

TOWN COUNCIL MEETING NO. 748, JUNE 11, 2008

ROLL CALL

Mayor Derwin called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Merk, Toben and Wengert, and Mayor Derwin
Absent: Councilmember Driscoll
Others: Town Administrator Howard, Town Attorney Sloan, Asst. Town Administrator McDougall and Planning Manager Lambert

ORAL COMMUNICATIONS: None

CONSENT AGENDA

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

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

- (2) Warrant List of 6/11/08 in the Amount of \$620,668.70.
- (3a) Resolution No. 2397-2008 Authorizing the San Mateo County Controller to Apply the Special Tax for the Wayside II Road Maintenance District to the 2008-2009 Tax Roll and to Collect the Tax at the Same Time as General County Taxes, per Asst. Town Administrator's memo of 6/11/08.
- (3b) Resolution No. 2398-2008 Authorizing the San Mateo County Controller to Apply the Special Tax for the Woodside Highlands Road Maintenance District to the 2008-2009 Tax Roll and to Collect the Tax at the Same Time as General County Taxes, per Asst. Town Administrator's memo of 6/11/08.

REGULAR AGENDA

- (1) Minutes of the Town Council Meeting of May 28, 2008 (Removed from consent agenda)

Councilmember Wengert submitted a change to the minutes of the 5/28/08 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

- (4) Public Hearing: Tobacco Retailer Permit Ordinance

Ms. Sloan reviewed her memo of 6/4/08. Because the ordinance was being adopted by reference, a public hearing was required at the second reading. The public hearing was opened, there were no comments, and the hearing was closed.

Councilmember Toben moved second reading by title, waive further reading, and adoption of Ordinance No. 2008-375 Adding Chapter 8.26 [Tobacco Retailer Permit] to Title 8 [Health & Safety] of the Portola Valley Municipal Code. Councilmember Merk seconded, and the motion carried 4-0.

- (5) Recommendation by Study Group for the Oak Tree at Ford Field

Ms. Lambert reviewed her memo of 6/11/08 on the work done on the tree at Ford Field. She noted that

Jeremy Ingalls from Mayne Tree said he felt more comfortable in terms of safety of the tree since the canopy had been lightened. He also recommended that the post support system be installed if the Council decided to keep the tree. To keep the children out of the cavity, he recommended installing some chicken wire that would still allow the cavity to be open to light and air to keep fungus from growing in the tree.

Mayor Derwin said she also spoke with Mr. Ingalls. He indicated that if the post was installed, he would be comfortable saying that people could walk under the tree safely. He said with the post installed, the tree did not need to be fenced. He also felt that if the dugout was reinforced, it would be safe.

Councilmember Merk said the tree looked great and appeared much lighter. There were three small branches towards the foul line that he thought should also be removed. A lot of litter had been thrown into the old dugout, and that should be brought up with the users. He supported putting in the post support and not fencing it. Reinforcing the dugout and/or moving it was another discussion.

Councilmember Toben said he perceived the tree as less of a risk than it was a month ago; it looked lighter and the risk had been reduced. He would feel better if the Mayne assessment was in writing and would like to have 1-2 other assessments that supported Mayne's position that it was an acceptable proposition. He found the comments from Mayne interesting, and he was weighing them very carefully. There was a paper trail that put the Town in a very vulnerable position, and he wanted something in writing from Mayne. The Council had taken an action to reduce the hazard, but it hadn't been reduced to zero. Whether it was reduced to an acceptable level was a question. He always acted in this capacity from a standpoint of safety first. He was not yet ready to say, "Case closed." He would also like to hear from ABAG on it. He was more inclined to do some fairly severe cordoning off. The notions that: a) poles would hold up the tree; and b) kids in the dugout would be fine with a little reinforcement of the roof were also questionable. He had moved in his position on this, but he was not particularly satisfied.

