

TOWN COUNCIL MEETING NO. 774, JULY 22, 2009

ROLL CALL

Mayor Wengert called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. McDougall called the roll:

Present: Councilmembers Derwin, Driscoll, Merk and Toben, and Mayor Wengert
Absent: None
Others: Town Attorney Sloan, Asst. Town Manager McDougall, Planning Manager Lambert, SuRE Coordinator de Garneau and Town Clerk Hanlon

ORAL COMMUNICATIONS

Ms. Sloan requested an urgency item be added to the agenda. This closed session item came up after the agenda was prepared, and action needed to be taken before the next meeting. The item involved potential litigation related to property tax administration fees. By motion of Councilmember Toben, seconded by Councilmember Driscoll, item #17a regarding potential litigation was added to the agenda by a vote of 5-0.

Ms. McDougall said she had some updated information on State actions that could impact the Town's budget. It appeared that the gas tax would be taken, which equated to roughly \$90,000, and there would be no repayment. Property taxes could also be affected. The Town could lose potentially \$200,000, which would ultimately be paid back over a 3-year period with a nominal amount of interest. Things changed, and it could take a long time for repayment if the State did in fact take the funds. The legislature would be voting tomorrow, and staff would be watching closely.

ASCC COMMISSIONER APPLICANT INTERVIEW

(1) Interview with Craig Hughes

Craig Hughes answered questions and discussed: 1) his experience going through the ASCC process; 2) his approach to solutions; 3) interest in architecture and aesthetics; 4) professional background; 5) construction experience; 6) good/bad ASCC-approved projects; 7) handling contentious situations; 8) conflicts of interest; 9) maintaining the rural character in Town; 10) effectiveness of the ASCC; 11) implementing green building practices; 12) balancing green building standards and aesthetics; and 13) making the application process more useful to residents.

(2) Interview with Ralph Lewis

Ralph Lewis answered questions and discussed: 1) his interest in the ASCC; 2) contractor experience and work in the area; 3) experience with architects, engineers and Town officials; 4) working with guidelines/rules; 5) good/bad ASCC-approved projects; 6) handling contentious situations; 7) effectiveness of the ASCC; 8) implementing green building practices; 9) green building versus aesthetics; 10) potential conflicts of interest; 11) involvement with projects in Town requiring ASCC approval; and 12) demystifying the application process.

PRESENTATION

(3) Countywide Residential Energy Efficiency Program [8:15 p.m.]

Ms. de Garneau reviewed her memo of 7/17/09 on the Countywide residential energy efficiency program. Responding to Councilmember Derwin, she said no County cities had been asked to formally sign onto the

program, but that would probably change once a formula was developed for grant funding. Responding to Councilmember Derwin, she said the program was being coordinated by the County Manager's office. She understood that the EECBG grants would go to the cities for the cost of implementing the program. The grants were targeted for cost-effective infrastructure upgrades and energy efficiency measures and did not include water conservation. The type of program the Town was proposing would be looked at with a feasibility study. The Town would need to collaborate with other cities.

Councilmember Driscoll said he had a potential conflict of interest that was confidential and that he would not participate in the discussion.

Responding to Councilmember Merk, Ms. de Garmeaux said the plan was to negotiate a better price on home assessments/audits and put money towards eliminating the barrier between the assessment and the retrofit. A coupon might be given to the homeowner when they completed the assessment that they could use to get their permit. All of the energy savings would be in the retrofit. She understood that the Town would receive \$25,000 if it could be proven that what the Town wanted to do was the most cost-effective measure. Every city in the bay area was moving towards this type of program. The DOE and California Energy Commission were focusing on energy efficiency measures.

Responding to Mayor Wengert, Ms. Lambert said some of the larger cities in the County had a sustainability coordinator. Councilmember Derwin said the Town was light years ahead of other cities in the County. Responding to Mayor Wengert, Ms. de Garmeaux said the Town had come up against some issues that staff didn't know how to solve as one city. There were 2-3 companies that had the capacity to do the type of audit the Town wanted to do. They had very different models, and staff didn't know how to overcome recommending a business. Additionally, if the Town didn't participate in this program, it was possible that the Town might be shoved aside if everyone was competing for these businesses. There was also the financing. Staff felt that a homeowner's ability to finance an energy efficiency retrofit through their property taxes might be a way to overcome that barrier from the assessment audit to the retrofit. Additionally, the Town would benefit from the County's staff time, research and contacts. In going to the meetings, there were a number of things that had been identified that hadn't come to the surface in Town discussions. Also, if 17 of the 21 cities participated, it would not be good for the Town not to participate. This program was very similar to the framework the Town had created. By joining, the Town would not be in the forefront, but participating in a pilot program would provide the Town with an opportunity to show leadership.

