

TOWN COUNCIL SPECIAL MEETING NO. 735, JANUARY 9, 2008

ROLL CALL

Mayor Derwin called the special meeting to order at 7:30 p.m. Ms. Howard called the roll:

Present: Councilmembers Driscoll, Merk and Wengert, and Mayor Derwin  
Absent: Councilmember Toben  
Others: Town Administrator Howard, Public Works Director Young and Town Attorney Sloan

CLOSED SESSION

- (1) Conference with Legal Counsel – Anticipated Litigation  
Government Code § 54956.9(b)  
Significant Exposure to Litigation: one case  
Threat of Litigation by Ron Dolin, 228 Westridge

REPORT OUT OF CLOSED SESSION

Ms. Sloan said the Council directed Mr. Young to work with Mr. Dolin on a solution to his driveway exit. The Council would agendaize this matter for a public meeting in February.

ROLL CALL

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

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

ORAL COMMUNICATIONS

Marshall Wilson, Public Communications Manager, SMC, invited Councilmembers and residents to take part in Shared Vision 2025. This project tasked people who lived and worked in San Mateo County to identify the most important goal the County should set for the year 2025. There would be a series of public forums as well as an on-line survey at the County's website. He distributed a flier and asked that everyone take the survey.

SallyAnn Reiss and Beth Rabuczewski, PVCF, announced that the residents of Portola Valley had successfully matched the \$500,000 challenge grant put up by an anonymous donor for the benefit of the New Town Center. She said the donor would be matching the \$502,300 that had been raised.

Danna Breen said the fundraising for the Friends of Sausal Creek was at \$420,000 and there was a lot of positive enthusiasm from the community.

CONSENT AGENDA

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

Ayes: Councilmembers Driscoll, Merk and Wengert and Mayor Derwin.  
Noes: None

- (2) Minutes of the Town Council Meeting on December 12, 2007, with Councilmember Merk abstaining.
- (3) Warrant List of December 21, 2007, in the amount of \$632,541.02.
- (4) Warrant List of January 9, 2008, in the amount of \$237,221.49.

#### REGULAR AGENDA

- (5) Appointment of Portola Valley Police Commissioner (Removed from Consent Agenda)

Councilmember Merk referred to Ed Davis's memo of 1/6/08 about his appointment to Police Commissioner. He said some of the statements in staff's memo to the Council of 1/2/08 about the position were incorrect. There were plenty of duties executed by the former Police Commissioner. It was not an honorary position and was very important to the Town. Before Officer Jones was transferred to the coast, he mentioned that he really missed having a Town Police Commissioner and felt there was a real lack of communication.

Ms. Howard said staff's memo should have indicated that there was no policy or formally assigned duties for this position. The previous Police Commissioner, Bob Anderson, created the position and duties. If it was to be formalized, a description of the duties should be drafted. She suggested appointing Mr. Davis to the position and asking for his input in defining the position. Mr. Davis confirmed for Mayor Derwin that he would be comfortable defining the position with staff's assistance. Mayor Derwin appointed Ed Davis to Police Commissioner. By motion and second, Council unanimously concurred.

- (6) Presentation by Jim Goring on Donor Recognition Plan for New Town Center

Jim Goring said he had been working with the ADT and PVCF for a few months to come up with a subtle, understated way of recognizing the donors in and outside of the Town who had contributed to the Town Center project. Using graphics, he discussed: 1) general donor recognition; 2) building recognition; 3) room recognition; 4) materials and lettering; 5) LEED certification and the sustainability goals statement; 6) the energy control panel; 7) donors recognition associated with significant site features; 8) sample fonts; and 9) facility site signs and materials. Responding to Virginia Bacon, Golden Oak, he said he did not think the raised lettering would need cleaning; the anodized aluminum lettering would oxidize slowly. The interior text would be smooth.

Councilmember Merk said in some of the situations, the lettering was bigger than it needed to be for a town center in a town where things were traditionally understated. The lettering on the outside of the buildings for the library, Town Hall and community hall should be reduced by 50%. The donor recognition lettering next to the main entrance doors should be reduced by 75%. The 1" and 2" lettering was acceptable. He was disappointed to see that the same design was not being used on the bollards that were being used for the trail signs around the rest of the Town. He preferred the bollards lettering be done in the same style as the other trail signs. He also felt the Town Center sign was way too big and could be reduced at least by 75%.