Councilmember Wengert said she had been an outspoken advocate of removing the tree. She valued the tree but was more concerned about safety. Having spent a fair amount of time looking at the tree, her concern was about prolonging a decision at this point. It had been a long discussion and had taken a lot of resources. She was more persuaded by Mayne's report that there was a level of liability reduction, pending another rainy season and pending the addition of the post. She thought the limb that was clearly at risk had been taken off. The post would be supporting the very large branch that came out towards the foul line. At this point and in an effort to move forward, she was comfortable with the 50% reduction, perhaps with Councilmember Merk's suggestion for additional removal, and adding the support. If there was new data that indicated a continuation of an unsafe condition, the issue could be re-opened. It was not an ideal solution, and she did not think the liability could ever be fully removed if the tree remained. By closing the dugout, significantly reducing the tree cover, and by reinforcing it with the post, she could support it. Responding to Councilmember Toben, she said she would also like to see Mayne's new opinion in writing. They did the work, and their opinion held the greatest weight. She reiterated that she did not feel that all the liability was removed but felt the Council, in taking the steps she supported, would mitigate it. She further suggested that annual monitoring by Mayne occur so the tree could be re-assessed to see if there was further deterioration. Safety was the number one priority and was the reason she did not recommend re-opening the dugout. She also recommended wire mesh to close off the cavity.

Councilmember Toben said Mayne should re-assess the tree prior to Little League season. He added that the Little League had not weighed in on the suitability of a dugout that was now further down and out from under the limbs. There was also the issue of what the letter from Mayne would say. If it said the liability had been reduced a little bit, he was not comfortable. If it said: a) they had a very high degree of confidence that the liability had been substantially reduced as a result of the work and; b) closing the dugout and adding the post significantly improved the situation, he would be closer to being comfortable.

Ms. Howard said she put safety and the Town's well being first. She had been adamant about closing the

old buildings at the Town Center down and felt the same about this tree. It had been clearly shown that the Town had a liability. She felt better about the tree, and it definitely didn't look as menacing. But, she did not think that the liability had been eliminated. If it was her decision, she would take the tree down. Ms. Sloan concurred. But, if the Council did not agree, it would be good to have the Mayne opinion in writing. She also agreed with Councilmember Wengert's suggestion to have an annual monitoring. Councilmember Wengert added that the dugout needed some work. She understood that there were offers from the community to help fund some of those improvements.

Councilmember Toben noted that Councilmember Driscoll would be a strong voice in favor of maintaining the tree.

Councilmember Wengert said she did not think the Mayne letter would address liability. Their commentary would probably only go to the fact that the load was substantially reduced, thereby reducing the stressors, and that the tree was less likely to fail. If the tree remained, she felt the Town would have to live with some level of uncertainty and risk. From her perspective, it was important to move forward.

In terms of liability, Councilmember Merk said there were redwood trees over Town Center buildings and over trails and paths all over Town. Trees dropped limbs or fell down from time to time. You couldn't go through life without sustaining a certain amount of risk. He did not think the Council should obsess about the risk of one particular tree. He also wanted to see the Mayne comments in writing, supported putting in the post and putting wiring across the cavity.

Mayor Derwin supported keeping the tree, obtaining a letter from Mayne, putting in the post and looking at it again in April. Councilmember Merk moved to get the Mayne comments in writing, install the post, install the wire to protect the cavity, keep the dugout closed, and have some kind of a program to assess the tree on an annual basis before the beginning of the baseball season. Councilmember Wengert seconded the motion.

Councilmember Toben said he would vote "no." He was ultimately persuaded by the concerns regarding liability that the Town Administrator and Town Attorney expressed.

Mayor Derwin called for the question, and the motion passed 3-1 (Toben).

After discussion, Ms. Howard verified that the decision was to: a) keep the tree; b) ask Mayne to issue a letter on the condition of the tree; c) install the pole; d) put in wiring to protect the cavity; e) keep the dugout closed; and f) arrange for an annual inspection in February.

(6) Authorization for Additional Design Services with Siegel and Strain

Ms. Howard reviewed the staff report of 6/11/08 and recommendation to approve an amendment for additional design services related to the relocation of the sports courts at the Town Center site. She noted that there might be additional charges for work on the Town Center, including the water cisterns/tanks being discussed. She recommended that the Council authorize \$25,000. The next 6-10 weeks would be extremely intense, and she did not want to have to stop work in order to come back for sufficient funding.

Councilmember Merk said the staff report spoke specifically to the sports courts modification. Responding, Ms. Sloan said the agenda talked about authorization for additional design services, and the title of the staff report was "contract amendment." Even though the contents of the memo focused on the sports courts, she thought it was appropriate to address what could be included in the design amendment.