Responding to Virginia Bacon, Golden Oak, Ms. Lambert said a homeowner could choose from the audit those things to retrofit. It might trigger the Chapter 7A threshold; changing a heater, etc., would not.

Councilmember Toben said he understood the reasons for participating in the Countywide program, and he felt it was the right course of action. But, there were ways in which the Town could be left behind. Large homes tended to be disproportionate energy consumers relative to medium size homes. It had been demonstrated how much of a problem large homes represented. In Town, there were very high-end, recently built homes that already exceeded Title 24 standards considerably and were very energy efficient. But they had huge plug loads from technology. This was not a topic that was talked about in the newspapers. The Town's energy challenge was quite different, and the Town was committed to meeting AB 32 goals. That point needed to be made loud and clear. He challenged Ms. de Garmeaux to take that initial position and impose some metrics that could be brought back to the Council to show what the Town was able to get by paying attention to issues like plug loads or how to deal with energy efficiency in a large drafty 1964 ranch house, which was different than a standard tract home in Millbrae. There was a real need to indicate that these high-end homes were a problem and needed special attention. Additionally, he was not impressed by the budget that was proposed for this program; \$100,000 over three years for a County part-time coordinator was very thin to accomplish this kind of agenda. The Town had a full-time coordinator and a lot of expectations to deliver. He was also concerned about the problem of doing an assessment and nothing happening. The focus should be on special programs and incentives/tactics that could be deployed

in a town like Portola Valley in order to maximize the community response. The Countywide program was voluntary, and the Town would have to create the right incentives for residents to follow through. He did not want these types of things to be subsumed in a conversation among 17 cities. Ms. de Garneau would need to be a strong voice for the particular characteristics that the Town presented and value that the Town could bring to bear by virtue of those challenges.

Councilmember Merk said he shared a number of Councilmember Toben's concerns. He was particularly concerned about the difference between the average house in Portola Valley and the average house in San Mateo County. He was also not comfortable with "reduce before produce." Referring to increases in water bills, he said economics would push "reduce" a lot more than anything else. In Portola Valley, the average resident had the ability to do something about that on their own without having a special program. On the other hand, he felt the Town should join the program. But, he wanted to make sure the Town stayed ahead of the curve and not be held back by this at the County level.

Councilmember Derwin supported joining with the County for political reasons. At the Local Government Summit in Sacramento, the Burlingame City Manager suggested having cities share governments. The Town would have to work regionally more and more. Having said that, the Town had to be out in front. The Town was already so far ahead of other cities. She did not think it would be hard to make the case for a pilot program. The Town also needed to keep its eyes open for other possibilities.

Mayor Wengert concurred. She had a lot of confidence in the leadership role the Town had already taken. She agreed with other Councilmembers' comments. She also thought Ms. de Garneau would be able to look at multiple initiatives at the same time she was working with this program that would customize it more to the Town. Her one concern was the speed at which the County would work. She agreed the Town needed to operate at a more regional level. But, it would slow things down—particularly in this case. If it felt like this program was dragging the Town down, more time would need to be spent on additional activities.

Ms. de Garneau said she would keep Council informed.

CONSENT AGENDA [8:45 p.m.]

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

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

Noes: None

- (4) Minutes of the Town Council Meeting of July 8, 2009, with Councilmembers Merk and Driscoll abstaining.
- (5) Warrant List of July 22, 2009, in the amount of \$542,113.88.
- (6a) Resolution No. 2456-2009 Authorizing the San Mateo County Controller to Apply the Special Tax for the Woodside Highlands Road Maintenance District to the 2009-2010 Tax Roll and to Collect the Tax at the Same Time as General County Taxes, per Asst. Town Manager's memo of 7/22/09.
- (6b) Resolution No. 2457-2009 Authorizing the San Mateo County Controller to Apply the Special Tax for the Wayside II Road Maintenance District to the 2009-2010 Tax Roll and to Collect the Tax at the Same Time as General County Taxes, per Asst. Town Manager's memo of 7/22/09.
- (7) Resolution No. 2458-2009 Accepting as Completed the 2008/2009 Resurfacing Project #2009-PW01 and Authorizing Final Payment to G. Bortolotto & Co., Inc. Concerning Such Work, and

Directing Town Clerk to File a Notice of Completion, per Public Works Director's memo of 7/22/09.

