

TOWN COUNCIL MEETING NO. 782, DECEMBER 9, 2009

ROLL CALL: *[Not recorded]*

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

Present: Councilmembers Derwin, Driscoll, Richards and Toben, and Mayor Wengert
Absent: Councilmember Merk
Others: Dep. Town Planner Vlastic, Town Planner Mader, Sr. Planner Kristiansson, Town Attorney Sloan, Public Works Director Young, SuRE Coordinator de Garneau, Town Manager Howard, and Town Clerk Hanlon

ORAL COMMUNICATIONS: None.

- (1) Certification of November 3, 2009 Consolidated Special and General Municipal Election *[Not recorded]* *[7:31 p.m.]*

Ms. Howard reviewed the staff report of 12/9/09 on the November 2009 general municipal election.

By motion and second, Resolution No. 2467-2009 Declaring Canvass of Returns and Results of General Municipal Election Held on November 3, 2009 was adopted by a vote of 5-0.

By motion and second, Council adopted Ordinance 2009-382 Amending Chapter 3.32 [Telephone, Gas, Water and Electricity User's Tax] of Title 3 [Revenue and Finance] of the Portola Valley Municipal Code by a vote of 4-0.

REORGANIZATION OF TOWN COUNCIL *[Not recorded]* *[7:35 p.m.]*

- (a) Installation of Councilmembers

Town Clerk Hanlon administered the oath to Councilmembers Driscoll, Derwin and Richards.

- (b) Election of Mayor

By motion and second, Steve Toben was elected Mayor by a vote of 5-0.

- (c) Election of Vice Mayor

By motion and second, Ted Driscoll was elected Vice Mayor by a vote of 4-0, with Councilmember Driscoll abstaining.

COUNCIL RECOGNITION: Richard Merk, Former Mayor and Councilmember *[Not recorded]*

Mayor Toben offered a tribute to outgoing Councilmember Richard Merk. He noted that Councilmember Merk had served as a volunteer in the community for more than thirty years. In the forty-five year history of the Town only a very small handful of Portola Valley residents had devoted as many hours of selfless service to the community. Richard joined the Planning Commission in 1980, where he served for thirteen years. He was first elected to the Town Council in 1993 and served as mayor in 1996. Over the years he also was a member of the Conservation, Emergency Preparedness and Public Works committees.

Richard's work on behalf of the community dated to a time when volunteers went out on stormy days with shovels to clear culverts. On the Town Council, Richard championed two core values of the town. He was a forceful protector of environmental values, never failing to uphold the principle that the built environment in Portola Valley must always be subordinated to the natural landscape. He was also very tough on a dime, demanding strict fiscal management of the Town's revenues. Unlike surrounding communities, Portola Valley has never experienced a fiscal crisis nor assumed any public debt, and Richard deserves part of the credit for this. He leaves an enduring legacy.

CONSENT AGENDA [7:42 p.m.] [Not recorded]

By motion and second, the items listed below were approved with the following roll call vote:

Ayes: Councilmembers Derwin, Driscoll, Richards and Wengert, and Mayor Toben
Noes: None

- (3) Warrant List of November 25, 2009, in the amount \$83,375.38.
- (4) Warrant List of December 9, 2009, in the amount \$368,597.09.

REGULAR AGENDA

- (2) Minutes of the Town Council Meeting of 11/11/09 (Removed from Consent Agenda) [Not recorded]

Councilmembers submitted changes to the minutes of the 11/11/09 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0, with Councilmember Richards abstaining.

- (5) Appeal of Staff Decision of Denial of Encroachment Permit, 4860 Alpine Road, Friedman / Achermann Project [7:45 p.m.]

Mayor Toben explained the process for hearing the appeal. Following an introduction by the Town Planner's office and the Town Attorney, the appellants and their team would have 20 minutes to present their case for the Council reversing the staff decision to deny the encroachment permit. The staff would then present its perspective. During both presentations, Councilmembers were encouraged to ask questions. Following the end of the staff presentation, there would be a 5-minute opportunity for rebuttal from the appellants' team. It would then be opened for public comment. In the interest of fairness to those present for later items on the agenda, he asked that comments be limited to one minute or less. Everyone would be given an opportunity to be heard at least once.

Mr. Vlasic said the ASCC reviewed the application—including architectural and grading plans—for the proposed development of the subject property. The ASCC included in its review the topographic and survey data developed by the engineering team for the project as well as grading, tree protection, relationship to adjoining properties, and access to the property. Ultimately, the ASCC conditionally approved the project. They had not received final input from the Public Works Director at that time but did include conditions that required: a) the plans be finally approved by the Public Works Director, including the encroachment permit requirements; and b) the Conservation Committee be involved in any review of the details for the driveway encroachment. The approval was for the driveway alignment shown on the applicants' plans. It had concepts for landscaping but not details, which were to be worked out as the processing of the building permit application moved ahead. One of those was to work out the details for the right-of-way encroachment with the Public Works Director. That process was initiated, and moved along at a certain pace. The Public Works Director eventually determined that he could not issue the encroachment permit. Some details that were put together as it moved forward proved difficult, including concerns about the loss of parking. Eventually, the encroachment permit request was denied by the Public Works Director as set

forth in his 11/5/09 letter. The applicants appealed that decision in their 11/18/09 document. In response to the appeal document, the Public Works Director prepared a report dated 12/9/09, which outlined his concerns and reasons for denial of the permit. The issues raised in the appeal document relative to liability and the General Plan were addressed in reports from the Town Planner's office dated 12/2/09 and from the Town Attorney's office dated 12/2/09. In follow up, Kent Mitchell, on behalf of the applicants, prepared some additional comments in a 12/7/09 report. Those were provided to Town Attorney Sloan who prepared an additional 12/9/09 report responding to those comments. The Town Council received all of these materials and determined it was appropriate to have a site meeting, which was conducted yesterday afternoon. The project design team, Town staff representatives, and others interested had an opportunity to look at the site conditions and issues. Ms. Sloan would explain the options relative to the appeal.

Ms. Sloan said the item before the Council was the appeal of the denial of the encroachment permit. There were four possible actions: 1) uphold the appeal and grant the permit; 2) grant the permit with conditions or changes; 3) deny the appeal, deny the permit, and give direction to the applicants to come back with another application that was more acceptable to the Town; and 4) continue the matter and request more information. As set forth in her memo, she said the issue of the entire elimination of the Town parking area at Alpine and Willowbrook was not on this agenda—even if there were comments about the entire parking lot. She added that in her 12/9/09 memo, she indicated that Kent Mitchell claimed that the encroachment permit could not be denied because there was only one safe access point. Mr. Mitchell pointed out to her in his letter that he did not say that and that she had misquoted him. What he did say was that if there was only one safe access point to Alpine Road, and if all of the Town's site development ordinance driveway requirements could be met, then the Council was duty bound to grant the encroachment permit for that access point to the public street.