Responding to Councilmember Wengert, Ms. Howard said the authorization was needed as soon as possible. All of the work now was on fast track. She said she did not know if \$25,000 would be needed but

did not want to have to stop work if \$10,000 was not enough. Councilmember Merk said he appreciated the concern because the schedule was very tight, and things could come up that no one foresaw. He felt the request was reasonable. He moved to authorize the Town Administrator to negotiate, authorize and execute an amendment not to exceed \$25,000 for additional design services with Siegel and Strain. Councilmember Toben seconded, and the motion carried 4-0.

(7) Review Proposed 2008/2009 Budget and Set Public Hearing

Ms. Howard reviewed the budget cover memo of 6/11/08. She noted that this version of the budget was not balanced. After receiving comment, the final version would be modified and balanced. Since this version was published, changes included higher retainers for the Town Planner and an additional service agreement. On revenues, she discussed: 1) loss of \$305,000 because Measure A did not pass; 2) interest income; 3) 7% property tax; and 4) the State's budget and questions about COPS funding and the gas tax.

Referring to the cover memo, Councilmember Toben said it would be helpful to have an explanation of why there was an increase in 24% of operating and capital expenditures. Ms. Howard said the administration expenditures would increase with the addition of two staff members. There were also increases in consultants' rates and the cost of the fields, a one-time moving expense, and complete redesign of the website. Councilmember Toben asked that those be summarized in the cover memo. Ms. Nerdahl noted that the noteworthy expenditures were highlighted in the bullets on p. iii of the cover memo. Councilmember Wengert suggested: a) adding an explanation why this year's expenditures reflected a decrease of 29% over last year; b) including the explanation for the increased operating and capital expenditures; and c) end with the sentence about the increase in operating budget. She agreed further clarification of the three sentences would help.

Responding to Councilmember Toben's questions about comments from the Finance Committee (p. iii), Councilmember Wengert said the Committee questioned what had precipitated the need for the turf study. On the Committee's reservation about unsecured funding of the Sausal Creek daylighting project, the question was about the Town's commitment for substantial funding with no clear path for repayment.

Responding to Councilmember Merk, Ms. Howard confirmed that the hope was to be fully staffed by the end of the calendar year (cover memo, p. i). Responding to Councilmember Merk's question on the Fund Activity Summary and COPS (budget, p. 2), she said the projected balance was CLEEP money and could only be used for equipment. Responding to Councilmember Toben, she said not all of the money available had been spent because there were so many other things going on. The Town also had to show that it was spending general funds on road work. The Town would be doing more road work than normal in future years—especially with the added \$400,000 from Prop 1B. Responding to Councilmember Merk, she confirmed that the money came in this year and the Town had three years to spend it. Responding to Councilmember Merk, she described the two bonds (p. 4, Government Agency Revenue) that the Town applied for that would be used for the renovation of Ford Field. Councilmember Toben said the 2008-2009 Total Revenues Budget Summary (p. 4) should show 2007-2008 budget in column 1, 2007-2008 projected in column 2, 2008-2009 budget in column 3, and then the "%/Change by Projected." It was properly reflected in the chart on page 5. Ms. Howard noted that in government auditing, it went budget to budget as shown on page 4.

On "Use of Money" (p. 4)," Councilmember Toben suggested renaming it "Interest on Funds."

On State gas tax (p. 8), Ms. Howard verified for Councilmember Merk that the State had taken the money for this fiscal year and promised to pay it next year. Ms. Nerdahl added that the State was suspending payment to local governments for five months; three of the months were in this fiscal year and two were in the next. In September, the State indicated they would be giving some of the money back.

