

TOWN COUNCIL MEETING NO. 783, JANUARY 13, 2010

ROLL CALL

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

Present: Councilmembers Driscoll and Richards, and Mayor Toben
Absent: Councilmembers Derwin and Wengert
Others: Town Attorney Sloan, Public Works Director Young, Town Manager Howard, Asst. Town Manager McDougall, Office Asst. Rodas and Town Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane, Westridge, congratulated the newly elected/appointed Councilmembers. This would be a very important year--particularly for good communication with other communities. Referring to the photos of past and present Councilmembers, he said there was a lot of accumulated experience on the Council, and he wished Councilmembers the very best. The reason there was rarely a full house at the meetings was because residents had so much confidence in the Council, staff and consultants.

Lt. Jim Fonseca, CHP, introduced himself and Sgt McCarthy and provided a telephone number (650-369-6261) for residents to use if there were any complaints.

- (1) PRESENTATION: Recognition of 10-year Anniversary of Scott Weber, Maintenance Worker II
[7:37 p.m.]

Mr. Young described Scott Weber's service to the Town—including maintenance of 33 miles of trails in Town. He said it had been a pleasure to work with Mr. Weber who was a loyal and dedicated employee. Mayor Toben said the trails required a great deal of attention to keep them working well for the residents. Every member of the Town's lean staff was integral to the well-being in the community. On behalf of the Council and community, he expressed gratitude for Mr. Weber's dedication to the work of the Town. He read the inscription and presented Mr. Weber with a commemorative plaque for 10 years of outstanding service. Mr. Weber thanked the Town and the great people he worked with.

CONSENT AGENDA

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

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

- (2) Minutes of Town Council Special Meeting on December 8, 2009.
(4) Warrant List of December 23, 2009, in the amount \$47,779.67.
(5) Warrant List of January 13, 2010, in the amount of \$109,376.94.
(6) Resolution No. 2471-2010 Accepting the Completed 2009 Resurfacing Project #2009-PW02, Federal Project #ESPL-5390(004) and Authorizing Final Payment to B. Bortolotto & Co., Inc., Concerning Such Work and Directing Town Clerk to File a Notice of Completion.

REGULAR AGENDA

(3) Minutes of the Town Council Meeting of 12/9/09 (Removed from Consent Agenda)

Mayor Toben submitted changes to the minutes of the 12/9/09 meeting. By motion and second, the minutes were approved as amended by a vote of 3-0.

(7) Appeal of Staff Decision of Denial of Encroachment Permit, 4860 Alpine Road, Friedman / Achermann Project [7:40 p.m.]

Mayor Toben said the matter was continued from the meeting on December 9, 2009. He noted that Councilmembers Driscoll and Richards had been asked to assist in coming up with a solution.

Referring to his letter of 1/6/10, Rick Friedman, appellant, said he met with the Council subcommittee, Mr. Young and Ms. Howard three times since the last meeting. The four goals were to: 1) give the Town the greatest amount of contiguous parking area possible to the west of his driveway; 2) not impact the single most significant tree on his property, as requested by the Conservation Committee; 3) maintain appropriately safe sight lines per Caltrans standards and other standards discussed at the prior meeting; and 4) have minimal impact on the design of the house. The proposal before the Council was the fruit of that labor. Specifically, the driveway was moved 23' to the east—away from Willowbrook. That was the distance it could be moved without impacting the large valley oak against the driveway. In addition, the amount of buffer to the west of the driveway was limited to the minimal amount required, which was 14 feet, for safe sight lines based on safety guidelines published by Caltrans and others. In coming up with that 14 feet, the most favorable assumptions possible to the Town were used. The result was that the tree was preserved, the Town had significant space for contiguous parking, there was minimal impact on the design of the house, and a compromise had been reached that was reasonable and appropriate from his perspective. He noted that staff again requested using the existing dirt path/entry that was illegally put in by the prior owners without any permits. He did not think that was a good idea for the reasons cited during the 12/9/09 meeting. Staff indicated that using that entrance would require the Town to lose 2 spaces. That was not what his traffic engineer came up with. His view was that 6 spaces would be lost. As far as the current proposal, he said staff felt it would again create a bifurcated parking area. That was not the case. There would only be parking to the west of the driveway. Staff again asked for indemnification, but no language had been provided during the meetings for his review, and that was difficult to comment on. Staff also requested that the 14 foot' buffer to the west be reduced to 7 feet, which would not provide adequate sight lines to meet the Caltrans guidelines. Staff also wanted the landscape to the east to extend only 34 feet, which would also not provide adequate sight lines. The last comments from staff were in response to his request for a stay of fees. To date, he had paid in the neighborhood of \$45,000 to the Town. Almost all of that money had been spent on various permits and various consultants that the Town required. There was a possibility that the project would be referred back to the ASCC. There was no question that additional plan checking would be required because of the changes in the plans. He asked that those fees not be sent his way. His request was: 1) resolve this tonight because of the emotional burden this had caused; and 2) approve the encroachment permit as amended without having to go back before the ASCC. If the Council determined that it had to go back to the ASCC, he asked that it go back before the head of the ASCC and one designated member as a way to expedite the matter. He thanked Councilmembers Driscoll and Richards for their efforts.