Annette Achermann, appellant, read a prepared statement:

"My husband and I have been quite distressed since the beginning of November when Mr. Young notified us that we had to move our driveway. We were shocked and in disbelief that after fourteen months of working in lock step with the Planning Department, someone could come out of the woodwork at the last minute and prevent our project from proceeding. The driveway was not something that could be easily moved without a major redesign. We've just signed our construction loan, and we have our final round of building check comments that were expected in under two weeks. The Planning Department already issued our contractor a permit to demolish the sheds on the property and to remove two well-sized trees that provided screening to Alpine Road—including a beautiful buckeye, which we were sad to see go but was in the path of the driveway that the ASCC had approved. Somehow, the project had blown up and we were caught in this firestorm. I met with Leslie Lambert, the Town's Planning Manger, twice last year--once before we purchased the property and once shortly thereafter. The purpose of those meetings was to understand whether the lot was buildable and whether there were issues that might prevent us from building a modest size home for our family. The idea for the proposed driveway location came from Ms. Lambert. In our meeting, Ms. Lambert also told me—and I'm using her exact words—that the Town knew it would give up parking spots to accommodate our driveway. She thought the Town would need to give up two on either side of the driveway. From those meetings on, we proceeded on our merry way never thinking for a moment that gaining access to the street would be a problem. Never in my wildest dreams did I anticipate being in a position that we are today. If Ms. Lambert, Mr. Vlasic or Mr. Young had indicated that there might have been an issue with our driveway access, we would have bent over backwards to work with them to solve the issue from the beginning. We've tried very hard to be model citizens throughout this process. We designed a house that is significantly smaller than the maximum allowed, is a single story with no basement, it preserves all significant trees, requires minimal grading, it is a ranch style consistent with the neighborhood, it has no retaining wall for the driveway, and it incorporates many green features too numerous to mention. The Town had many opportunities to inform us that there was an issue with our driveway location. The Town could have raised a red flag at any of the initial meetings that I had with Ms. Lambert, at the October 2008 pre-application meeting

that I had with Mr. Vlastic and Carol Borck, in the ASCC staff report dated April 24, at the ASCC meeting on April 27 or May 11, in two teleconferences regarding the encroachment strategy that Mr. Young had with our architect on June 1, or in the e-mail exchange that occurred between our architect and Mr. Young which showed this mocked up, illustration of our proposed strategy. This e-mail exchange occurred on June 30 and July 1. The Trails Committee, too, had an opportunity to raise the flag. As stated in the April 24 staff report, the Trails Committee found no trail-related issues in our project. We have suffered because of an egregious breakdown in the internal working process of the Town—a breakdown that the Town staff has acknowledged. Unfortunately, this breakdown could render our original design obsolete and bankrupt our family. My husband and I are not the only ones who could potentially be harmed by this. Our children are enrolled in schools here, we have already made friends in the neighborhood and are anxiously awaiting the day when they can plant a vegetable garden on our property. My 86-year-old father would also be crushed if the money he gifted to us to see his children grow up in this community were lost. It was money that he saved up over the course of his life when he came to this country with twenty-four dollars in his pocket. In a nutshell, you have the ability to cause all the members of our family significant financial as well as personal damage, and I ask you, please don't do so."

Richard Friedman, appellant, said there were two known alternatives: 1) what he had proposed; and 2) what Mr. Young proposed. He wanted those evaluated quickly by the professionals with a couple of key criteria. The first one was based on significant trees. His proposed driveway strategy preserved all significant trees on the property. Using diagrams, he pointed out the driveway and trees. He said Mr. Young's proposal would require the elimination of tree #1 and tree #2. He asked that letters from his arborist and his civil engineer be entered into the record. The civil engineer [*name inaudible*] had opined that the grading and/or retaining wall strategy would require removal of both significant trees. The arborist, Jeremy Nama from Nature First, also backed up that premise. The second area he wanted to discuss involved the safety of the various alternatives and the impacts of those alternatives on parking. Referring to the lot diagram, he said all across the frontage of the property, the encroachment permit proposed boulders, plants, and driveway. The reason that was part of the encroachment permit was because that was what they thought Mr. Young had agreed to in e-mail exchanges on June 30 and July 1. His architects specifically had phone calls and e-mail exchanges with this document going to Mr. Young and no objections coming back. We had no reason to believe we would ever have any problems with this. We're not wedded to all of that parking being lost. We're wedded to the notion of the driveway getting to the street and an appropriate buffer on either side of the driveway that adhered to the correct safety standards. Mr. Vlastic suggested several times, as he had, that a traffic engineer be engaged to perform a study and determine what that safety buffer was. Whatever the results might be would be the amount of parking that would need to be lost. The Town was unwilling to do that; they were unwilling to lose any parking in the right-of-way, and this matter had to be resolved by the Town Council.

Richard Hopper, engineer, said he had been engaged to evaluate the traffic safety aspects of a driveway connection to Alpine Road. He described his background, noting that he had been practicing traffic engineering for 40-some years. First, he wanted to address the encroachment permit and the connection of the driveway to Alpine Road in an area that was now used as a random type of parking on the shoulder area of the road. Typically, roadways/streets provided parking for vehicles along side the road in parallel fashion. In this case, there was a wide shoulder and people parked their vehicles perpendicularly. They parked there so they could walk the trails on the trailhead across the street. The matter of perpendicular parking on a street was a matter of safety. When cars were parked perpendicularly, they had to be pretty much into the street for the driver to observe on-coming traffic from the street on which they were going to back into. It presented a traffic safety issue. This was something that the Town should consider because it could be a potential liability for the Town to continue to allow this practice. In terms of the encroachment permit, he looked at the driveway connection to the street as a new intersection because you had the same characteristics at this driveway intersection that you had with any other street intersection. A vehicle approaching a cross street had to be able to observe approaching traffic if there were no stop controls or

traffic signals. That approaching traffic had to be able to safely stop if the vehicle proceeded into the intersection. That was the situation for the driveway. A vehicle on the driveway coming up to the street must be able to see approaching traffic safely so that if you proceeded into the street from the driveway, the approaching traffic had to be able to stop safely prior to an accident. He evaluated the number of parking spaces that could be situated in there, and he came up with 19 spaces both parallel and perpendicular. The placement of the driveway as proposed would eliminate 7 of the 19 spaces. That would still allow safe stopping sight distance with a 25 mph speed limit on Alpine Road. The alternative that Mr. Young had proposed further to the east would reduce the sight distance as traffic approached from the east. That alternative would eliminate approximately 6 parking spaces. The issue of maintaining the sight triangles was very important. When you had the ability to locate a driveway from a property on to a street in the safest possible location, you should avail yourself of that. In this situation, as you moved the potential driveway further to the east, your sight distance became extremely limited due to the curvature/alignment of Alpine Road. Safety became more of an issue. In this particular instance where the driveway was proposed, it was the safest location.