Councilmember Driscoll said he supported the plan in concept. He suggested the various signs/lettering be printed on paper and put up in their locations to see if they looked too big. The danger of making the lettering too small was that it wouldn't serve the function of identifying the buildings when you pulled in. He noted that the lettering had been reduced already. He would not object to reducing it further after seeing how they looked.

Councilmember Wengert agreed. She thought the design was terrific. She also agreed it was difficult to judge the size of the lettering without seeing it in the field. Wherever possible, it should be minimized. But, there needed to be visibility so that people could clearly see it.

Council agreed to the plan conceptually and agreed that if the lettering looked too big in the field, it could be reduced where appropriate.

Responding to Councilmember Wengert, Mr. Goring said he would check the size of the sign and lettering on the existing facility. Councilmember Merk suggested also looking at the size of the text on the sign coming into Portola Valley from Woodside.

(7) Amendment to Zoning Title Regarding Basements: Second Reading of Title, Waive Further Reading and Adoption of Ordinance

Mayor Derwin read a prepared statement. She thanked the residents for attending the meeting to participate in the discussion of this item. She said the Council would listen carefully to comments. In summary, she discussed: 1) work done on the ordinance over the past nine years by the Planning Commission and ASCC; 2) the 13 public meetings that had been held; 3) lack of participation by residents; 4) use of the General Plan and expertise of staff in developing the ordinance; 5) the role of the governmental bodies in Town; 6) the process used to develop the creek setback ordinance and Resolution 500; 7) result of having no public input on the basement ordinance; 8) willingness on the part of the Planning Commission to take public comment for as long as it took; and 9) the hard work and compromise put into the ordinance, which was now water under the bridge. She said the public input portion of the process should have happened at the Planning Commission level; it hadn't and would have to occur tonight. Councilmembers had read the petition, e-mails, and spoken off line to many in the community. There were grave concerns about the perceived restrictive qualities of this ordinance. She recommended that the Council not take action tonight—particularly in light of the fact that one Councilmember was absent. Instead, this evening would be treated as a working session for dialogue and the sharing of constructive ideas.

Town Planner Mader discussed: a) why people wanted to live in Portola Valley and the qualities the Town had that other communities did not; b) the first Council and Planning Commission and an early statement made about protecting this beautiful area from urban noise, traffic and sprawl for future generations; c) reasons for incorporation in 1964, including a proposal for dense residential development on 1,500 acres on the western hillsides; d) adoption of a new General Plan with many provisions aimed at retaining the essential qualities of the community and preserving the Town's natural environment; e) fundamental tenet that residential and commercial development would be subordinate to the property's surroundings; f) General Plan provisions for new zoning that greatly reduced the density of potential development in the western half of the community and limited commercial development to small businesses that served primarily local residents; g) objections from large property owners; h) the newly elected Council's resolve to stay the course and engrave the Town's future in the General Plan and zoning regulations; i) development and introduction of slope density zoning and other visionary planning principles; j) investigation of local geology to better determine how geology might affect the future development of the Town; k) the geologists' advisory committee's recommendations to retain a Town Geologist, map the geology of the Town, and require that new development avoid unsafe areas; l) subsequent zoning regulations adopted to prevent development on landslide areas and along earthquake faults even before the State adopted its fault setback regulations; m) adoption of the then relatively new concept of cluster development to concentrate development in the safest and most developable parts of land; n) retention of unsafe and steep lands as permanent open space; o) trend toward larger houses and the 1985 study of residential development in Town to determine if current provisions in the plans and regulations were sufficient to ensure adherence to nature and environmental goals of the Town; p) concerns about site grading, retaining walls, house design, building coverage, tennis courts, impervious surfaces, runoff, fences, colors and materials; and q)

establishment of floor area ratios. He said while all aspects of development were reviewed as to their impacts on the environment, basements were not even considered in the study since hardly any homes had basements. If they did, they were minor in size and used largely for utilities. Had large basements been a feature of many homes, the impacts of basements would definitely have been considered relevant and would have been addressed in the FAR ordinance. FARs were a relatively new concept about 20 years ago. Some residents objected to restricting the size of houses. But, the Council found the reasoning behind the proposal to be sound and adopted FARs for the floor area of the house as related to the size of the parcel.