Referring to his memo of 1/13/10, Mr. Young said staff's recommendation was to deny the revised plan for the encroachment permit and ask the applicants to return with a plan with the driveway to the south in the location where it was right now. Staff felt that was in the best interest of the Town's parking lot. Staff reviewed the proposal, marked the parking spaces, and determined that there were 20 parking spaces there, which were standard 9 x 18 spaces; most people parked closer than standard spots. Staff believed that the proposal, as revised, would eliminate 7 of the 20 existing spaces. There was a chance to reduce

the number of lost spaces by eliminating some of the proposed landscaping. If the Council chose to override staff's decision, the Town Attorney indicated that the Town would require additional indemnification and additional insured language acceptable to the Town Attorney. In reviewing the drawings, there were some new items that were not part of the original submittal. He could not comment on the wood barriers and stainless steel address sign within the right-of-way because he had not seen those in detail. Those could go back to the ASCC. With respect to the request to expedite the encroachment permit, the permit could be issued just for the driveway; the applicant could follow up on the wood barriers and address sign at a later date. Concerning sight visibility, he and Nolte felt that the distances noted in his report of 7 feet towards Willowbrook and 34 feet towards Alpine Rd. were adequate. The applicant's traffic engineer indicated that they needed sight visibility from 15 feet back. As long as you could scoot a little forward to about 10 feet, you could get adequate sight visibility. Nolte also felt it could be less than 34 feet. Additionally, he spoke with Mayor Toben about the possibility of more parking to the south side. Wheel stops might need to be placed in the area to formalize the parking and try to ensure that the parking was completely away from the street. There was, however, no guarantee that the cars would park that way. Concerning the fees, he would defer to the Town Manager. He tried to mark the area based on the 8 ½ x 11 PDF files that were sent last week. The legal parking stalls were in white and the proposed driveway was in orange. The full-size drawings were received today.

Mayor Toben said there appeared to be agreement that the parking lot presently accommodated 20 vehicles. Responding to Mayor Toben, Mr. Young confirmed that: a) with staff's preferred option, the Town would forfeit 2 parking spaces out of the 20; b) under the new proposal, staff felt 7 out of 20 parking spaces would be lost; c) staff's refinement to the proposal would reduce the number from 7 to 5 parking spaces. Mayor Toben said these were small numbers, but in percentage terms, 7 parking spaces was 35% of the existing parking lot; 5 spaces was 25%; and 2 parking spaces was 10%. He noted that the drawings in the packet didn't shed any light on this and did not have any dimensions. He went to the site again today and felt Mr. Young had carried his burden of proof; the appellant hadn't with respect to the numbers in play. Under Mr. Young's best-case scenario, the Town would lose 2 parking spaces.

Mr. Friedman said at the last meeting, he presented on the screen the specific analysis showing how 6 parking spaces would be lost. The difference between Mr. Young's numbers and his engineer's numbers was very simple. His engineer looked at the standard practice that said the sight line needed to be taken from the driver's height at 15 feet before the roadway; you then created the sight line triangle. Mr. Young was pushing the car much further forward. The 15' number was standard based on engineering practices. That was where the discrepancy from 2 to 6 came from. If you wanted to pull your car out all the way into the roadway, you might not lose any spaces. But, that was not the way engineering practices worked as he had been told by his experts. With respect to the suggestion that a space could be preserved to the east of his driveway, that represented a bifurcated parking lot. This was specifically what the Town was arguing against and criticized in his original proposal with parking on each side of the driveway. Mr. Young was now proposing that a bifurcated driveway was okay. The assumption that he and the Council subcommittee worked under was that the Town did not prefer a bifurcated driveway. He would welcome the wheel stops and formalization of the parking area—anything to make it more safe and more formalized. Everyone received the plans in 8 1/2 x 11 PDF format that came in last Wednesday. The full-sized plans didn't get to the Town until today through a mix-up with his architect, and he apologized for not getting them to the Town earlier. To clarify the fee issue, his letter related to an incremental plan check and incremental ASCC review as a result of this process.