Mr. Friedman said the difference was 1 parking space that would be removed to ensure safe sight lines. Additionally, he said Mr. Young correctly stated that if parking was eliminated along the entire frontage, 16 spaces would be lost. The applicants were more than willing and proposed several times to simply go with what was safe as suggested by Mr. Hopper. What was safe was the elimination of 7 parking spaces, including those spaces consumed by his driveway. In order for his driveway to work with proper sight lines, 7 spaces would be lost versus 6 spaces lost with Mr. Young's proposal. Responding to Councilmember Derwin, he said they thought the drawing had been conceptually agreed to by Mr. Young on June 30. That was what was asked for in the encroachment permit. When Mr. Young said that was not what he wanted, he [*Friedman*] suggested compromising and doing simply what was safe. Mr. Young was not comfortable with that and felt that any loss of parking at all was a matter for the Council to decide. Lastly, he said Mr. Young's proposal to move the driveway would have significant design impacts, which the architect would address.

Geoff di Girolamo, architect, said this project had been a puzzle to figure out. He had been working with his clients to do the best thing possible for the site. The issue of grading and siting the house in a place that was suitable for the site became a central concern. He was extremely concerned about the location proposed by Mr. Young for an alternative driveway. In light of what was just presented by the traffic engineer, it did not make any sense to relocate the driveway to that position to save one parking space. Using a diagram, he pointed out the location of the driveway he had been working on for the past year. He tried to avoid removal of trees and tried to work with the natural grade of the land. Best practice in grading for driveways was to start from the lowest position on top of the ridge and go down to the highest position on the site, use the least amount of land, avoid using retaining walls, and follow the natural contours of the land. He pointed out the 20' setback and buildable lot area given the natural contours and proximity of the large live oaks trees. The clients came to him with a desire to build a very modest ranch-style house and promote indoor/outdoor living. He came up with a very pleasant design that was oriented to maximize passive heating and not be perceived from Alpine Road. Seeing a driveway alternative that had been made without really understanding the physical impact of that driveway concerned him. He felt the option proposed by the Department of Public Works, which was located in an arbitrary way where there was a path going down, made absolutely no sense from a grading standpoint. He had been working with the civil engineer to determine that if such a driveway was made, even at the minimum slope that corresponded with Woodside Fire's requirements, there would be significant raising of the natural grades, which would eventually cover the base of the trees and force their removal. Even worse, it was a huge hardship for the clients to consider redesigning the house. Moving a driveway didn't mean moving a garage. Moving a driveway meant moving the garage and completely reconfiguring the house. The house was designed for this driveway. The driveway was the very first thing considered. As pointed out by his clients, it was the biggest consideration in this design process.

Mr. Friedman said in comparing the options, four trees were saved with his option and two trees were saved with Mr. Young's option. Seven parking spaces would be lost with his option, six parking spaces would be lost with Mr. Young's option. Having to redesign and go with an extremely suboptimal design—including a cliff of a driveway that went at a 20% grade--would cause incredible hardship for him and his family and was simply not acceptable.

Mr. Young said the staff report and exhibits contained all the information on the background and process. Councilmembers visited the site yesterday. Staff recommended that the Council uphold staff's decision and deny the appeal. Staff and its engineering consultant, Nolte & Associates, believed that there were other alternative locations for the driveway other than the one proposed through the middle of the Town's parking area. He read the ten reasons for the denial of the encroachment permit set forth on page 3 of the staff report dated 12/9/09. Referring to reason #1, Mayor Toben said the appellants contended that 7 parking spaces would be lost under their design, while Mr. Young indicated that 16 spaces would be lost. Responding, Mr. Young said the diagrams he looked at were the building plans—not the drawing presented tonight by the appellants. If he was to compare lost spaces, he would need time to look at the new diagrams and go into the field again with the documents. Ms. Sloan noted that the applicant indicated that Mr. Young's guesstimate of 16 spaces being lost was based on the plan submitted that included the driveway, boulders and the landscaping. The applicant was now saying that if they gave up the boulders and the landscaping and just had the driveway, it would be a loss of seven spaces. Staff was not prepared to say how many spaces would be lost if it was just the driveway. Mr. Young added that staff and its engineering consultant believed that a feasible driveway could be installed at the south end of the lot along Alpine Road. Again, the Town's role was not to direct design. He noted that two additional documents had been received: 1) a memo from Nolte & Associates dated 11/30/09; and 2) an e-mail from Woodside Fire dated 12/8/09. Mayor Toben asked that the applicants be shown copies of the documents. Ms. Sloan said the two documents were referred to in her memo of 12/9/09. The consulting engineer for the Town, Parag Mehta with Nolte & Associates, went out, looked at the line of sight, and determined it was adequate from driveways to the south of what was proposed. The other document was a short e-mail from Denise Enea of Woodside Fire District who said she would prefer a driveway to the south and thought it would certainly be adequate.

Ms. Sloan said she would not repeat the points set forth in her two memos of 12/9/09 and 12/2/09—especially since the applicant didn't mention many of those issues. As the Town Attorney, she believed there would be an increase in liability for the Town in permitting a driveway through the middle of a parking lot. It would be difficult for the Town to prevent cars who were parking in the parking lot from interfering with the driveway at all times. The applicant had said to the Town that he would want a guarantee for safe egress and ingress. That would be difficult. As Mr. Young indicated, the public did not expect a driveway to be in the middle of a parking area. The Public Works Director's suggestion that the driveway move south was with the idea that if the driveway moved south, it would be south of the new location and there would not be parking. There would be a way of setting aside the southerly side of the parking lot for this driveway. The driveway would not be in the middle of the parking lot but would just be on one side with perhaps some landscaping between the driveway and the rest of the parking lot. She felt that would make it much safer. Responding to Councilmember Derwin, Mr. Young said with a south driveway entrance, approximately 4-5 parking spaces would be lost. Spaces to the south would be eliminated if the alternate driveway was used.

