday with the exception of a specific kind of leaf blowers. Mayor Wengert said it was becoming unmanageable. Councilmember Merk agreed. Some electric blowers were just as noisy as gasoline blowers. You could also have a neighbor on one side using a gasoline blower and a gardener on the other side using an electric blower.

Responding to Councilmember Driscoll, Councilmember Toben said there was a strong sentiment expressed at the workshop that residents wanted to allow commercial gardeners on Saturdays. It was not unanimous, and some felt weekends should be quiet.

After discussion, Mayor Wengert called for a vote on the motion, and it failed 1 (Merk) to 3.

Councilmember Toben moved to direct staff to make the following changes to the noise ordinance: a) add Saturday from 10 am to 5 pm for commercial gardening to Section 9.10.040B; b) revise the definition of "noise" to "Any sound" in Section 9.10.020; c) amend section 0.10.050H to move "...when measured from a distance of fifty feet..." to the first sentence; d) restore the language concerning the use of domestic garden tools by property owners for purposes of removing dry grasses that posed a fire hazard on all days between 8 am and 7:30 pm from May 15 to July 15; and e) delete "from" in the last line of Section 9.10.040B (p. 5). Councilmember Driscoll seconded the motion, noting that he was somewhat uncomfortable. Councilmember Merk said he would support the motion but was also uncomfortable. Mayor Wengert called for the vote, and the motion carried 4-0.

(6b) Resolving Neighborhood Disputes

Ms. Lambert reviewed her memo of 4/22/09 on helping neighbors work with each other and Town staff to resolve disputes, including barking dogs. Mayor Wengert said this was an informative, well thought out and a terrific first pass at what the Town was trying to accomplish.

Councilmember Driscoll said he visited a property owner in the past who complained about noise from the horse shows at Spring Down. He asked how this document would help the property owner in this case. They had had multiple conversations with Spring Down, which didn't resolve the problem. He did not know if there was a right answer, but it might be helpful to think about how this could be resolved the next time it happened. Responding, Ms. Lambert said in that situation, the CUP was probably the best way to approach the noise and amplified sound. That situation had escalated beyond control, and there was no way that staff could mediate. They also refused to go to PCRC. Councilmember Driscoll suggested having a form on the website where people could register a noise complaint.

Referring to Ms. Lambert's memo, Councilmember Toben said the questions asked at the bottom of page one weren't answered. Responding, Ms. Lambert said the questions were samples of the kinds of things that needed to be addressed on the website. Councilmember Toben suggested clarifying the language. Referring to page 3, he said the first full sentence didn't make sense. He liked the tone of "The Rewards of Just Being a Good Neighbor" section. The intro to the dog section was whimsical and interesting. He would

submit a few textual comments. On the sample letters, he felt there were many circumstances where a voice-based communication might be preferable to a cold letter in the mailbox. He envisioned that staff might be able to offer some coaching, including a script, on how to approach your neighbor in terms of tone, content, etc. Some coaching from PCRC might be of assistance on this. The same applied to the text of the letters, which set the tone of everything that would follow. Sample letter #3 was very edgy. It might be appropriate in certain circumstances, but as a template, it left something to be desired. He urged Ms. Lambert to talk with PCRC. The Town paid them an annual fee, and they should provide some advice on how to make this as useful and constructive as possible. Responding to Councilmember Toben, Ms. Lambert said the noise complaint form was something the resident could fill out on the website. The noise complaint log was also for the resident to keep track of the actions taken. She noted that what was provided was preliminary pending Council's direction.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Appointment to Parks and Rec Committee

Referring to the memo from the Chair and Vice Chair of the Parks and Rec Committee, Mayor Wengert appointed Bob Pierce to the Committee. By motion and second, Council unanimously concurred.

(8) 2008/2009 Street Resurfacing Project, Request for Additional Funding for Bid Alternate Roads

Mr. Young reviewed the staff report of 4/22/09 requesting authorization for additional funds totaling \$152,186 for additional road resurfacing. Responding to Councilmember Driscoll, he confirmed that the Town had used G. Bortolotto & Co before. The company did Portola Road four years ago and was the general contractor on the slurry seal project done last year.