On Comcast Cable Services (p. 11), Ms. Howard said the Town was entitled to funds for a local broadcast station, which amounted to about \$450/month. That money could be used to buy equipment if the Town decided to broadcast events. She discussed revenues from Permits and Fees (p. 13) and Other Revenues (p. 15). Under Misc. Contributions (p. 15), she described donations. She noted that the proposed 2008-2009 figure was based on the assumption that \$823,864 would be raised for the creek project. Responding to Councilmember Merk, she said the revenue from the library JPA was for shelving and moving costs. On Architectural Review Fees (p. 19), Ms. Lambert confirmed for Councilmember Merk that last year included applications for projects at The Sequoias, Alpine Hills Tennis and Swim Club and the Woodside Priory. Things slowed down a little this year, but it was picking up. On p. 20, Ms. Howard said account codes starting with 96 were customer deposits and not actual revenue to the Town. When the money came in, it was not designated for each consultant but came in as a lump sum. It was spent according to what happened during the project review. In order to make the budget balance, the same numbers were used on revenue as expenditures. Responding to Councilmember Toben, she said italicized type meant the account was inactive and not part of the sum.

On Town Center Facilities (p. 25), Ms. Howard said she assumed the Town would start having rentals in September, but it was unclear what the revenue would be. Use of the facilities for events and rental rates should be discussed in July. Councilmember Toben said what the Valley Presbyterian Church charged for events would be a useful reference point. Ms. Howard discussed Use of Money (Interest) changes (p. 27) and the UUT (p. 28).

Ms. Howard reviewed the Expenditures Budget Summary (p. 30). She said there was a considerable increase in Administration/Finance under Staff (p. 34), because of the two additional staff. Councilmember Toben noted that the SuRE Coordinator was only funded for one year.

For Committees and Commissions (p. 36-37), Ms. Howard said the revised Town Planner retainer for the ASCC was \$26,825; the Planning Commission retainer was \$53,568. Responding to Councilmember Merk, she said Parks and Rec wanted \$5,000 for the Zots to Tots Run to expand the program. Expenses for the Town Picnic were also included.

Responding to Mayor Derwin, Ms. Howard said the Town Geologist (p. 39) came out in late summer for a creek walk and talked with residents who lived along the creeks. She discussed items included under Miscellaneous Consultants (p. 41). Responding to Councilmember Merk, she said this year's budget included two consultants: \$15,000 to do a turf study and \$10,000 for design of the renovation of Ford Field. The Ford Field renovation consultant was included for 2008-2009. Responding to Councilmember Toben, she said Parks and Rec asked for both consultants again this year. If the Council decided to do the turf study, it could come out of the miscellaneous consultants category. Councilmember Toben wanted the record to reflect the fact that if the circumstances were right and Council agreed, there was a possibility that the turf study could be done. Responding to Councilmember Toben, Ms. Howard confirmed that the \$30,000 for miscellaneous consultants could be used up before the Council decided on the turf study. The turf study could be put in the 2009-2010 budget.

Ms. Howard discussed Miscellaneous Expenses (p. 43). On the HEART JPA, she confirmed for Councilmember Merk that the invoiced amount was \$1,827. Councilmember Merk said \$1,841 was in the material received from HEART for 2007-2008 and 2008-2009.

Ms. Howard noted that there was a significant increase in Parks and Field Maintenance (p.45). All the fields would be on line as of September. Compost tea applications were included in the budget. Responding to Councilmember Merk, she said Special Event Insurance was purchased by classroom teachers if they had no other source of insurance. Occasionally, there was an outside group that didn't have insurance. Ms. Nerdahl added that the Town had to provide insurance for its parties.

Ms. Howard discussed Service Agreements (p.49), decrease in COPS funding, and expiration of the Sheriff's agreement next year.

In Services and Supplies (p. 51), Councilmember Toben said the budget should indicate there would be no elections in FY 2009. Ms. Howard discussed Town Publications, Office Equipment, Equipment Service Contracts, Education and Training, etc. For Town Clean Up Events, the Woodside Chipper Program was considerably more. Councilmember Merk said the advertising for the event was not adequate. Ms. Howard said she would discuss it with WFPD.

For Town Center Facilities (p. 54), Ms. Howard discussed one-time moving expenses for the Town Center and budgeted amounts for window coverings. Responding to Councilmember Merk, she said Janitorial Services increased because the windows in the new buildings would all have to be cleaned prior to moving in. Window washing would also be needed 1-2 times/year. Councilmember Toben said he felt the intensity of use would be much higher in the new buildings; he questioned whether enough had been budgeted. The facilities would also require a different level of upkeep than the Town had known before. Ms. Howard said staff felt there would be a much higher expectation on the way the rooms were kept simply because they were brand new. This was one of staff's functions, and it would be backed up with professional janitorial services if necessary.