Mayor Toben said it was his idea to preserve one parking space to the east. He wanted to preserve every last parking space possible. The importance of this public asset to the trails community and people of Portola Valley could not be stressed enough. Grabbing one more parking space in an area that belonged to the Town was an important issue. Mr. Friedman reiterated that he assumed that all the cars would pull all of the way in; which is what led to the 14' number. If he assumed that the cars pulled in just enough so that their tails didn't hang over Alpine Rd., it required a sightline of 50 feet. The assumption used was most

favorable to the Town to give the Town as much contiguous parking as possible. In his mind, the compromise here was that one semi-legitimate parking spot towards the east of his property would be fair to give up in return for the major concession that he was offering. Responding to Mayor Toben, Mr. Young used the maps to show the location of the eliminated perpendicular space and potential addition of a parallel spot.

Mayor Toben suggested taking the Friedman proposal and refining it under Mr. Young's formula to reduce the west buffer to 7 feet on the north and 34 feet on the south but preserve the parallel parking space. That would reduce the loss of parking spaces to the Town from 7 to 4. Responding, Mr. Friedman said that was true if the parking was formalized, which was not the case. The first person who pulled in set the way everyone else needed to park. Sometimes there might be a parking spot exactly even with his driveway, and sometimes it might be three-quarters. Unless you formalized it, you weren't talking about spots; you were talking about feet. Responding to Mayor Toben, he said adding in that parallel space would block the sight lines. Mayor Toben said he did not feel that was an issue based on the terrain.

Ms. Sloan said the Caltrans guidelines were guidelines for intersections—not guidelines for driveways. Additionally, the Nolte engineer pointed out that everyone who parked in that parking lot came out onto Alpine Road the same way they came from Alpine up to the parking lot. The people who parked there today backed up instead of going forward. Neither she nor Mr. Young put a lot of stock in certain lines of sight that the appellants' engineer claimed were necessary. With respect to the indemnification language, she recommended the Town require strong indemnification if the Council decided to approve this permit. Every encroachment permit issued had unique circumstances, and things were added depending on the circumstances. In this case, she would want to add a lot of language about the parking lot being there before they bought the lot and their understanding about the nature and kind of parking lot it was. Also, in this case, the Town would require that the encroachment permit be recorded; normally they were not because they were temporary. Since a new curb cut onto a public street would be created and it would be permanent, it must run with the land and would need to be recorded. Responding to Mayor Toben, she said the applicants would be asked to hold harmless and indemnify, which were two different things. It would be like a covenant that would run with the land—not unlike a use permit for land that was sold to another property owner. She confirmed for Mayor Toben that the successor buyer would buy with the knowledge that they were accepting that hold harmless provision as part of the purchase of the parcel.

Councilmember Richards said what was proposed was very close to the most extreme option that would allow a driveway to work without completely re-doing the house—mostly due to the existence of the two large oaks and primarily the big oak that was closest to the driveway. That was based on the recommendations from the arborist who concluded that this was as close as you could get without damaging the tree. You might be able to get a maximum of ten feet closer to the tree, but there was no guarantee that it wouldn't kill the tree. It would also increase the steepness of the driveway and require an impervious surface, which would not be good for the tree. The sight line issue, the landscaping and the signage had been left up in the air knowing that it might need to go back to the ASCC for approval. He agreed with Mr. Young that 15' back for sight line was overkill. He did not know of any car that was 15' from the driver to the front of the car; 10' was plenty to be able to see up and down the street. The buffer probably could be reduced a little bit and get back a little bit of parking. Additionally, he felt the overall width of the parking should be looked at and not the individual spaces because there was so much randomness in the actual parking method.