Responding to Mayor Toben, Mr. Young said the standard for sight distance for 25 mph was 150 feet. The consultant had done the measurements. If the existing fence was removed, the sight visibility would be increased if the southerly driveway alternative was used. Mr. Mehta said the distance at the site was approximated, and it was felt that it would meet CalTrans standards for sight distances. Ms. Sloan said with a driveway on the property line, Mr. Young felt it might not be 150' today. But, with the fence set back on the neighboring property, even at the most southern end of the property, it would meet the 150' guideline. She noted that CalTrans guidelines were guidelines. There were many driveways in Town that didn't meet 150 feet, which was an ideal situation but not a requirement.

Mayor Toben said under Mr. Friedman's revised proposal for the driveway with the boulders taken away, he now claimed that only 7 parking spaces would be lost. He asked if staff had considered this scaled-down version. The early version with extensive bouldering was the basis for the conclusion that 16 spaces would be lost. Responding, Mr. Young said the driveway would still be in the middle of the parking lot and would not address issues such as: 1) liability due to the public not expecting a private driveway through the middle of the parking; 2) the fact that the space was currently used as a turnaround; and 3) the safety aspects of the people using the lot who wouldn't expect the driveway in the middle.

Mr. Friedman said Mr. Young read the 10 points from his memo for denying the encroachment permit—five of which were no longer applicable. Losing 7 spots versus 6 spots in terms of retaining maximum parking wasn't particularly material. Mr. Young also noted, erroneously, that the driveway would require more grading than his proposed driveway. Grading plans had been put together, and that was not factually accurate. There would be substantially more grading required under the scheme Mr. Young proposed because you were starting at a higher point. *[Tape change, missing dialogue]* As far as liability, it was a fairly simple equation. The safer the driveway, the less likely the Town incurred any liability. The greater the sight distance, the less possibility for liability there was. As Mr. Hopper said, as you moved further to the east, the sight lines got shorter. There might be some debate as to whether it was 150 feet or not. He did not think there would be any debate from anyone who had driven faster than 25 mph in that area, which would require greater than 150' stopping area. Mayor Toben said Mr. Young spoke to different kinds of liability including the possibility that some hiker could inadvertently park close to the driveway with someone coming out and smash into that car. It was not just the sight distance to the south. Mr. Friedman said his belief was that landscaping details could be created in that right-of-way that prevented parking in his area. That had always been the intention and what the boulders were for originally. In the e-mail exchange that Mr. Young had with Mr. di Girolamo in June, Mr. Young suggested using railroad ties. He felt an appropriate buffer zone could be created using appropriately toned down, rural materials that would not allow parking in that area and would limit the liability associated with that. Additionally, Ms. Sloan indicated that he had asked for a guarantee of safe ingress and egress. If he had, he apologized. What he would like from the Town was for the Town to adhere to the appropriate safety standards for sight line and driver height distances. That was what he had asked from Mr. Young—a simple common sense approach to that.

Mr. Vlasic said there had been statements about the difference in elevation. The topographic map that had been part of the record showed that the proposed driveway started at elevation 644 and went down to elevation 635, or about 9 feet. For the alternative, it started at 646 and went down to 635, or about 11 feet. The big difference was the distance. It was a much shorter distance, and the grading was more complicated.

Mayor Toben asked public comment be limited to one minute.

Mary Hufty, Mapache Dr., said this area was the entrance to the Town's most precious commodity, which was beautiful. For residents, this was a destination that everyone loved to achieve.

Virginia Bacon, Golden Oak, said she had been involved in the planning process for a long time, and this was deeply conflicted. She could see merits on both sides of the equation. She wanted the Council to look at the fact that you needed to separate the applicants need for a safe driveway from the parking area. Many who had lived in Town for a long time knew that the parking area for the trailhead wasn't adequate now. It was the source of a lot of public nuisance with things happening at that trail. This driveway had nothing to do with that. That problem still existed because the Town hadn't found a way to deal with that problem. It was unfortunate that an applicant had gotten this far along in the process and had this issue. It should have been part of this process much earlier in the game. It wasn't fair to them—especially when they launched an effort to try to design a home for that particular site. This was a "Johnny-come-lately" thing. As she went through the material, it appeared that one part of the Town wasn't talking to the other part of the Town. The Town's efforts weren't coordinated. She suggested encroachment permits be part of the ASCC approval so

that these things didn't happen. She was concerned with the same issue on another project, which involved sewage disposal. You couldn't plan a new house unless the plan for sewage disposal was already in place as part of the application. These encroachment permits were really a problem. These people had been victimized by a very unfortunate circumstance. The Town should bend over backwards to try and work with them. She thought landscaping would help to separate those areas. In terms of vehicles trying to turn around, you could put up a sign indicating you had to turn right on Willowbrook instead of trying to do a circle turn there. In terms of the Fire Department access, you still had Willowbrook. There were some other ways of handling this. She wanted to separate the whole trailhead/parking issue from the application.

Derry Kabcenell, Alpine Rd., said this was a difficult situation, and he was sympathetic in trying to deal with a property that had constraints. The applicants had also been taken through a very difficult process, and the Town owed them an apology for that. Having said that, he had trouble with the current application. That parking area was a Town asset and a significant one. He did not think that three-quarters of it should be eliminated if there were any reasonable alternatives. The applicant indicated that they were willing to withdraw that application and submit a different one with a different configuration that resulted in the loss of less parking. He also heard that there couldn't be an entrance to this property without the loss of some parking. He suggested Town staff analyze the new proposal and also analyze their own proposal more carefully to determine the loss of parking in both cases and determine whether the additional parking that would be lost was acceptable. He suggested this process be continued to allow staff to do that. He also suggested Council give direction to staff on what would be an acceptable additional loss of parking. With respect to Mr. Young's comments, he did not find the issue of increased liability for the driveway coming through the parking area to be particularly compelling. Any driveway that came out to the street that had parking on both sides of the driveway had a similar situation. People who parked in those areas knew where the parking and the driveway were, and knew not to park in the driveway.

Lovinda Beal, realtor, questioned whether the applicant would want to have their driveway in the middle of a parking lot. The parking lot was there when they bought the property. It might be safer for their children and visitors for it to be closer to the existing driveway near the neighboring property.