- (8) Resolution No. 2459-2009 Approving Plans and Specifications and Calling for Bids for the 2009 Resurfacing Project (No. 2009-PW02, Federal Project No. ESPL 5390(004)), per Public Works Director's memo of 7/22/09.

REGULAR AGENDA

- (9) Resolutions Regarding Utility Users Tax (UUT) (Removed from Consent Agenda)

Councilmember Merk said he did not support the addition of the words "Only if the Town of Portola Valley Proposition ___ adjusting the Town's appropriations limit passes..." to Resolution 2453 because that could be the death knell to the open space tax. He could support the changes to Resolution 2451-2009.

Referring to her memo of 7/15/09, Ms. Sloan said the change to Resolution 2451 was due to the fact that the text of the ordinance had to be attached. The language added to Resolution 2453 was the same language used before. The open space tax could not be levied unless the first tax was levied; the appropriations limit went with the levy. Responding to Councilmember Merk, she confirmed that the open space tax was dependent on the general utility tax. That was what was in the ordinance. When the Town first approved the 2% open space tax, it was only if the general utility tax passed. That was still the case, and the appropriations limit tracked that.

Referring to the revised Resolution 2453, Councilmember Toben asked that the two commas be removed from the ballot measure. Responding to Councilmember Toben, Ms. Sloan confirmed that the Council waived collection of the UUT on cell phones, but it was retained for landlines.

Councilmember Driscoll moved approval of Resolution 2460-2009 Giving Notice of Holding of a General Municipal Election to be Held on November 3, 2009, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Authorizing the Extension of the Reduction in the Utility Users Tax. Councilmember Toben seconded, and the motion carried 5-0.

Councilmember Driscoll moved approval of Resolution 2461-2009 Giving Notice of the Holding of a General Municipal Election to be Held on November 3, 2009, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Authorizing the Adjustment of the Town of Portola Valley's Appropriations Limit for the Utility User's Tax (for Open Space Purposes Only). Councilmember Toben seconded, and the motion carried 4-0, with Councilmember Merk abstaining.

- (10) Adoption of Proposed Noise Ordinance and Negative Declaration

Ms. Sloan reviewed her memo of 7/15/09 on the addition of Section 9.10.070(B) of the Noise Ordinance as requested by the Council at the last meeting.

Mayor Wengert asked for public comment.

Virginia Bacon referred to Section 9.10.040(B) on domestic garden tools. She said the purpose of the ordinance was to control noise. This paragraph talked about when residents could do activities and went beyond the scope of just reducing noise. The ordinance specified noise levels, and she did not understand the reason for specifying what people could do on their private property. She did not care what others did on their private property as long as noise levels in the ordinance were not exceeded. It was inappropriate to tell residents that they couldn't use domestic garden tools. It treated homeowners like they were commercial gardening companies. Most people were at work Monday through Friday at the hours that you could use tools. What about the executive who came home and wanted to use a power tool because it was

relaxing? The Town was exceeding what it wanted to do by putting restrictions on residents' activities. The noise levels at the time of day covered that.

Ms. Sloan read the last sentence of Section 9.10.030: "Noises permitted by Sections 9.10.040 and 9.10.070 are not subject to Table 9.10-1." Section 9.10.040 dealt with construction activities and garden tools. Those things usually exceeded the levels in the table, which was why they were addressed separately. Responding to Ms. Bacon, Councilmember Driscoll said it would be impractical to try to measure decibels of construction activities and garden tools. Ms. Bacon reiterated that she objected to the limit on the hours for homeowners to use garden tools on Monday through Friday. It could be "daylight" or something else.

Dorothea Nell said in the hands of a property owner or a helper, a chain saw made the same amount of noise. She and her husband were in their eighties, and these were not the safest hands to hold a chain saw. Her helpers had worked for her for 21 years and came on Saturdays because they had weekday jobs. They were US citizens and earned extra money by working Saturdays. Her six acres required weekly maintenance, clearing fallen limbs and fallen trees. They constantly worked on trees that endangered the horse fencing and tried to take care of things before they became emergencies. She didn't think the Council intended to discriminate against old people who no longer could handle certain tools. But, that was what it came down to.