Councilmember Driscoll said the Council was presented with a series of givens that under ideal circumstances would not have been there. There was a heritage tree that the Town protected, and a house had been sited at substantial expense to the applicants that was approved by the ASCC. There were radiuses that fire engines needed and slopes that required impervious surface. Ideally, you would start with how to get onto the site and site the house accordingly. The Friedmans understood this now, but it was now many thousands of dollars down this road. He was also a little disappointed that the Town's own process

didn't identify that sequence in advance. To a certain extent, everything had become stabilized and then Mr. Young was presented with an encroachment permit that he was not comfortable with. He took the action he felt was appropriate. The Council did not want to send the applicants back to a blank sheet of paper on the house design. They had spent enough money and gone through this process in a voluntary and accommodating way. The Council considered the Conservation Committee Chair's memo and the Town's policy on heritage oaks. That oak was there in 1906 photographs and had been there a long time. He was satisfied with the outcome even though a better job could have been done. He agreed that the landscape didn't need to have a lot of energy put into it; it was not the responsibility of the Council to decide landscaping. He felt the landscaping to the south/east was more extensive than was needed by half. Also, you could park along the side of the road, which would bifurcate the parking. The whole concept of bifurcating the parking was a semantic issue. The Town wanted to preserve the larger perpendicular parking as much as possible. There would be parallel parking down the road when someone had a party, etc. That should not be compared.

Mayor Toben asked for public comment.

Lynn McKinnon, Shoshone Pl., said she hiked on these trails 2-3 times/week. This morning the parking was completely full at 9 a.m., and people were parked on Willowbrook because there were so many hikers. If you bought a lot where there was a huge parking lot and sited your house so that your driveway went through the parking, that was odd. As soon as you sited your house and realized the driveway would go through a parking lot, you should go to the Town. She understood the applicants' problem but also understood a taking of public land for a private use. Responding to Ms. McKinnon, Mr. Young used the map to show the existing parking, the proposed driveway and lost spaces. He said the landscaping was to prevent the cars from parking right next to the driveway.

Elizabeth Rubin, Chair-Trails and Paths Committee, said the entire Committee supported the staff's recommendation that the best place for the driveway was to the south side where the current construction entrance was. This was a heavily trafficked area for people going up to Coal Mine, Windy Hill, etc. The trail system was the underpinning for the culture of Portola Valley, and preserving access to the trails was critical. Second, the Committee felt that the bifurcation of the parking lot could propose a safety hazard not only to hikers but also to children, dogs and horses.

Ellie Ferrari, Willowbrook Dr., read her letter to the Council dated 1/13/10, noting that she also represented the neighbors who signed the letter. She discussed the limited parking in the area. Taking away any Town parking spaces would cause the trail users to park on Willowbrook and exacerbate an already ongoing problem for people who lived on the street. She supported the recommendation of the Town staff in denying the application for a driveway in this location. The driveway should be located at the southern end of the parking lot. The homeowner purchased this lot knowing the situation, was cognizant of the fact that there was a Town public parking lot adjacent to this location, and had a choice.

Mr. Friedman said Ms. Sloan commented that the Caltrans standards were for intersections. He said they were specifically for driveway entrances into rural roads. The actual guidelines were provided as part of the large packet of documentation for the 12/9/09 meeting. Secondly, it would be very problematic for him to indemnify the Town when his own experts told him that the sight line coming out of the driveway would not meet the basic safety guidelines of Caltrans. Lastly, he appreciated the Chair-Trails Committee's opinions. He just wished that in March of this year when the Trails Committee had the opportunity to comment on the ASCC package, the Trails Committee had not said that they had no problems with the project. If these issues had been raised in a timely manner, he would have been more than willing to work through them with the Town. He asked not to be put in a position to do things against the advice of his experts such as the professional traffic engineer who had given him strong and good advice.

Ms. Achermann said she heard the heartfelt desires of those who valued the parking. She had been

working in good faith since day one with the Planning Dept. She was also disappointed in this process because from day one, she wanted to do the right thing and took the recommendations of the Planning Dept. They were the ones who suggested many reasons for locating the driveway as it had been. The Friedmans had worked in lockstep with the Town from the beginning. Having this thrust upon them in the eleventh hour was a huge shock and a big crisis for her family. Before the property was purchased, they consulted with Ms. Lambert about where the Town wanted the ingress and egress to be. She originally thought that the dirt path/driveway would be the driveway. She was shocked to hear from Ms. Lambert that you couldn't point your headlights into the adjoining property; it had to come diagonally across, which would also prevent the trees from being cut down. That had been a surprise, but they embraced the Town's recommendation and designed it like this. To have the Town come back two weeks before they hoped to start building and say you couldn't do this was the most horrific surprise that had ever been thrust in her lap. They had tried to work with the Town ever since. The driveway had been moved 23 feet, which was the best effort. It had been painful on both sides.