Terri Kerwin, realtor, said she was very familiar with this property. Another client of hers was involved in a lawsuit in Atherton based on this kind of thing where the two parts of the Town didn't speak to each other and the homeowner was all of a sudden at fault and liable. This was a huge liability for the Town in this situation. This was not an easy site. A number of heritage oaks were very important. The driveway was difficult. It was a down-slope lot and not an easy place to put a home and driveway. Mr. Friedman spent an inordinate amount of time with his engineers and architects trying to devise the best place to put the driveway for all involved. When she sold them the lot, she had concerns about the parking area and the theft. She grew up in Portola Valley and that had never been a parking lot. It was still not a parking lot and was gravel. Mr. Friedman spent a lot of time devising this driveway, which was in the best location in terms of the design of the home and consideration of their neighbors by not shining lights on them. She encouraged the Council to support the decision to go forward with this at this point in time. They were the new generation of the community in Town, and she wanted to find a way to work with them to resolve this issue.

Craig Taylor, Santa Maria, said he was very sympathetic with the owners. This was a very difficult situation, but the rules needed to be applied. This parking area had been there for as long as he had been in Town. It was the access to Coal Mine Ridge. As a member of the Trails Committee and the Open Space Committee, he felt it was important to preserve as much of that area as possible. He asked the Council to deny the appeal and that the applicants resubmit. There was a lot of emotion and the applicants and Mr. Young were no longer talking about the same application any more.

Jon Silver, Portola Road, concurred with Mr. Kabcenell's comments. He liked the suggestion to continue this. Hopefully there was a way to work this out. It appeared that this process had been difficult and

involved. He suggested working on this evolving application so that an amended appeal or something like that would be possible.

A resident [*inaudible*] said it appeared that the applicants had been very conscientious in trying to accommodate the rules of the Town with their proposal. The plan saved all the trees and eliminated 7 parking spaces. The alternative only saved 6 spaces and got rid of 50% of the trees. He wanted the Council to accept their proposal. The alternative didn't save much for the Town and hurt the applicants drastically.

Pat Allen, Alpine Road, said she parked in that lot at least 3 times a week. It was a parking lot even though it did not have pavement or lines. That was the only access to those trails. That was for everyone. On weekends, that place was jammed. It would impact Willowbrook, which would be more of a safety issue for those people getting out of their driveways. Also, this was a mountainous, winding road area. Probably 30% of the driveways didn't meet CalTrans standards. Visibility was difficult. It was ridiculous to put a driveway in the middle of that parking lot. She was sorry for the proceedings in this, but as a user of that lot, the south driveway that existed somewhat was probably the best option because the visibility would be much better without parked cars on your left. You could nose out to see who was coming on the right as long as the left was clear. It was a little difficult in that area to back out to begin with. People who were parked on either side still had to nose out. With cars on the left, it would be worse.

Dorothea Nell, Valley Oak, said she walked past the parking lot 2-3 times a week. It was a busy place. If there was a driveway, you would have to look to the left because that was where the traffic came from. She felt Mr. Young's proposal was better for the area.

Jeanette Hansen, Portola Road, said she had been a resident for over 30 years and was on the Trails Committee. She supported the staff on this because that was a very necessary parking area for the trails.

Responding to Mayor Toben, Ms. Sloan confirmed that the Town would lose some parking places because access would have to be granted to the Ackermann/Friedman property. Having just heard this revised scheme tonight, staff did not know how many parking spaces would be lost.

Councilmember Wengert said the original encroachment permit that was denied was no longer the same that was being put forward. Responding, Ms. Sloan agreed it was hard to know what was being talked about. An encroachment permit was a little more informal than a use permit. But, staff had not thought about exactly how many parking spaces would be lost and what would be necessary to make a driveway safe that came out of the middle of a parking lot. Was it 5' between the next parking space? Ten feet? Landscaping or no landscaping? A sign? These were new thoughts that were being presented.

Councilmember Driscoll agreed the Council was being asked to decide things as the numbers were changing. Councilmember Derwin said while she applauded the applicants for presenting a scaled-down version, it was hard for her to conceptualize what was proposed.

Councilmember Wengert said from the Town's perspective, processes were being looked at to ensure that the situation facing these applicants didn't happen again. One of the Town's primary concerns was the liability, and the issue had been raised by a number of people. Putting a driveway in the middle of a parking area created questions of how to create a safe environment—particularly for the applicants. There had been some discussion about the Town having a responsibility to provide a safe access to the applicants' site. Counsel had advised that the Town had some responsibility but not to the extent that the Town would be liable for any homeowner in Town. The Town couldn't guarantee safe passage. She asked if the applicants would be willing to indemnify the Town against claims resulting from the driveway being in the middle of that parking area. There would be issues related to that that were not related to the sight lines or the access. Responding, Mr. Friedman said as soon as an encroachment permit was issued, he would

indemnify the Town per the ordinances. If that was not enough, he was more than willing to sign any other document that the Council wanted in order to hold the Town harmless above and beyond that.

Councilmember Wengert said she saw some positive progress relative to the applicants' willingness to consider changing the plan relative to the boulders, number of spaces, etc. Everyone understood there would be a loss of spaces whether it was at the southern end or in the middle. Given the magnitude of this decision, it was appropriate to have a fuller explanation of how that would all work before the Council rendered a final opinion. It had changed too much to be comfortable to uphold the staff's decision or not. She confirmed for Mayor Toben that she preferred to continue this item until the next meeting in January by which time the applicants would have submitted a redesign of their driveway that supported their contention for a minimally safe ingress and egress that forfeited a minimum number of parking places and addressed some of the other issues with respect to liability, indemnification, etc.

Councilmember Driscoll said what he thought was a fairly black and white issue had become very gray. There was disagreement about how many parking spaces would be lost, how much impact there was, etc. He felt there were solutions that did not require a redesign of the house. A slight realignment of the proposal could minimize the impacts on parking. He also thought the Town could facilitate this. The applicants were attempting to accomplish the grade change entirely on their property. The Town might concede some cut on its property to make the grade change a little easier. The applicants should be provided with some flexibility in order to improve the parking situation outcome. He was willing to accept that there would be a fairly substantial redesign of the property if one of the alternatives staff initially identified was chosen. The applicants came up with a design that was ideal for them, and the Town had given them alternatives that would be ideal for the Town. Somewhere in between, there was a way to preserve more parking that still worked with the existing house design. He accepted the suggestion that this should be continued until the next meeting and asked everyone to work together to try to find a solution that preserved as much parking as possible but left the applicant with the house design they wanted.

Councilmember Derwin [*inaudible*] said she was not ready to render a decision based on what had been presented. She felt something could be worked out. She wanted to preserve as many parking spaces as possible. That parking lot was very important to the community. She agreed the item should be continued to January.