Ted Walker said his neighbor was out on his riding mower mowing his lawn this evening because he just got back from vacation, and it needed to be mowed. That was against the ordinance, and he asked what the penalty would be. Councilmember Driscoll said the ordinance did not change the enforcement issue. The Town was trying to make the ordinance more explicit and find a balance between those who wanted a quiet weekend and the people who needed to do work. Mr. Walker said 99% of the people in Town were reasonable. But, friends of his had had major problems with neighbors. He realized that the Council was trying to balance that. But, some people could be very picky about the regulations. Councilmember Merk added that there were a few places in Town where there were major problems, and the Town didn't have a proper way of dealing with it. Hopefully, this ordinance would help the staff deal with the few but problematic situations.

Dorothea Nell reiterated her concern about work on Saturday. She suggested allowing chain saws by helpers from 1 to 4. Her pine trees lost limbs all the time. Responding, Councilmember Toben said the staff would not be cruising around on a Saturday looking for people using chain saws. The Town was trying to guard against a situation where someone completely disregarded the interest of his neighbor and had a crew taking out trees and being really disruptive when people wanted to enjoy their property on weekends. He felt Ms. Nell would have very little trouble engaging her neighbors in a discussion about her relationship with her gardener and asking if it was okay to continue to do routine maintenance. That was the reality that the Town was trying to get at.

Mayor Wengert said in Section 9.10.040A, there was an exception to the hours in unusual circumstances pursuant to written authorization from the Director of Public Works. If that language was added to the domestic garden tools section, there would be an opportunity to appeal to the Public Works Director, with the cooperation of the neighbors. The Council was attempting to shut down the most egregious situations. Councilmember Derwin added that the intent was never to penalize eighty-year-olds with helpers who used chain saws. She agreed the exception could be added to the garden tools section. Ms. Sloan pointed out that the exception was included for construction because the Public Works Director dealt with construction all the time. Adding it to the garden tools section would give him responsibility for gardening activities.

Councilmember Merk felt the new Section 9.10.070(B) covered this situation. If a tree was overhanging a fence and it was obvious it was going to fall and break the fence that posed a threat to property and safety to animals. He did not think any additional language needed to be added.

Councilmember Toben moved second reading by title, waive further reading, and adoption of Ordinance No. 2009-380 Amending Chapter 9.10 [Noise Control] of Title 9 [Public Peace, Morals and Welfare] of the Portola Valley Municipal Code. Councilmember Merk seconded, and the motion carried 5-0.

(11) Introduction of Ordinance Updating Town Holidays [9:12 p.m.]

Ms. Sloan reviewed her memo of 6/4/09 on the ordinance updating State and Town Holidays. Responding to Councilmember Merk, she said the State government code used the term "public fast." Councilmember Merk questioned the use of the term "holiday" in the Town's ordinances and which of the two lists applied to work holidays in the ordinances. Ms. Sloan said there were a few State holidays where Town offices weren't closed; both lists applied. Councilmember Merk said Town offices were closed for the week between Christmas and New Years. That was a Town holiday but not for everyone else. He suggested that be clarified.

Ms. Sloan said that week could be removed from the ordinance. It didn't mean that the Town offices wouldn't be closed for that week. That would also give the Town the flexibility each year to look at that week and make a decision. Councilmember Merk said when that week was designated, staff gave up other days during the year. He didn't think that was something that should be decided every year. He suggested adding language indicating that the Town Hall might be closed for that week, but it was not considered a "holiday" in the sense of Town ordinances. Ms. Sloan suggested adding December 25 and January 1 to Section 2.28.020A.10 and then stating "Town Hall shall be closed between December 25 and January 1, but these days shall not be considered holidays for the purposes of any other ordinances." Councilmember Toben suggested "...may be closed..." Councilmember Driscoll suggested "...closed on the intervening days between..."

Ms. Sloan said she would bring the ordinance back for another first reading by title.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(12) Proposed Revision to Field User Fee Policy [9:20 p.m.]