Ms. Sloan said it was absolutely necessary that this encroachment permit have a very strong indemnification. Many times applicants hired experts, but the Town relied on its own experts. The staff's preference was not to have the driveway in the proposed location. If the Council proceeded, very strong language was needed. She confirmed for Mayor Toben that the issues of liability were greater at this location than they were in the alternative preferred by staff. Strong indemnification would still be needed with the staff's recommendation. The lot was purchased without access to a public street and was a unique situation. The Town needed to protect itself.

Mayor Toben said there were four issues to decide. The first issue was the location of the driveway, and that related to whether the denial of the encroachment permit should be reversed by the Council, reversed with conditions, or upheld. The second issue was whether the Town would require strong indemnification language to be worked out with the Town Attorney. The third issue was whether the Council should refer this matter back to the ASCC for further analysis on elements such as the signage, landscaping, etc. The fourth issue was whether the Town should consider a waiver of further fees and a refund of existing credits to the Friedmans. Councilmember Driscoll said a fifth issue was construction parking in the parking lot used by trail users. He suggested there be an advance agreement that there would not be construction parking in the Town's parking lot, which was already losing parking spaces.

With respect to the sight line issues, Councilmember Richards said rather than say what was the right number, a simple test was to park your car out where the driveway was marked out and see how far you could see. He felt 10' was adequate and would also reduce the buffer zones/landscaping. That could be tied into whether or not the buffer zones/landscaping had to go back to the ASCC. With respect to waiving additional fees, he would need to see what the fees were, where they came from and what they were intended to be applied to. If there were fees that were added because of this delay or the Town's responsibility, those should be considered. Responding to Mayor Toben, Ms. Sloan said everyone agreed this was an unfortunate situation and that there was not enough communication among staff to begin with. Unfortunately, those things happened. Cities were not legally responsible for employees saying something that was not in the code, etc. The Town was not legally responsible for the miscommunication.

Responding to Mayor Toben, Councilmember Richards confirmed that: a) he was inclined to grant the encroachment permit in the location that the Friedmans proposed with the parameters of the buffer to be defined; and b) he was open to some form of fee waiver depending on what he learned about the fees. He was not inclined to include a fee waiver at this point. Councilmember Driscoll and Mayor Toben agreed. Councilmember Richards said he also agreed that no construction parking should be allowed in the parking area and that strong indemnification should be a requirement. Responding to Mayor Toben, he said he did not think referral to the ASCC necessarily had to be a delay. If they were granted the location of the driveway, the location of the buffer/landscaping was something that could be determined later.

Ms. Sloan asked that the Council define what sight distance was appropriate. The applicants' traffic engineer definitely disagreed with Mr. Young and the Nolte engineer. The ASCC or 1-2 members were not astute about sight distances. There might still be a disagreement, which might come back to the Council unless the distance was defined. Councilmember Richards said this was not something you usually ran into when you designed houses in Portola Valley; sight distances coming out of driveways was not an issue. You did your best, but it was not a big deal. To have that be such a sticking point was absurd.

Mr. Young recommended that the Council place a maximum on the number of parking spaces that could be lost. It should also be agreed that 7' and 34' or less were the maximums; you could probably go with less with additional study.

Mr. Friedman said when Mr. Vlastic originally discussed the idea of the applicants hiring a traffic engineer as a way of solving this problem, Mr. Young raised the question of what would happen if the Town disagreed with their expert. Mr. Vlastic suggested getting it peer reviewed. His traffic engineer's study showed some sight lines. That could be reviewed by a mutually acceptable third party engineering firm who could definitively say what was reasonable and what wasn't or make a recommendation in terms how the sight lines should be done.

Councilmember Driscoll said he did not think it deserved that level of review. In his experience with a peer review, an extremely conservative position was taken. He felt a practical decision was more appropriate, and he was willing to accept Mr. Young's analysis. Councilmember Richards concurred. Mayor Toben said he had great confidence in Mr. Young's analysis and recommendation for a 7' buffer to the west and a 34' landscape area to the south of the driveway. To the possibility of adding an additional parallel space, he felt it was do-able from a sight line standpoint. That would get it down from a 35% loss of parking to about a 20% loss of parking.