With respect to Capital Improvement, Ms. Howard said the annual street resurfacing program (p. 56) was much higher than what had been spent in the past. The Town now had several different revenue sources, and funds had to be expended from all of them. A certain percentage of the general fund also had to be spent. There was \$4,137,000 in the budget for Town Center improvements. It carried an 8% contingency on Phase 2. She explained what was carried over from Phase 1 and remaining work on Phase 2. She reviewed other capital improvements proposed (p. 56). Responding to Councilmember Merk, Ms. Lambert said all the final building permit plans had been digitized. For new projects, when three boxes were filled, they were sent off to be digitized. Site development permits and variances had just been sent off. The next phase would be Planning Commission and ASCC minutes, packets, and some encroachment permits. She said she would speak with Ms. Howard about what to put in the budget.

Responding to Councilmember Wengert, Ms. Howard said the general fund reserve was about \$2.3 million as shown on the Fund Activity Summary (p. 2).

Councilmember Toben suggested the Council spend some money next year on a thoughtfully designed public education campaign for emergency preparedness. There could be a campaign where every resident in Town got a phone call from someone asking about supplies of emergency water, etc. He felt that level of urgency was upon the Town, and he was not certain there was enough in the budget to: a) educate residents on emergency preparedness; and b) deal with the fire safety issue. Ms. Howard said there was \$3,000 in the Emergency Preparedness Committee budget for publicity and emergency communication with residents. There was also a budget line item for publications. She felt strongly that the Town should be doing more and would be happy to budget more to address that. Ms. Lambert said there was also money in the planning program, and it was a significant amount. That included outreach and public meetings. Councilmember Wengert agreed more should be included in the budget. Responding to Ms. Howard, Councilmember Toben said he envisioned something much more aggressive than a pleasant item in the mailbox. He felt the Town was acutely vulnerable.

Maryanne Plunder, Chair-EPC, said content was very important. Julia Dillingham indicated that a few articles would be at least \$12,000/year. Councilmember Toben thought an informal survey of residents' preparedness could be done fairly inexpensively. A phone call to residents would get people's attention. Councilmember Merk felt it should be more than one tactic. Not everyone could be reached by phone. Councilmember Wengert suggested asking the EPC to make a recommendation.

Councilmember Merk moved to set the public hearing for the budget for the June 25, 2008, meeting. Councilmember Wengert seconded, and the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Construction Activities Pursuant to Noise Ordinance Limitations

Ms. Lambert reviewed her memo of 6/11/08 on residential construction activities being performed by residents and "immediate family members" on weekends and holidays. She said she would like some direction from the Council in advance of the Noise Committee making its recommendations on the noise ordinance and Noise Element.

Councilmembers discussed options such as eliminating Section 9.10.030.C from the code. Ms. Sloan said there were two ambiguities with Section C: a) "immediate family" and b) "improve." When the Council adopted this section, they did not consider someone who was building a new house. Also, there had been a lively debate about this in 2006 about working on Sunday versus Saturday, using power tools, etc.

Councilmember Merk said if a family member was not a resident, he did not think they should be allowed to work on the property. On the other hand, if a person had a job and was trying to fix their house, not being allowed to work on the weekend was an undue burden. He was surprised that people were allowed to work on holidays. If you were having a garden party, it would be disturbing to have to listen to a blower, rototiller or jackhammer.

Councilmember Toben said he was concerned about overreaching in an attempt to solve a problem of noise. If he was a do-it-yourselfer and the only time he could get out to work on his deck was Saturday, it seemed punitive for the Town to prohibit that. This was an example where the proper solution was not a legislative solution. This was what the Peninsula Conflict Resolution Center was established to deal with. Preferably, the person could just talk to his neighbor and work out a good time to do the work. That type of solution should be promoted in Town. He was not optimistic that the Council could come up with a solution that would deal with the problem.

Councilmember Wengert said she was concerned about the blatant abuse of an on-going construction project where weekends were used to continue construction activities. The language could be made more precise to deal with that. She wanted to give staff the tools to be able to shut it down on the weekends. She thought there had been a number of cases that had been significant and pretty flagrant. She did not, however, want to shut down any homeowner's right to work on projects on their home.