Ms. McDougall reviewed the staff report of 7/22/09 on the Parks and Rec Committee's recommendation for athletic field user fee increases. She added that the Council might also want to look at what level of subsidy the Town wanted for this kind of activity. One way of dealing with the ongoing increase in cost would be a CPI inflation factor each year, which was often done by cities and counties when adopting a fee structure. Yearly increases in fees were not as painful. In the Parks and Rec Committee meetings, she noted that the users had been present and understood the Town's dilemma. Overall, the user groups realized that it had been a while since the fees had been increased. She thanked the Committee Chair, Jon Myers, and the Committee for the hard work put into this proposal.

Jon Myers said the maintenance cost of the fields was about \$180,000 with the Town currently collecting only about \$35,000, or one-sixth of the cost. Targeting 50% of the cost would mean a 2.5 times increase. The Committee talked about doing that over time but decided there was a problem that needed to be solved. Currently, the Town used a per player system. Some leagues used the fields much more than others but were paying the same amount per player. The Committee tried to account for that but learned that you couldn't charge two different youth leagues playing the same sport a different amount if it was dollars per player. That was one of the reasons the Committee recommended dollars per hour. If the user was using the field twice as much, they should pay twice as much. CYSA, for example, accounted for 50% of all the usage. Responding to Councilmember Driscoll, he said dollars per hour per week or per season could be used. All the leagues scheduled time at the beginning of every season, including both games and practices. Even adult softball knew the schedule prior to the season. The number of hours a league scheduled per season at so many dollars per hour would amount to what you would pay for the season.

That was allocated across the entire population of players. He noted that the youth leagues were concerned about dollars per hour, but he thought there was a significant advantage. Currently, the league told the Town how many players they had, but there was no check on that; they just filled out an application and paid. But, the Town knew how many hours were involved. For example, CYSA paid roughly \$1,000 per player per season. The amount of fees the Town collected was \$15 per player. He noted that CYSA paid their coaches, which was where most of the money went. The amount leagues paid to the Town as a percentage of the overall costs varied dramatically—from as little as 1 or 2% to close to 40% in the adult leagues. There was a big difference in the fees between AYSO and CYSA. That was another thing the Committee was trying to account for. Additionally, the residency for AYSO was around 70% local residents and around 30% for CYSA. Responding to Councilmember Driscoll, he said the field use policy did not require reservations for a dad playing with a few kids on the field.

Councilmember Merk questioned why the Town couldn't charge different fees to different user groups. One group who had tryouts and took only the best/most aggressive players was harder on the turf than a group who took everybody. Mr. Myers said the Committee originally wanted to make a distinction between competitive and recreational; that was how the leagues defined themselves. But, the Town administration had some concerns. Ms. McDougall said there was some concern that it could be viewed in a discriminatory manner. You could charge one fee for adult programs and a different fee for children's programs. But, you couldn't tell Little League they would have to pay \$15, Kidz soccer would have to pay \$20, etc. There needed to be some uniformity. Councilmember Merk said while that might apply when you named specific leagues, he felt you could make a distinction between a competitive league and a recreational league; they were different uses. He was not opposed to what was being recommended but wanted to recoup the cost to maintain these fields. The cost for field maintenance went up in an exponential curve as the use increased/was harder.

Councilmember Merk said in the past, there was an issue about privacy when considering residency, and addresses were not given. Mr. Myers said that information was needed if it was on a per player basis. Because the recommendation was to base it on an hourly rate, the Committee decided to use high versus low percentage of residents. Responding to Councilmember Merk, he said he was confident he could get the addresses if it was necessary—just as other towns did.

Mayor Wengert thanked Mr. Myers for his leadership. With the costs escalating over time, she suggested examining in greater detail these two systems and looking at recreational versus non-recreational use. There might be another solution that could be incorporated. It would also be useful for the Council to discuss what goal should be set for Parks and Rec relative to the percentage of the cost that should be recaptured in the future, such as 100% within so many years. The second question was whether to have a CPI increase to reach the goal. She wanted a structural objective for the Parks and Rec Committee so they could continue in their work.