Councilmember Driscoll moved to accept the location of the driveway as submitted; that the applicant be required to agree with the Town Attorney on the indemnification language to the satisfaction of the Town Attorney; that the actual landscape treatment/surrounding buffer areas be to the satisfaction of the ASCC, with a buffer being no larger than 7' to the west/north and a buffer to the east/south no more than 34' and that was sufficient to allow a parallel parking place within that area; and that construction parking not take place to the west/north of the driveway. Councilmember Richards seconded the motion. Responding to Councilmember Driscoll, Mr. Friedman confirmed that the intent was to abandon the current construction driveway and create a new construction driveway where the final driveway would be located. Ms. Sloan said when drawings were submitted, it was very important that they were engineered and show exactly where the property line was, exactly where the driveway was, etc. Mr. Friedman said the engineer was waiting for Council's decision and would submit engineered drawings. Councilmember Driscoll added that he wanted to ensure that pervious surface/paving would be used as originally proposed.

Mayor Toben said it was painful to contemplate the loss of more parking than might have been lost if this had been approached from the beginning with a clear idea that staff's preferred option was going to be the solution. This would not go down well with the trails community. But, the Town was obligated to provide these property owners with access to their parcel. The best-case scenario was a minimal loss of 2 spaces. He hoped that staff would continue to look at options for enhancing parking. The Town might approach MROSD about some supplemental parking at the trailhead. He was keenly aware of just how valuable this resource was to all of the residents. He called for the vote, and the motion carried 3-0.

(8) Amended Policies for Use of Town Facilities [8:50 p.m.]

Ms. McDougall reviewed the staff report of 1/13/10 on proposed amendments to the Community Hall and Activity Room use/rental policies and procedures. She discussed: a) rationale for raising the rental rate of the Community Hall for memorial services; and b) seated and standing room capacity for the Buckeye

Room. Ms. Howard noted that the entire site was smoke free, and the policy on smoking (p. 10) would need to be revised. Ms. McDougall said staff had just received another request for a fee waiver in connection with a fundraiser. Assuming that the Council would rather not have to take these up on a case-by-case basis, one approach might be to include a statement that no waivers would be granted for any non-profits that were incorporated outside of the Town limits; nonprofits incorporated within Portola Valley requesting a fee waiver would be at the Council's discretion. Responding to Ms. Sloan, she said "incorporated within Portola Valley" meant the incorporation mailing address listed on GuideStar was within Town. Responding to Mayor Toben, she confirmed that fundraisers already got a 50% break. For an educational event, there was no charge other than the deposit. Referring to the proposed rates (p. 5 of 6 of staff report), she confirmed for Councilmember Richards that the rates for the Alder or Buckeye rooms were per hour; the fee for use of the Redwood Grove was a one-time fee. Responding to Councilmember Driscoll, she confirmed that local residents could make reservations 12 months in advance (p. 3 of 6); non-locals could make reservations 9 months in advance. She said she would clarify the language. Regarding non-profit events, she confirmed for Councilmember Richards that they did not count towards the maximum number of events; only those events where a fee was collected were counted as an event against the 24.

Councilmember Driscoll said he understood the reasoning behind the requirement for one event per weekend, but he suggested giving someone the opportunity to pay overtime to have a staff member come in and check the room out after a Friday evening party. Mayor Toben said the Town could also use a janitorial service if staff was comfortable letting them in the building on the weekend. Ms. McDougall said that was considered and could be done. But, it was tied to the limitation of 24 events and spreading those out throughout the year. For example, June was a high wedding month. Having several weddings over a weekend could result in using up all of the paid events with nothing left for Christmas parties and other things that people might want to do. The intent was to spread the activities out throughout the year. Responding to Councilmember Driscoll, she said the policy was written to allow for the Town Manager to allow a second event on a weekend at her discretion if it was a Town-sponsored event (p. 3, Exhibit A). If the Council wanted more discretion, that could be written into the policy.

Referring to the staff memo (p. 3 of 6, item #3), Mayor Toben questioned whether use of the facilities for discussion of public health concerns should be limited to only those topics/events the San Mateo County Health Department approved; they essentially had to attest to the credibility of the content. There had been a couple of instances in the last year where a dubious topic related to health was proposed for an event, the County said it should not be allowed, and there were complaints. He felt that if a local physician wanted to give a lecture on stroke treatment or arthritis, that should be allowed without having to go to the County Health Dept. While the Town should not be associated with some controversial theory, there should be some discretion. Councilmember Driscoll agreed the staff should be given a fair amount of flexibility for approval. He did not think that every request needed to be reviewed by the County Health Dept. After discussion, Council agreed that if the request was from a local resident who was an MD, staff could approve it. If it was anyone else who was not local, it should go to the San Mateo County Health Dept.