Councilmember Richards said he concurred with Councilmember Driscoll's approach. He thought a modified version was doable with some give and take. He liked the idea of grading a little more on the Town's property if possible. He thought continuing the item was the right approach.

Responding to Ms. Sloan, Councilmembers Driscoll and Richards agreed to participate in the discussions.

Mayor Toben said he thought there had been some missteps on the staff's side. But, he was also disappointed that this new direction/solution didn't emerge earlier in the process. A lot of effort had gone into getting everything together so that a decision could be made tonight. It was important to convey to the community—a great many of which would be outraged at the thought of losing even one parking space—that this was a critical community asset. It didn't matter if it was rough or without stripes. This was the trailhead not only for the Coal Mine Ridge area but also for the backside of Windy Hill. In summer, that area was packed and packed for a good reason. He had a great deal of regret that traffic would be dumped onto Willowbrook. But, the Town had no choice because the law compelled the Town to grant access to this property. The Town was bound to lose parking here, which was something everyone had to come to terms with.

Councilmember Wengert moved to continue the matter to the first meeting in January with the assumption that the applicants would work with staff and the subcommittee of the Council, consisting of Councilmembers Driscoll and Richards, to produce a new proposal that might result in the granting of the

encroachment permit. Councilmember Driscoll seconded, and the motion carried 5-0.

(6) Public Hearing: Adoption of Amended Field User Fees [9:05 p.m.]

Ms. Howard reviewed the staff report of 12/9/09 on the increases to athletic field user fees. She said this was a culmination of almost two years of discussion by the Parks and Rec Committee and the Council that involved significant outreach to all the various user groups.

Jon Myers, Chair-Parks and Rec, said the Council asked Parks and Rec to put together a proposal that would allow the user fees to achieve 50% of the cost of maintaining the fields. User fees were only charged to individuals or organizations that reserved the fields. There had been a number of public meetings, including one session with representatives of all the leagues. A consensus proposal had been reached, and Parks and Rec reviewed and accepted the proposal before the Council tonight. It was short of the 50% target and came in around 40% with the thought that the 50% should be reached incrementally. The fees had been raised a significant amount, and it would be looked at in a year to see how things played out. It was hoped that there would be ways to bring down the costs. If not, raising fees would be looked at again.

Councilmember Driscoll said what was proposed was a catch-up for not having any CPI for years. Ms. Howard confirmed that the cost of maintaining the fields had gone up much more than the CPI. The community requested and the Council agreed to dramatically increase the maintenance of the fields, which was expensive. She described additional costs associated with natural fertilizers, etc. The staff was committed to looking at the costs and trying to bring them down. Responding to Councilmember Richards, she said the Town's fields were maintained to a much higher degree than most municipal fields. Mayor Toben noted that some communities had gone to artificial turf, which reduced maintenance costs. Additionally, the demand from leagues over the last two decades had gone up dramatically. There were girls leagues and adult leagues that didn't exist twenty years ago. Ms. Howard added that the fields were scheduled almost all the time unless they were closed for specific maintenance.

Councilmember Wengert said the Town was facing some big increases in utility costs. Water would be a major issue going forward, and they had announced increases. The Town would also continue to maintain its budget at the current level—even with the savings staff was trying to engender internally. Ms. Howard said once the fields were well established, water usage could be cut back a bit. Cal Water had also done a water audit recently, and staff was waiting for the results. Staff would do whatever they could to maintain the standards that had been established while reducing the use of water.

Mayor Toben opened the public hearing.

Tim Goode, President-Alpine Little League, said the fields were maintained at a very high quality. The League was willing to work with the Town to pay a fair share. But, the Little League paid 2-4 times as much as any other league; \$40/head was double the nearest town that charged per head. He discussed fees charged by other municipalities. *[Tape change, missing dialogue.]* Staff's time to maintain the field was a fixed cost. If all the users shared the expenses, it would be a fairer way to come up with a fee. If there was no Little League, there would be parks, and the cities would maintain those. To come up with a fair share, he felt personnel should be taken out and just the water, etc., counted. His league would not be paying an equal sum as any other league in the area.

Lindsay Bowen said the fields were kept in excellent condition. Parks and Rec was told for years not to worry about any of the costs and that it was up to the Town staff to worry about that. He felt cost per player would take out some of the flexibility between the players and the two fields. The field at Town Center was not used by older kids. In wanting to keep costs down, some kids might have to be moved out of Portola Valley fields and play at Menlo Park. That might not generate as much money. He passed that onto the Board at the November meeting, which caused people to try to figure out what the best way to structure

Little League was as far as the age groups and where they would be playing. They usually tried to schedule somebody at one field so everybody knew where it was, how to get there, etc. Charging per player and not having to figure out where they would be playing might be a better solution for the Little League. The minutes from an earlier meeting that he attended indicated that that was what the soccer people preferred. The Little League didn't have a preference until they began to look at what it would cost and the restrictions on the fields.

Mayor Toben closed the public hearing.

Councilmember Richards said it looked like this issue had been hashed out and thought over for a long time. He attended the November meeting when the Council discussed it last. It sounded from the public discussion that things had settled into a spot that people were comfortable with. It looked fair and reasonable to ask the users to pick up more of the cost of maintenance than they had been. He supported moving ahead with the proposed fees.

Councilmember Derwin agreed this issue and been discussed over and over. It was a little troubling that the Town's fees were so high. On the other hand, the increase would result in less than 50% of the maintenance costs before the huge water increase. She supported the resolution but sympathized with those having to pay the rate increase.

Councilmember Driscoll said the question was whether 50% of the maintenance costs was a fair target. In other communities, the taxpayers paid the vast majority of the cost with the users paying a nominal fee. He questioned how long those cities would be able to do that in the face of the ongoing water crisis that would be hitting everyone in the next 10 years. That was a conceptual argument that the Town had gone back and forth on; there had been discussion of whether it should be 30%, 50%, 90%, etc. A senior who couldn't walk on the fields might question whether they should be paying anything at all. On the other hand, some might argue that this was part of providing recreational opportunities for the community, and the taxpayers should be paying for everything. The Nature and Science teacher indicated that attendance was down for her classes because everyone was so focused on the sports teams. Having read all the various postings, people seemed to be struck by the dramatic increase. He thought the Town might consider making it a linear increase for a few years rather than trying to do it all in 1-2 years. He did not feel strongly about that, but it was the one concession he could be open to. Councilmember Wengert pointed out that last year there had been a percentage increase as a first step. This was actually step two. The Council also conceded not to make this so onerous to have a third step immediately built in. Responding to Councilmember Richards, Mr. Bowen confirmed that there were scholarships and that no kids were turned down who couldn't pay.