Responding to Councilmember Derwin, Mr. Myers said fees charged by other cities varied. Palo Alto charged a lot of money for use of the turf fields and virtually nothing for use of grass fields. Responding to Councilmember Derwin, he said the \$180,000 figure did not include water or electricity. Ms. McDougall said the figure included staff time, outside contracts for specialized work, and fertilizer. Councilmember Merk asked how the overall cost for field maintenance had been derived. The Town had a \$6,500 water bill in the warrant list two weeks ago. Right after Rossotti Field went in, watering the field cost the Town about \$2,000 per month between mid-May and mid-October—and that was 4-5 years ago. With the additional fields, the water bill could be \$25,000-\$30,000 that hadn't been factored in. This proposal was a first step—particularly in light of the fact that the Town would be losing an additional \$300,000 to the State. Mayor Wengert agreed water should be included. The question was what was the overall goal. Once you could attach a number to it, the percent of cost recovery could be addressed as a goal.

Councilmember Toben said he would have a hard time explaining the proposed solution to a citizen who

asked about the fees. For the public hearing, some of the big holes in the staff report needed to be filled in. In terms of establishing a nexus between the use and the amount of the fee, it wasn't clear how the Town would be capturing the reciprocity idea in the proposed fee schedule. He commended the Committee for taking this task on. He also supported the notion to cover more of the cost for field maintenance. He asked that the case be stated a little more clearly when it came back for public hearing.

Mayor Wengert said a question that would come up at the public hearing was how much the residents were paying for their children to participate in these various leagues. It was stunning how small a percentage of what was being collected by the leagues went to the Town. Mr. Myers said the leagues would pass whatever increase the Town adopted on to the users with the possible exception of softball. The leagues had so many changes per season, the parents would never be able to figure it out unless it was explained to them. Mayor Wengert said those figures combined with a fuller cost analysis would go a long way towards clearly explaining the rationale for the Town needing to recover an increased percentage of what the Town was spending.

Mr. Myers said if it could be defined as recreational versus competitive, the Town could say this was what the costs were, the gap needed to be closed, and your league would have an increase of such and such. You would not have to get into hours or residency. That was the initial recommendation of the Committee. The Committee thought it had to be set equal regardless of usage, take into account residency, etc. That was what led to a more complex proposal. Additionally, if fees were raised significantly, some leagues might play elsewhere. Woodside had adopted Portola Valley's system, and he felt they would eventually transition to whatever the Town adopted. All the other towns and schools were having the same problem.

Councilmember Toben said he had tried hard to follow the logic of the analysis in the staff report. Despite the obvious complexity of calculating a rational number, the proposed numbers turned out to be simple sums. There needed to be a logical nexus between fees charged and wear and tear. In the next iteration, he suggested something be offered to describe how the figures had been arrived at. There should be some explanation of why the proposed fees were reasonable. Mr. Myers said he had the spreadsheets.

When this was set for public hearing, Councilmember Merk reiterated that he would like some data showing the actual costs for maintaining the fields including water, contractors, gopher control, fertilizer, staff time, etc.

Bill Lane said the environment for young people--including the sports fields and schools--was a priority for the Town. He congratulated the Committee and Mr. Myers for their efforts.

(13) Appointment of ASCC Commissioner [10:00 p.m.]

Councilmember Driscoll said he was continually amazed that the Town had such positive thinking and interesting citizens willing to serve. He said both candidates were impressive and would serve the Town well.

Councilmembers discussed the strengths of each candidate and skills needed on the ASCC, noting that this was a very difficult decision. After discussion, Councilmember Toben nominated Craig Hughes for ASCC Commissioner. Councilmember Driscoll seconded, and the motion carried 5-0. Councilmember Driscoll asked that Mr. Lewis be asked to re-apply when another opening was available.

(14) Reports from Commission and Committee Liaisons [10:25 p.m.]

(a) Trails Committee

Councilmember Derwin said the Committee discussed an extension of the Larry Lane Trail and new Targ

Trail in the Dengler Preserve. It would be publicized at Blues and BBQ.

(b) Creek Walk

Councilmember Derwin described the creek walk, which was very enjoyable and educational.

(c) Local Government Summit on State Governance and Fiscal Reform

Councilmember Derwin said she and Mayor Wengert attended the summit in Sacramento on July 17-18 sponsored by CSAC. There were many reform ideas including: a) protecting local revenue sources; b) reforming terms limits; c) allowing communities to approve taxes with less than the current two-thirds majority; and d) requiring funding be specified for State-wide ballot measures. Attendees were encouraged to stay involved. Mayor Wengert added that the idea was to start at the local level in an effort to change the relationship between the State and local governments. There was also focus on two ballot initiatives: the two-thirds vote issue and term limits. There was also some discussion about abolishing the proposition system. A lot of major cities throughout the State had impressive representation.