Councilmember Merk suggested limiting it to new construction, additions and remodels. Councilmember Toben said he felt it would require some clever drafting. It could be activities that were encompassed within the building permit. Councilmember Wengert suggested the criteria relate to the scope of the project. The Town shouldn't eliminate the homeowner's ability to tackle some projects that required a permit, but it was the large construction projects that were problematic. How to define that was the question. It could be the amount of time the permit had been out or square footage. There needed to be criteria established for restricting weekend work.

Responding to Councilmember Toben, Ms. Lambert said property owners were acting as their own general contractor and working on their houses. Responding to Councilmember Merk, she said some of the subs were also coming on the weekend and being identified as family members.

Councilmember Wengert wanted to close down the most egregious violations on a weekend. She thought the criteria should include open permit, square footage, or dollar amount. Ms. Sloan suggested seeing what other communities were doing. She added that this particular issue involved a lot of stubborn people. Ms. Lambert confirmed that she received complaints every Monday.

Council asked the Town Attorney to draft some language and address the enforcement mechanism. Ms. Sloan noted that there was no code enforcement officer, and staff was not available on the weekends. Councilmember Merk said residents could call the Sheriff, but the officers didn't always know what the rules were.

(9) Proposed Emergency Water Tank at Town Center

Ms. Howard reviewed her memo of 6/11/08 on the water tank at Town Center and the three options set forth in the memo from Siegel & Strain dated 6/2/08. In terms of having water for the EOC staff during an emergency, she felt that had been dealt with by having the storage closet on the east end of the maintenance building. Responding to Councilmember Wengert, Ms. Plunder, Chair-EPC, said the Committee recommended a water tank on site. The Council decided to follow that recommendation and asked the design team for options.

Ray Rothrock, EPC, said two of the options recommended a 5,000-gallon tank as opposed to a 2,500-gallon tank recommended by the Committee. He said calculations had been done on what was needed and were based on assumptions that were common in other municipalities. The tank the EPC recommended did not require flushing or any maintenance; it was a passive flow-through system. It was a common design used across the country in agriculture, farming and ranching. Many homes in Town had this type of tank. It was not pressurized and the water did not have to be treated. It used city water. If city water was cut off and the water in the tank did not flow, a pressurizer would be put on one end; that ran on 120 v AC. The options listed in the Siegel and & Strain memo were not what the Committee proposed. Responding to Mayor Derwin, he estimated the cost for a 2,500-gallon tank would be about \$30,000 including the plumbing. Responding to Councilmember Wengert, he said a tank was recommended because if there was a severe earthquake and Hetch Hetchy was shut off, there could be no water at the Town Center for 20 days. The EOC would have no sanitation, ability to prepare food, etc. In addition, Derry Kabcenell, EPC, said the Committee also felt it would be prudent to provide for the needs of a limited number of residents who might be without water—possibly because they were unprepared but more likely because their home and emergency water had been catastrophically damaged. Ms. Plunder said the Council had talked about putting in a cistern for irrigation. Mr. Young's thought was that having a hole twice as big might not cost that much more money. That was how having an underground tank came into the discussion.

Responding to Councilmember Wengert, Councilmember Toben said staff's position was that the jugged water was for the EOC staff, and that it should be made clear that no resident could use that water. He thought that was an untenable position. When you had people who had lost their homes and came to the Town Center desperate for water, they would be given water. If there was a cache of jugs, that could be distributed to those in dire circumstances. There still needed to be an underground tank naturally appended to the Town Center EOC, so that the EOC would have a supply of water for an indefinite period of time. That water could be off limits to residents provided the jugs were available. Mr. Kabcenell noted that Cal Water had some contingency plans in case all residents were without water. They would be able to distribute some of their stored water. But, they could also lose their tanks. Mr. Rothrock said there were also kits to treat pool water. Councilmember Toben noted that Councilmember Driscoll was also inclined to go with the tank concept.