Councilmember Wengert said this had been a long, hard and difficult challenge for the Parks and Rec Committee. She fully supported the recommendation to proceed with these increases now. It would be difficult to say where the Town would be a year from now. Hopefully, the Town would not have fallen too much behind and not be able to catch up.

Mayor Toben said he supported the proposal. He said he also received e-mail about the big jump in rates. Virtually all of them were from Little League participants. When that season began, it would go from \$15 to \$40 in 2010, which sounded like a huge increase. But in real dollar terms, there was a difference in going from \$15 to \$40, or a 3x increase, and \$50 to \$150. When he spoke to a couple of writers, they could live with an increase to \$40 for a season of fresh air and sunshine for their kids.

Councilmember Driscoll moved adoption of Resolution No. 2468-2009 Approving the Athletic Field User Fees set forth in Exhibit A for one year with a reconsideration of the issue next year. Councilmember Wengert seconded, and the motion carried 5-0.

(7) Public Hearing: Adoption of Negative Declaration and Updated Housing Element [9:35 p.m.]

Ms. Kristiansson reviewed the staff report of 12/2/09 on the updated Housing Element. She said the HCD reviewer and her supervisor had looked at the proposed revisions and said that with those changes, they would recommend that the Element be certified by the Deputy Director. As set forth in the staff report (p. 3), she reviewed changes made to the Element since the Planning Commission's review on 11/18/09. She noted that the changes made to the Housing Element after the CEQA documents were prepared did not affect the environmental impacts of the project.

Mayor Toben opened the public hearing.

Virginia Bacon, Golden Oak, referred to the staff report and revisions made to the second unit program (item #1, p. 3). She said she was very supportive of the idea of allowing second units that were created by converting first floor space within an existing home, but there needed to be a limit. Very often, basement square footage was used as living space. With the basement provisions, there was already potentially twice the FAR of what was allowed on a piece of property. If that was the situation, she did not think the Town should create another unit on that property. Councilmember Driscoll noted that if the FAR was at the upper limit, the ASCC did not have to approve that. Ms. Bacon said lots of projects were coming to the ASCC as if it was an absolute. She did not know whether the ASCC took into account the aggregate of the square footage of basements and FAR for the main house and looked at the intensity of use that was created by the project. Mayor Toben noted that the Housing Element was comprised of policies that set a general course for the Town. Ms. Bacon's concern could conceivably be addressed through some other mechanism. Ms. Bacon pointed out that the proposal was to allow staff to approve this. Whatever that mechanism was, it should be clearly stated so that people did not misunderstand what the Housing Element had to say.

There were no other comments, and the public hearing was closed.

With respect to provisions that allowed for staff approval, Ms. Kristiansson noted that a statement was included that indicated applicants could be referred to the ASCC for their review at the judgment of staff. If there was a situation where staff felt it was too intense, they had the ability to send it to the ASCC.

Councilmember Driscoll said Ms. Bacon's concern was understandable. The Town had struggled with basement issues for a long time, and it would undoubtedly be revisited. Councilmember Derwin said basements would also be addressed in the new Green Point Rating System.

Councilmember Derwin said she was happy to see an actual timeline for finally building out the Blue Oaks BMRs in some fashion. She liked the changes. Responding to Councilmember Derwin, Mayor Toben said the Chair of the Planning Commission was copied on the 12/2/09 staff report and was comfortable with the Council taking action tonight; the Planning Commission did not need to see it again.

Responding to Councilmember Richards, Ms. Kristiansson said the Government Code said the Housing Element was to be updated every five years. SB 375, which was passed fairly recently, said that it should be updated at the same time the transportation plan for the region was done. They hadn't figured out exactly what that meant. Referring to the environmental documents, Councilmember Richards questioned how it was determined that something had "less than significant" environmental impacts. Responding, Town Planner Mader said it was always hard to know how some of the proposed provisions would play out ultimately. If a project came along, that would be addressed under CEQA at that time. Councilmember Richards said he supported what was proposed.

Councilmember Wengert said she thought it was a great step forward and was anxious to get it submitted. Mayor Toben concurred.

Councilmember Driscoll moved approval of Resolution No. 2469-2009 Adopting an Updated Housing Element and a Negative Declaration for the Project. Councilmember Richards seconded, and the motion carried 5-0.

(8) Authorization for Acterra to Apply for Energy Efficiency and Conservation Block Grant (EECBG) Funding Allocated to the Town [9:55 p.m.]

Ms. de Garmeaux reviewed the staff report of 12/4/09 on the allocation of EECBG funds and recommendation to authorize Acterra to apply for the funding and to implement EECBG projects approved by the California Energy Commission (CEC).

Debby Mytels and Steve Schmidt gave a presentation on Acterra's High Energy Home Assessment Program (HEHAP). They discussed: 1) highest average annual residential electric users in the area; 2) house sizes; 3) AB 32; 4) motivational factors; 5) residential energy use categories; 6) energy savings in high energy homes; 7) energy waste and remedies; 8) base and intermittent loads; 9) standby power; 10) typical energy audits; 11) Acterra's assessment program; 12) homeowners reactions to initial audits; 13) other types of audits; 14) funding; 15) partnering cities; 16) benefits of Acterra's program; 17) assessments and follow up; 18) program phases; 19) web-based assessments; 20) projected number of audits in 5 cities; 21) expected reductions in energy use; and 22) collaborative efforts.

Ms. de Garmeaux reviewed the benefits of joining Acterra's program as set forth in the staff report (p. 2). She said the Council needed to take action tonight because there would not be another Council meeting before the application was due.

Responding to questions, Ms. Mytels and Mr. Schmidt discussed: a) detailed audits; b) phone-based audits; c) companies doing other types of audits; d) motivating people to do the retrofit work identified by audits; e) a community-based social marketing approach; f) obtaining residential data from PG&E; g) smart meters, etc. Ms. de Garmeaux said staff considered marketing an essential outreach of the program. She was working on this independently and staff would be working closely with Acterra on developing that. There was also a group at Stanford who was focusing on how to get people to make changes to reduce their energy use; they wanted to work with Acterra to see what worked. Responding to Councilmember Driscoll, she said she would try to get energy usage data by city for year 2008.

Councilmember Driscoll said he had an interest/investment in companies that offered energy efficiency services and would abstain from the vote.