(d) Emergency Preparedness

Councilmember Driscoll said the Committee continued to work on preparing the Town for an emergency, and progress was being made with staff.

(e) Open Space Committee

Councilmember Driscoll said the Committee was concerned that the Town had not made any open space purchases. Members questioned why residents would want to give money/be taxed for open space. They also wanted to know if their charter included purchasing a residential property and returning it to open space. Ms. Sloan suggested agendaizing the issue.

Councilmember Toben noted that the Town participated in the acquisition of the Shady Trail property. The Town also offered to assist residents in legal costs involved in establishing conservation easements. Additionally, a \$2 million kitty was one step toward making a \$15 million purchase that some day might become available. He felt a case could be built for sustaining investment in open space. Councilmember Merk said the Committee should not be concerned that purchases were not being made. The Town needed to save up money for these purchases. Councilmember Driscoll said the discussion of the definition of open space should include some of these issues.

(f) Community Events Committee

Councilmember Driscoll said the Committee was working on Blues and BBQ while being mindful of the current economy.

(g) Geologic Safety Committee

Councilmember Driscoll said the Committee continued work on the revision of the geologic safety map. They reviewed the map on a parcel-by-parcel basis and now understood what parcels were impacted. They would be doing some low-level outreach to those residents who might be impacted.

(h) ASCC

Councilmember Toben said the ASCC was comfortable with the Neely CUP proposal and supported the revised permit proposal as presented. With respect to the transformers at the Sequoias, there was no

public comment. The ASCC reviewed materials and planting for the enclosures and issues that still needed to be addressed prior to issuance of the building permit.

(i) Cable and Undergrounding Committee

Councilmember Toben said there was a new candidate for the committee, who was very knowledgeable in the latest technology. *[Tape change, missing dialogue]*

(j) Ad-hoc Committee on UUT Campaign

Listing committee members, Councilmember Toben said the drafting of the opening arguments for the ballot measures was completed. An energetic opposition was expected.

(k) Parks and Rec Committee

Mayor Wengert said there was no quorum for the Committee but the Ford Field meeting on Monday night was very productive. Responding to Councilmember Merk's question as to why he had received no notice of the meeting and was one of two Councilmembers appointed a liaison to that group, she said there was a postcard mailing on the Ford Field meeting schedule, and it was on the PV forum.

WRITTEN COMMUNICATIONS

(15) Town Council 7/10/09 Weekly Digest [10:45 p.m.]

(a) Contributions to Open Space

Referring to Marge DeStaebler's letter of 6/6/09, Councilmember Merk noted that she would not be contributing this year until the Town clearly defined open space and how it would be used. He felt there was an undercurrent in the community.

(16) Town Council 7/17/09 Weekly Digest [10:46 p.m.]

(a) Postcard on Noise Ordinance Amendments

Referring to the draft postcard, Councilmember Merk said a lot of information was contained on the postcard. Responding to Councilmember Merk, Ms. Lambert said contractors were given a different handout. She said the postcard could be mailed out to those with business licenses or given to those who applied.

(b) Notice of Cal Water Service Rate Review

Referring to the notice, Councilmember Merk said the requested rate increase would be 17.6% the first year.

(c) Environmentally Preferable Purchasing Policy Status Report

Referring to Ms. de Garmeaux's memo of 6/30/09, Councilmember Toben said the status report was very well done. This was not a high visibility activity but continued to show the staff's commitment to do these things. Responding to Councilmember Driscoll, Ms. Lambert said she and Ms. de Garmeaux had discussed reminding local merchants to minimize the use of polystyrene and Styrofoam containers.

CLOSED SESSION [10:49 p.m.]

- (17) CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code § 54956.8
Property: Parcel #076-261-010, 900 Portola Road
Town Negotiators: Town Attorney and Mayor
- (17a) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation (Added as urgency item)
Government Code § 54956.9(c)
Possible Initiation of Litigation: One case
- (18) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code § 54957
Title: Town Manager

REPORT OUT OF CLOSED SESSION [None to Report]

ADJOURNMENT: 11:35 p.m.

Mayor

Town Clerk