Town Planner Mader said he spoke with the noise consultant about paving types to reduce noise. He asked if alternative surfaces had been considered. Responding to Councilmember Toben, Mr. Young said at this point, it was too late to explore this possibility. He said there was some noise reduction in the paving, but there were some issues. First, not everyone was using the rubberized material, and its cost was 30% higher. Secondly, rubberized was good for base repairs and failures. It changed a 6" overlay into a 3" overlay. The structural benefit was limited. For a certain traffic index on a road for heavy vehicles, you needed a 3-6" overlay of asphalt. The overlays on Town roads were 1 ½ to 2 inches. He did not know of any communities that were willing to spend an extra 30% just for noise. Responding to Councilmember Merk, he confirmed that it used half as much material but cost 30% more. The rubber went into the asphalt mixing, and specialized equipment had to be used. Responding to Councilmember Toben, he confirmed that it was environmentally preferable because it utilized recycled tires. It used 500 tires per mile. Additionally, there were some issues with the material warping. Also, the rubber stayed black. If utility companies trenched, they did not replace it with rubberized asphalt. He thought the bigger cities should be the guinea pigs. Once it was more popular, the price lowered, and asphalt patching was available in smaller quantities for utility companies, the Town should consider using it. Additionally, there was rubberized material that could be used for slurry seal.

Responding to Councilmember Driscoll, Mr. Young said he did not have the statistics on how much quieter the material was. Town Planner Mader noted that CalTrans did a test section on I-280. He said he could get some of the statistics on the noise reduction from the noise consultant.

Ms. McDougall said there was a grant program for use of rubberized asphalt. The Council adopted a resolution that would enable the Town to participate in that program. The Town was poised to apply for those grants when the Town was eligible. Right now, the Town didn't have enough projects to be eligible by itself. Whether Woodside, Atherton and the Town could jointly apply for a grant was being explored. Councilmember Merk asked if maintenance should be deferred on the arterials in order to have a bigger

project. Responding, Mr. Young said five years ago, the priority was to pave all the main roads. By next year, that would be done. There were only very small parts of the main roads left as part of the 5-year plan.

Town Planner Mader said in the noise study, the key culprits were Portola Road, particularly by the churches; Alpine Road over by the Stanford property; and Los Trancos Road out near Portola Valley Ranch. Responding to Town Planner Mader, Mr. Young said the next time the Town would have a larger project would hopefully be in 20 years. Councilmember Driscoll noted that electric cars would substantially reduce noise from traffic.

Councilmember Driscoll moved authorization of an additional \$102,186 with an additional project contingency of \$50,000 for a total of \$152,186 for the additional road resurfacing described in Mr. Young's memo of 4/22/09. Councilmember Merk seconded, and the motion carried 4-0.

(9) Proposed Relocation of US Postal Mailbox at Town Center

Councilmember Driscoll discussed the pros and cons of the options for relocation of the US postal mailbox as set forth in Mr. Young's memo of 4/22/09. He said he slightly preferred option 4, but there were no obvious solutions. Mr. Young added that none of the options presented required a lot of capital. If the Council wanted to spend some money, other more elaborate options could be pursued.

Councilmember Merk said he was surprised to see this memo after the mailbox had been installed at its present location, with the crew butchering part of the native garden. He did not think that was a good place for it. People didn't pay any attention to whether there was a green or red stripe and parked in front of the library to deposit books or go inside. Or, people stopped in the passageway behind the cars that were parked and dropped the mail in the box. In option 3, the road was too narrow, and it needed to be on the left hand side of the car where the driver was as in option 2. With the other options, people had to pull into a parking space, get out of their car and put the mail in the box. If you were just dropping a couple of letters, a lot of people wouldn't pull into a parking space. They would just stop the car, get out, and get back in the car. He did not think it would cause a significant change in the traffic patterns even though it was congested there. For the staff of the library and Town Hall, option 2 was much more convenient.