Councilmember Derwin moved adoption of Resolution No. 2470-2009 Authorizing Acterra to Apply for EECBG Funding Allocated to the Town and Implement the EECBG Projects Approved by the California Energy Commission. Councilmember Richards seconded, and the motion carried 4-0, with Councilmember Driscoll abstaining.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(9) Appointment of Members to the Ad-hoc Spring Down Master Plan Committee [10:35 p.m.]

Ms. Howard reviewed the staff report of 12/09/09 and the roster of those interested in serving on the ad-hoc Spring Down Master Plan Committee. Responding to Mayor Toben, Councilmember Wengert agreed to Chair the Committee. Mayor Toben appointed the members on the roster with Councilmember Wengert serving as Chair. By motion of Councilmember Driscoll, seconded by Councilmember Wengert, Council unanimously concurred.

(10) Appointment to Cultural Arts Committee [10:38 p.m.]

Referring to Co-chair Deirdre Clark's e-mail of 11/12/09, Mayor Toben appointed Mimi Breiner to the Cultural Arts Committee. By motion and second, Council unanimously concurred.

(11) Reports from Commission and Committee Liaisons [10:39 p.m.]

(a) Parks and Rec

Councilmember Wengert said the Committee discussed the tennis courts.

(b) Community Events

Councilmember Wengert said the Committee discussed logistics for the holiday party. Mayor Toben asked staff to draft a letter for his signature commending the Committee for the party and the Bill Lane event.

(c) Stanford C-1 Trail

Councilmember Wengert said the State Supreme Court heard the case yesterday. The report back from Stanford was that it was very much in their favor. Meanwhile, all the details of the agreement had been essentially finalized and all the exhibits completed.

(d) Emergency Preparedness Committee

Councilmember Driscoll said the Woodside Fire District demonstrated a fire retardant gel, which he described. It was principally sold to fire departments in rural areas, had to be applied just before the fire hit, and lasted for 6 hours. The Fire Department was considering whether to keep it on their trucks.

(e) Safe Routes to School Coalition

Councilmember Derwin said car counts showed the car count went down at Ormondale when they did their bike to school day, but Corte Madera's car count went up. They were working on a survey for the parents. Ms. De Garmeaux would assist. Mr. Young attended the meeting as did both principals, the superintendent, and representatives from the schools.

(f) Firewise Advisory Committee

Councilmember Derwin said the Committee worked on the mission statement and identified regional stakeholders who might be interested (e.g., County Parks Dept, Stanford Land Management, Cal Water, Los Trancos Water Council, etc.). The group discussed an upcoming 2-day workshop on Assessing Wildlife Hazards, which residents could attend.

(g) Nature and Science Committee

Councilmember Derwin said she and Councilmember Driscoll met with Ms. Tryce to discuss the NSF grant that had been received. Ms. Howard noted that it was unknown how Ms. Tryce obtained the grant. Councilmembers discussed committee member re-appointment options. Councilmember Driscoll suggested Councilmember Derwin write to the Committee about the Town's position on use of the grant money.

(h) Trails and Paths Committee

Councilmember Derwin said the committee discussed the hitching post location for the Town Center trail.

Mr. Young estimated that the cost to do the trail was \$10,000-\$15,000 and that 7 of the 12 parking spaces would be lost. Councilmember Driscoll said he and Councilmember Richards would look into some alternatives. Councilmember Derwin said the Committee also looked at the definition of open space and supported Town Planner Mader's definition 6-1; one member felt it was too narrow. They were also working on Committee goals.

(i) Holiday Fair

Councilmember Derwin said the event was wonderful and a huge success. Councilmember Driscoll noted that Ms. Howard wrote a letter to the KPMG auditors asking for clarification of what was allowed in the Community Hall. Ms. Howard noted that the Holiday Fair Committee loved the Schoolhouse and wanted to hold the event there in the future.

(j) ASCC Meeting

Councilmember Derwin said the ASCC had two field meetings--one of which was to the Neely property. There was a lot of discussion about the agricultural building proposed for the meadow. The discussion continued at the 7:30 meeting and staff stressed the need for a master plan for the whole property. The ASCC also discussed a request for a lot line adjustment at 160 Cherokee Way to allow access to the lake and an application for development of one of the Priory subdivision properties.

(k) Water Summit

Councilmember Derwin said she attended a water summit with the SuRE Coordinator on Monday, which was very worthwhile. The days of cheap water were over, and people had to completely change the way they viewed, used and managed water. There was a new water ordinance coming from the State that would go into effect January 1.

(l) Planning Commission

Councilmember Richards said the Commission discussed the noise mitigation plan for The Sequoias. Residents voiced concerns about follow through and the potential for new noise generating equipment enabled by the new transformers. The Sequoias was committed to address the issues. At the 11/18/09 meeting, the Commission discussed and recommended approval of the Housing Element. They also discussed: 1) the 160 Cherokee lot line adjustment and a new conservation lake agreement with neighbors; 2) the grading for the new residence at the Priory subdivision; and 3) the Neely project.

(m) Teen Committee

Councilmember Richards said the Committee discussed an upcoming dance.

(n) Committee Liaisons

Mayor Toben asked Councilmembers to submit preferences for Committee Liaisons before Christmas.

WRITTEN COMMUNICATIONS [11:05 p.m.]

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

(13) Town Council 11/20/09 Weekly Digest

(a) Traffic Lane in Front of Town Center

Referring to Mr. Young's memo of 11/11/09, Councilmember Driscoll agreed the Town should expand the right-of-way in that area as suggested by Mr. Young.

(b) LEED Platinum for Town Center

Referring to various correspondence, Ms. Howard said ways to celebrate the award were being discussed. Councilmember Driscoll said there should be an award wall as part of the education goal.

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

(a) Accounting for Town Center Project Donations

Referring to Richard Merk's memo, Councilmember Driscoll said it was reasonable to produce a summary accounting of the funds paid for the Town Center. Ms. Howard said she would provide a memo showing what the Town received and paid out. Councilmember Driscoll suggested PVCF be involved and co-sign.

(b) Council of Cities Dinner

Councilmember Wengert said she would attend the 12/18/09 meeting.

CLOSED SESSION [11:10 p.m.]

(15) CONFERENCE WITH LEGAL COUNSEL

Government Code § 54956.9(a) – 2 cases

(a) Michael and Lisa Douglas vs. Town of Portola Valley, Case CIV 484299

(b) Michael and Lisa Douglas vs. Town of Portola Valley, et al., Case C-09-04788 CRB

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT: 11:28 p.m.

Mayor

Town Clerk