Town Planner Mader said there were other major actions the Town took to secure the future of the Town, such as establishing the ASCC, which reviewed virtually all new development to ensure compatibility with the General Plan, ordinances and design standards of the Town. The ASCC worked with homeowners, developers, architects and designers to help shape development. While some might object to this detailed review, most had come to appreciate the guidance given by the ASCC. To assist the ASCC in its function, the Town adopted Design Guidelines that indicated the design qualities appropriate for the Town. The Town also adopted special setbacks along Alpine Road and Skyline to help protect the open space qualities along those routes. The Town would not be what it was today without the farsighted and fair guidance provided by dedicated Town volunteers including the Town Council, Planning Commission, ASCC and numerous other committees.

Using overheads, Town Planner Mader reviewed a timeline (attached to his memo of 1/3/08) regarding floor area limitations and basements. He said the Town now found that the trend towards large basements could potentially double the floor area ratios that were carefully established. In addition, it had become evident that large basements presented several of the same problems that the General Plan tried to address and prompted the Town to establish FARs for parcels. These were set forth in the beginning of the ordinance, and he read the Whereas statements from the ordinance.

With respect to the issue of increased energy consumption due to large basements, Mr. Vlasic said there were increasing federal and State pressures to encourage and mandate more energy efficient homes. The provisions for energy calculation and energy consumption would increase by mandates beyond the limits of the Town boundary. The intent was to achieve significant reductions in the carbon footprint. The Council had made a commitment and was beginning to look at systems to ensure that homes would be more energy efficient. The Green Building Council put together some guidelines for communities to look at and implement ways to reduce the consumption of energy in a relatively short period of time. There was a test system for residential development so people could measure energy consumption and attain specific levels. The pilot program was based on an average house size across the country of 2,400-2,500 sf. If your house was bigger, you had to do more to reduce energy consumption. A house that was twice the size of that base took substantially more energy and resources to build and maintain. If the Town was going to participate in a way that was meaningful in terms of reducing energy consumption, the efforts to make the larger houses more energy efficient would be substantially greater. By controlling the size, the Town was taking a very significant step in moving towards the objectives that it had already committed to in terms of energy efficiency and reducing the Town's carbon footprint. There were other ways to achieve that, but reducing the amount of square footage made it easier for the Town to hit the targets that would be mandated over time.

Town Planner Mader said the Planning Commission took up the matter of basements in 1999. Working with staff, the Planning Commission and ASCC proceeded cautiously in devising an ordinance that balanced the needs and desires of homeowners with the goals of the General Plan—just as the Town had historically done relative to house size, development density, land suitable for development, impervious surfaces, building height and building design. As pointed out, there had not been any public input at the basement meetings. He noted that the basement regulations did not affect planned unit developments (PUDs) such as the Ranch, Blue Oaks, Portola Glen Estates, Portola Green, and the Priory subdivision. PUD regulations

were tailored to a specific project. Furthermore, existing basements were not affected and were grandfathered in. Using the diagrams and floor area calculation table attached to the 1/2/08 staff report, he discussed four examples of the impact of the proposed basement regulations. In summary, he said Portola Valley had preserved its peaceful, rural character and scenic environment. The majority of Town residents appeared to find this environment highly desirable. However, they might not appreciate the time and effort put forth by dedicated Town volunteers dating back to the original Town Council in establishing vision and standards that had successfully maintained the small-town character and natural environment enjoyed to this day. The Town Council and Planning Commission now wanted to take action on this proposed ordinance to address a matter that was not anticipated when the FARs were established approximately 20 years ago.

Responding to Councilmember Driscoll, Town Planner Mader said something over half of the houses looked at had basements. A fair number of them would have exceeded the 20% number; under this proposal, they would have had to count all of the basement floor area on a 2:1 basis. Some were at the maximum floor area, and some were not. If you built a house that was less than the maximum allowed, you could still build a basement at 20% of the adjusted floor area for the whole parcel.