Councilmember Merk said \$100,000 had been donated to the EOC. He felt the water tank was very important. He did not agree that the water storage closet would be sufficient to provide water to the EOC. Additionally, it had always been the intent of the EPC and the County to provide drinking water for residents. The County Emergency Operations Center warned everyone that these needs were coming up—mostly because they were looking at the terrible condition of the pipelines bringing Hetch Hetchy water to the lakes. The EPC had been trying for two years to get this tank. If the Town government wasn't prepared, it wasn't fair to expect the community to be prepared. The Town had to be an example to the community. The EOC was critical and would be the only EOC that was west of I-280 in the area. If the overpasses went down and

access was blocked, it would be 7 or 10 days that the Town would be cut off. The building was designed to be immediately entered after an earthquake, and it might be the only facility around. There could be 15 people working in there with 3 shifts/day; even 2,500 gallons was minimal to keep that function operable. The options in the memo did not reflect the EPC's recommendation.

Responding to Councilmember Merk, Ms. Howard said the issue was whether the tank was underground or aboveground. If it was underground, the hole had to be dug now. Mr. Kabcenell said the choice of it being underground or above ground was not a functional choice; it was a matter of location and aesthetics for the site. It was a pressurized, flow through tank that had to be near where the water main passed. Ms. Howard said the location specified in option 3 would work with the system described in option 1 but with a smaller tank. Responding to Ms. Howard, Mr. Rothrock confirmed that no pump was needed to get the water into the tank. It came right from Cal Water under pressure based on the size of the line.

Councilmember Toben said he would like to see the tank underground and wanted to know the added cost and what the complexity would be. From the standpoint of aesthetics, space, and perhaps survivability, he thought it should be underground. For security purposes, Councilmember Merk agreed it would be better to have it underground. Responding to Councilmember Merk, Mr. Rothrock described the specifications of the tank. He said the project engineer could figure out what was needed easily. Councilmember Merk suggested Mr. Rothrock work directly with the architect as soon as possible. Ms. Howard said she would set up a meeting within the next day and increase the budget accordingly. Responding to Councilmember Merk, she said there had been no expenditures of the \$100,000 donated for the EOC at this point.

Councilmember Merk said he preferred it was underground, but it was more important to have the tank. Responding to Ms. Plunder, he said the irrigation cistern issue had not been decided. It was unknown whether the pipe could be used.

(10) Agreement with Acterra for Plants for the Sausal Creek Daylighting Project

Ms. Howard reviewed the Friends of Sausal Creek memo of 6/5/08 and request to enter into an agreement with Acterra for the plants for the creek at a cost of \$14,212.89.

Councilmember Merk moved to adopt Resolution No. 2399-2008 Approving and Authorizing Execution of an Agreement Between the Town and Acterra Native Plant Nursery for propagation of Plants for the Sausal Creek Project. Mayor Derwin seconded the motion.

Responding to Councilmember Toben, Ms. Howard said the Friends had not raised enough to cover the costs accrued to date. Councilmember Toben said he would have to abstain. He did not feel the Town should put into play general fund money.

Councilmember Merk said the request was for a 50% deposit of \$7,106.45. By using Acterra and volunteers, the Town would be saving \$100,000. He thought it would be crazy not to do this.

Councilmember Wengert said she was not in favor of the general fund reserve being used, and couldn't support the motion. She would abstain as opposed to voting against it.

Mayor Derwin said these were native plants, it would involve the community, and she supported the request. She called for the question, and the motion carried 2-0, with 2 abstentions (Toben and Wengert).

(11) Parks and Rec Committee Appointments

Referring to the Committee Chair's memo of 6/5/08, Mayor Derwin said the four applicants were all highly recommended by the Committee. A fifth applicant did not get her application in on time. She suggested the

item be continued to the 6/25/08 meeting. On 6/16, the Committee could review the fifth applicant's application and consider whether they would like to increase their membership to thirteen so that all five applicants could be added.

Councilmember Merk suggested appointing the four and then ask the Committee if they wanted to increase their membership to add an additional person. He had received a call from a Committee member who said the new people were needed now. Mayor Derwin said if they chose not to increase the membership, then the fifth applicant would not be appointed. If she had received the correct information, her application would have come in before or at the same time as the fourth applicant. Councilmember Wengert said it sounded like the process was incorrect. While she would like to see the Committee move forward with the four new members, there might have been an uneven playing field for all five applicants.