Councilmember Toben said he felt there was an issue with the traffic circle. He was sympathetic with the comment about the access of the mailbox for library patrons and Town staff. But, they would have to cross the traffic lane in order to get to the mailbox. Option 4 had the virtue of being on the left side of the vehicle. If there was a "no parking" spot, then people would not have to get out of their car.

Mayor Wengert said every time she came to Town Hall, there was traffic at the traffic circle. She thought that was the most congested part of the complex. To introduce another element to it was a concern. She also noticed people going the wrong way in the traffic circle. She was not concerned about people having to get out of their cars. Councilmember Toben said it could be a problem for the handicapped or seniors. Mayor Wengert said she did not think option 3 was viable.

Councilmember Merk felt option 4 with pulling in and then having to back out was more dangerous than going across the traffic lane. Councilmember Driscoll added that the Schoolhouse was a very nice façade; he didn't want to put a mailbox in the middle of it. Councilmember Toben said option 2 was not ideal for pedestrians who had to cross over the asphalt. The Schoolhouse option was more pedestrian friendly. Councilmember Driscoll pointed out that option 4 was visible from the street and not far from where it was now. Responding to Councilmember Driscoll, Ms. Howard said there had not been any concerns about where the box currently was located. She and Mr. Young felt the current location served the purpose that it needed to. It was convenient even though you had to get out of your car.

Mayor Wengert said option 1 appeared to be the lesser of evils. Councilmember Driscoll said the question

was whether people should have to get out of their cars to use the box. If that was not that big of a hurdle, then it should be left where it was. But, something would need to be done to prevent people from parking directly in front of it and obscuring it.

Councilmembers agreed to leave the mailbox where it was currently located.

(10) Discussion of Goals and Priorities for 2009/2010 Budget

Ms. Howard reviewed her memo of 4/22/09, noting that Mr. Steiner's memo and Councilmember Merk's e-mail of 3/19/09 were attached. She said the major sources of revenue had not dramatically decreased, but day-to-day permits and fees were down considerably. Referring to Mr. Steiner's memo, she said everyone seemed to favor sustainability. There had been quite a few requests for items that fell under that umbrella—including continuing the funding for the SuRE Coordinator. There were also requests for equipment for the community hall, such as audio equipment, microphones, green chairs, etc., and funding the Green Speakers Series. She felt there would be an increase in maintenance expenditures, including monitoring the sophisticated equipment the Town now had in the buildings. There was also a request for \$10,000 for weeding landscaping, which was labor intensive. Janitorial was expected to go up, including keeping the windows clean; there were now 22 toilets on site. There was also a lot of interest in undergrounding. The Town did not have a lot of control over the Sheriff's contract, which was expected to go up 30% over three years, with a 26% increase the first year. Their benefit rate had gone from 43% to 71% of their budget from '06 to '09/10. They were looking at going from \$449,000 this year to \$569,000. The COPS money this year would be \$100,000 and an additional \$126,000 if the Town wanted the special patrols. Responding to Councilmember Driscoll, she said when the contract was last considered three years ago, staff contacted several other jurisdictions for options. Menlo Park seemed somewhat interested but felt they could not match what the Town was paying for the Sheriff. This year's budget would also need to include vacation buyout for which there was a lot of interest.

Ms. Howard said the Town had always been very fortunate that expenses were covered by revenues, and the Town had been able to fund the capital improvement projects with the combination of donations and Town funds. This was the first time in the last fifteen years where there would be a reduction in revenue—largely due to the slow down in construction. No new house permits had been issued this year. There were six new houses in the pipeline, but it was unknown whether they would actually be built. She estimated there would be a 25% reduction in revenue for renovations. In a larger organization, staff reduction was an option. But, the Town did not have that kind of depth. Responding to Mayor Wengert, she said if the SuRE Coordinator position was a priority, it needed to be funded. There was no way the rest of the staff could undertake those functions.

Councilmember Driscoll said he did not have a good feeling as to where the Town stood. For the last 5 years, the numbers had been distorted by the capital program. Ms. Howard added that the State issued their forecast every year for sales tax. This was the first time they projected a decrease of 7% for the four quarters of '09/10. The County was no longer paying in one lump sum and would be paying in four installments. Franchise fees looked pretty good. Cal Water had received a 30% increase in their rates. She discussed property tax revenues and valuation of homes in Town.