With respect to the proposed fees, Councilmember Driscoll said he was satisfied with the comparisons that had been done and that the Town's fees were low. The General Plan stated that businesses that served predominantly Town residents should be encouraged. Use of the Community Hall should be held to the same test; it should not be a rental hall for someone far away because it was cheaper than other places. What was proposed was consistent with the General Plan's philosophy. Councilmember Richards concurred.

Council directed staff to set the matter for public hearing.

(9) Recommendations for Modifications to the Outfield Area of Town Center Softball Field [9:10 p.m.]

Ms. McDougall reviewed the staff report of 1/13/10 and the recommendation from staff, the Conservation

Committee and Parks and Rec that the trees in the center of the outfield should be removed and that an appropriate warning track system should be installed.

Rather than a warning track system, Councilmember Driscoll said he liked the continuous meadow feeling and would not want to put in another barrier/path. Mayor Toben suggested a golf course-like rough where the grass was not cut as short. Councilmember Driscoll agreed that would be better than any sort of rise, which could lead to tripping. He noted that the Town had gone to considerable trouble to try to preserve the trees from the original school site. It was regrettable that some of those would be lost because of the intensity and popularity of the field. Councilmember Richards noted that these did not appear to be heritage trees.

Councilmember Driscoll moved to direct staff to remove the four trees in the center of the outfield and cut the grass to create a buffer. Responding to Mayor Toben, Ms. McDougall said if that was not sufficient, staff and Parks and Rec could explore options. Councilmember Richards seconded, and the motion carried 3-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(10) Appointment of 2010 Commission and Council Liaison Assignments [9:15 p.m.]

Referring to his memo of 1/6/10 on the recommended Commission and Committee liaison assignments, Mayor Toben asked for any changes. Councilmembers Driscoll and Richards said they were satisfied with their liaison assignments.

(11) Reports from Commission and Committee Liaisons [9:16 p.m.]

(a) Traffic Committee

Mayor Toben said two Committee members and four Sheriff's deputies attended the last meeting. The main issue was concern about speeding motorists on Willowbrook. Patrols would continue that would hopefully address the situation. The Chair had been asked to actively recruit more members. Ms. Howard noted that an ad for vacancies would be placed in *The Almanac* this month.

(b) Cultural Arts Committee

Mayor Toben said the Committee would be coming forward with a formal proposal to install the old historic tiles/panels around Town Center. Issues such as weatherproofing and vandalism would be addressed.

(c) ASCC

Mayor Toben said at least a dozen residents on Grove Drive expressed concern about a garage being built that was approved by the ASCC in the summer of 2008. Standard notice had been given at the time, but there was very little comment. Staff was investigating compliance issues and would be working with the property owner to soften impacts. The ASCC also approved a project on Golden Oak after the property owner was able to address concerns of the ASCC and neighbors.

WRITTEN COMMUNICATIONS [9:25: p.m.]

(12) Town Council 12/11/09 Weekly Digest

(a) Mayors for Meals Day

Councilmember Driscoll recommended Mayor Toben attend the event on 3/24/10.

(13) Town Council 12/18/09 Weekly Digest

(a) Community Hall Activities

Referring to Ms. McDougall's memo of 12/18/09, Ms. Howard said the list demonstrated the amount of activity going on at the Community Hall during the month of December. She said it required a significant amount of staff time to manage bookings for the Community Hall and activity rooms.

(14) Town Council 1/8/10 Weekly Digest

(a) Sales Within Community Hall

Referring to Ms. McDougall's memo of 1/8/10, Ms. Howard said there was more flexibility than had originally been thought with respect to the extent to which sales could be made within the Community Hall. Mayor Toben said it appeared there could be an art exhibition where the sale of art was ancillary to the display of art; the Holiday Fair might be of concern because it was almost a purely commercial activity. Ms. Howard agreed, noting that the Fair group was very happy to be able to use the Schoolhouse.

(b) Monthly Financial Report

Responding to Mayor Toben, Ms. Howard said there was a negative fund balance on grants because it was a reimbursement of federal stimulus money. The Town had spent the money and would ask the federal government for reimbursement.

ADJOURNMENT: 9:28 p.m.

Mayor

Town Clerk