Councilmember Merk said he was uncomfortable when someone said they got the wrong information, which caused them to get their application in late. Mayor Derwin said this person had substantial documentation of what went wrong.

Responding to Kathy Feldman, Grove, Mayor Derwin said the first application came in May 3; the second May 9; the third May 15; and the fourth May 17. Ms. Feldman said she had a face-to-face conversation with the Committee Chair on May 14 during which she told Ms. Hughes of her interest. Ms. Hughes had not mentioned how to go about applying. She then had an e-mail conversation with Ms. Hughes on May 24. Again, she did not receive any information about the application process. Over the years, she (Feldman) had been on various committees and chaired committees. If a volunteer came to her and said he/she was interested in the committee, she always told them how to apply and the date to submit an application. She wanted to have a chance to have her letter of interest considered in the same process as the other four applicants. She wanted to volunteer with the Town and she wasn't getting a chance. She described the work she had done for the school district over the years, her work on her neighborhood's emergency preparedness committee, and her interest in volunteering on the Parks and Rec Committee. On the Town's website, it said the Town was seeking enthusiastic volunteers for all the committees.

Councilmember Wengert moved to continue this item until the fifth application was considered by the Parks and Rec Committee. Councilmember Toben seconded the motion. He said this was a small Town that didn't operate by a code of procedures that was always crystal clear. There was a lot of informality. He had worked with Ms. Hughes for four years, and she was an extraordinarily dedicated and conscientious person. She had done great things for the Town as had Ms. Feldman. The Town could not afford to lose any of that talent. Responding to Ms. Feldman, he said the Committee's charter set the number of members. That could always be amended. There were many ways to be involved actively in the Parks and Rec agenda other than being a member of the Committee. Ms. Feldman said she was interested in all aspects of Parks and Rec. Councilmember Toben noted that all Parks and Rec Committee meetings were open to the public and input was welcome. He agreed there might have been some imprecision here which was regrettable. It was rare that there were more applicants for volunteer positions than there were spaces.

Mayor Derwin called for the motion, and it carried 3-1 (Merk).

(12) Status of Town Center Project

Ms. Howard said Mr. Struthers had done a wonderful job reinforcing the playhouse, which some children had decided to take apart. She described construction activities on the buildings. The irrigation and sod on the soccer field would be installed by the end of the month, and there was a 60-day period of non-use. The next seven weeks would be incredibly busy. The headwalls were going in for the creek project. The bid packages for the second phase of the creek would come to the Council on 6/25/08.

(13) Reports from Commission and Committee Liaisons

(a) Nature and Science Committee

Councilmember Toben said the Committee had a better understanding of the limits on their presence in the classroom building space. Closet space, partial counter and cabinet space, one display case, and one bookshelf had been discussed. The functions of teaching/learning needed to be separated from archives. Teaching/learning should be preserved at all costs. Museum-like archiving would not be possible. This was an activity room where nature classes and many other classes took place. He also informed the Committee that not all of the demands of the other users of the space were known. If it turned out that for the first year, no one wanted the space, this could be revisited. He felt it was important for the parameters to be much more clearly defined before moving day. He offered to participate in that conversation.

(b) Airport Roundtable

Councilmember Toben said the Roundtable would be reviewing data concerning tests of continuous descent technology at the meeting on June 30. He had a number of questions he would pose to the NASA consultant.

(c) Open Space Acquisition Committee

Councilmember Wengert said the Committee reviewed old business.

(d) ASCC

Councilmember Wengert said the Committee approved a big and complicated project in Blue Oaks. A second project on Brookside that involved vegetation along the creek had also been discussed. The issue for a third project on Willowbrook was the detached garage and the possibility of conversion. The Commission also discussed relocating the garbage bin at the Alpine Tennis and Swim Club and a large addition on Cervantes.

(e) Council of Cities Dinner

Mayor Derwin said the panel of speakers at the May 30, 2008, dinner meeting in San Bruno, addressed homelessness and organizations that helped.

(f) Library JPA

Ms. Howard said the JPA adopted their budget. They were continuing the recruitment for the new library director.

WRITTEN COMMUNICATIONS

(14) Town Council 5/30/08 Weekly Digest: None.

(15) Town Council 6/6/08 Weekly Digest: None.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Mayor

Town Clerk