Councilmember Driscoll said he felt the two priorities should be sustainability and fire safety. It would be irresponsible to make any decisions about the UUT until the Town figured out where it stood. Councilmember Merk said the UUT wouldn't have an effect in the next fiscal year but might have a very strong effect in the succeeding year. He was hearing questions about the UUT that weren't being brought forward. It would only be a couple of months before people would be writing arguments in favor and against the UUT.

Ms. Howard said she had considered setting some money aside for Ford Field. Councilmember Toben said

the question was whether the Town should address a significant capital improvement project on an on-going basis—irrespective of what immediate projects were being considered. He was concerned about this project because the Council had signaled to the recreation community and Little League that the Town was serious about this and that there was bond money on tap; that was no longer the case.

Councilmember Merk suggested committing to a sinking/reserve fund where money was set aside for certain things for use at some time in the future. Mayor Wengert said this was a standard technique where whatever you could afford was set aside. Ms. Howard said the Town had not set up reserves for capital improvements on an ongoing basis. There would always be something that should be done. To have a fund where the process could at least be started would be beneficial. Councilmember Driscoll noted that the Town had always tried to keep a year of operating budget in reserves, and the Town had managed to set aside a large chunk in the last couple of years. It was a collective reserve fund for all rainy day emergencies and major capital projects. Some of that had been used for the new Town Center. He suggested the ages of the various capital structures be identified along with appropriate reserves rather than doing a one-year operating budget. Ms. Howard said many communities had rainy day funds for huge problems. It provided a way of covering yourself for a couple of bad years. In addition to that, every year, the Town should put aside \$50,000 or \$100,000 for specific projects that the Council wanted to do. Being able to focus the committees and staff on desired projects would be beneficial in getting to where the Town wanted to go. It could be undergrounding, a new athletic field, or anything. Those kinds of discussions helped bring communities together.

Mayor Wengert supported establishing a capital reserve that was specifically earmarked for capital projects. At the beginning of every year, there could be a discussion of how the earmarked projects should be prioritized for that year.

Councilmember Driscoll reiterated his suggestion to do an inventory of all potential capital projects and the lifetimes of each of those. Obviously, the end of Ford Field's lifetime was here, but the lifetime of the Town Center was just beginning.

Responding to Mayor Wengert, Ms. Howard said an RFP had been issued for a consultant to come out and work with the users, the Parks and Rec Committee and staff to do outreach for Ford Field to get a conceptual plan. Additionally, the cistern appeared to be about a \$65,000 project. Councilmember Driscoll said with the increase from Cal Water, an economic analysis should be done. He would like to see that project done because it was part of what the Town set out to do. Councilmember Toben agreed a cost benefit analysis should be done.

Ms. Howard said there was almost \$200,000 worth of items that needed to be done on the Town Center above and beyond what was budgeted for the project. It was Mr. Young's wish list of everything that needed to be done to button down the entire site. For example, none of the interior windows had been stained. That would probably cost \$25,000. There was also a request to wire the Schoolhouse for phones and the internet; that was \$7,000. There were clearly some items that needed to be done that hadn't been planned on. Responding to Mayor Wengert, she said the Council would decide which remaining items should be done; she did not know if everything could be done.

Councilmember Merk said the priorities of the Town were public safety, including emergency preparedness, planning, building services and infrastructure. When he saw \$90,000 for a staff position, funding for a speaker series, etc., he questioned what the Town got back and how many people were being served by these services that cost a large amount of money. They were politically correct, but he was not sure they were the highest priority. He did not think sustainability had to get all the funding. It was not sacrosanct.

Councilmember Toben said he did not view the SuRE coordinator function as all about delivering benefits or services to a number of residents. It was moving the Town in a direction of integrating advanced resource

efficiency in everything that was done for the purpose of making the community more resilient. He was interested in ways to push the principle of advanced resource efficiency. The SuRE Coordinator was coordinating all the work right now on what green-up programs would result not only in accomplishment of AB 32 goals but also in saving residents a lot of money on their energy and water bills. Councilmember Merk said he was not questioning that aspect but felt there were aspects that could be questioned.

Mayor Wengert said Ms. Howard would tackle those items that were a continuation of existing programs. There would be a certain amount left. At that point, it would be most appropriate to have working sessions on how much money there was and what the priorities would be. Ms. Howard said she would present a balanced budget. Things could be added, but there would have to be some subtractions from somewhere else.

Councilmember Toben said for FY 2010, the first priority should be the Town's ongoing programs and secondarily the Town's options for further capital enhancements—whether it was the cistern, etc. The safety program of the Town and all that was involved in preparing residents for a disaster, the green ups program and improving the housing stock for energy efficiency were starting point ideas. He was inclined to relegate the menu of capital enhancements to a secondary priority this year. The Town had gorged on capital improvements in the last few years. He wanted to turn back to what the program was for delivering value to the citizens, including staffing.

(11) Reports from Commission and Committee Liaisons

(a) Open Space Acquisition Committee

Councilmember Driscoll said the Committee discussed their charter and would be making a recommendation to the Council for some changes. For example, the charter did not clearly define whether money could be used for maintenance or restoration. They were also looking at producing a brochure that talked about what they did, what had been done, etc., to be used as a companion for the campaign for the open space UUT. An earlier brochure had been done, which might be updated for some cost saving. The Committee would be submitting a budget. He said Ward Paine resigned and would remain an emeritus advisory member. There were two applicants interested in the two vacancies.

(b) Planning Commission

Councilmember Merk said the Commission held a public hearing on an amendment to the zoning ordinance sign provisions for fuel stations; there was a lot of fine-tuning. They also approved the grading for a sizable development in Blue Oaks, and okayed a proposed budget of \$200,000—a 2% reduction from last year.

(c) Cable and Undergrounding Committee

Councilmember Merk said the Committee would be submitting a memo to the Council on undergrounding and the UUT. They continued to discuss the Town's participation in SamTrans. They also discussed the private undergrounding project on Solano. AT&T presented the property owner with a \$54,000 bill for their portion. In the past, AT&T and Comcast just put the cables in the ground and absorbed the cost. The Committee received 220 responses to a survey they sent out; 51% said they would pay a tax for undergrounding; 14% wanted a co-pay by neighborhood; 24% said it would be nice to get it in the budget; 11% were not interested.

(d) San Mateo County OES

Councilmember Merk said the budget was approved with a 2.5% increase for Portola Valley, or \$315 over last year. They went to great lengths to try to keep the budget flat. It went up overall by a small percentage.

Burlingame had a set of brochures on emergency preparedness that they sent out electronically. They were willing to change them to fit other communities' needs.

(e) Cultural Arts Committee

Councilmember Toben said the Committee was reactivating and would be submitting a \$5,000 budget.

(f) Parks and Rec Committee

Mayor Wengert said the committee lacked a quorum, which was unfortunate because there were people in the audience prepared to give a presentation.

WRITTEN COMMUNICATIONS

(12) Town Council 4/10/09 Weekly Digest

(a) Oaks Between Portola Road and Town Center

Referring to correspondence from Jean Isaacson and Danna Breen, Councilmember Driscoll said he inspected the oaks with Mr. Young. The trees with yellow tape would be removed and replanted underneath the big oaks and serve as replacements for the big oaks. Three trees next to the tennis courts would be left because they obscured the courts. Regarding the line of trees behind the soccer field, he agreed it was somewhat "wallish." Ms. Breen wanted to take every other one out. These were all heritage trees and very healthy. They had not received any maintenance over the years and should be lightened. After that, 1-2 might be removed. They had all grown into a chain link fence.

Councilmember Toben said there was a lot of noise on the PV forum about the oak trees. Councilmember Driscoll said he would write a posting in the next couple of days.

(13) Town Council 4/17/09 Weekly Digest

(a) Stanford Design School Presentation on Recycling in Portola Valley

Mayor Wengert said she would be attending the presentation.

ADJOURNMENT: 11:10 p.m.

Mayor

Town Clerk