Responding to Mayor Derwin, Ms. Lambert said she did not know how many current applications had basements that exceeded the 20% allowance. ASCC member Danna Breen said some people who planned on having basements were now considering eliminating them.

Mayor Derwin opened the public hearing and asked that comments be limited and directed to the Council.

Responding to Mark Sutherland, Town Planner Mader said basement sizes shown in the table that were in Blue Oaks had been included for comparison and information. They were not affected by the proposed regulations.

Andy Browne, Santa Maria, said he had lived in Town for fifty-one years. He came here because of the country-like atmosphere like everyone else. Large homes had a disproportionate impact on that country-like atmosphere. Construction traffic was larger and longer, and the carbon impact was much greater. The proposed ordinance was an attempt to keep that country-like atmosphere, and he supported it.

Carolyn Rogers, Cherokee Way, reviewed her letter of 12/21/07. She said: 1) the ordinance was intrusive on homeowners; 2) basements allowed families more room without compromising views or building large houses; 3) families needed extra space; 4) nearby communities allowed significantly more space, and this ordinance would significantly reduce property values; 5) giant equipment would be necessary to dig tiny basements or a foundation; 6) tearing down homes and building completely new homes was a reflection of the very poor housing construction done in the era of the Town's founding in the 1960s; 7) the operating expense for basements was almost nil because they were temperature stable and below ground; and 8) the Town should not build another generation of houses that were poorly conceived and inappropriate that would be torn down in ten years. Houses that were suitable for families and didn't impact others needed to be built. A basement was a good compromise to that effort.

Carl Dyer (sp) said he was probably coaching basketball, at a Boy Scout meeting or working on schoolwork when the Planning Commission meetings were taking place. Priorities in the community needed to be considered. If an issue like this was going to be addressed, it should be put to a referendum or a vote to get a sense of what the community felt and whether this was a priority. He would rather see things preserved that were more important to the community in order to preserve the character. He would like to see sight corridors for children walking to/from school for safety purposes. This was a solution in search of a problem.

Paul Seipp, Grove Dr., said he had lived in Town for ten years and was the author of the petition that was circulated on the internet. He described a full basement underneath a house he saw as a youngster with

walls lined with vintage model trains; at the center was a layout of the city that you could walk around. The owner had been able to expand and make fabulous use of the space. Under the examples shown, you wouldn't be able to do that. Not everyone in Portola Valley would be a model train collector, but people should have the opportunity to expand. He read the petition statement. He said he sent the petition out by e-mail and got an immediate response back from someone visiting in Egypt who had just visited the basement of King Tut's tomb. That basement didn't seem to be affecting the environment adversely, and they offered to sign the petition. The petition had more than 230 signatures. He read a number of comments offered by those who signed the petition. He said basements had practical applications: 1) they were naturally cool and could be used as wine cellars; 2) they could be used as exercise rooms or high tech equipment rooms for smart houses; 3) they allowed people to get out of summer heat without air conditioning; 4) they were naturally dark and could be used as media rooms or dark rooms; and 5) they could be used for storage. He said in the minutes of a Planning Commission meeting in 2005, it was acknowledged that views were not impacted by basements and that the Commission was concerned about the ability to articulate strong policy reasons for this change. In August 2005, the Commission was concerned about raising this issue at that point given the struggle over the Town Center project. They recognized that they were dealing with a controversial issue here and tabled the matter. He had been asked for a contribution to the project and told them he was concerned about basements. Another quote was that if people wanted basements, they should have to give up something in terms of square footage. One Commissioner voiced concerns that basements were driving up real estate prices, which he did not feel was a positive trend for the community. He said it was about limiting super-sized houses. The Town shouldn't legislate against the masses because of super-sized houses. The Council had to represent the majority. If the Council didn't represent and determined on their own cognition what was in the homeowners' best interests, that was not America or Portola Valley. He wanted to make absolutely certain that the residents were being properly represented here.

SallyAnn Reiss, Golden Oak, said she came to some of the public meetings and strongly said, "No way." That was about 1 ½ years ago. The issue was tabled for various reasons and was not as strategic as some people thought it was. She was struggling with this because she really honored what the Planning Commission had done for the Town. She didn't understand where this was coming from. She felt cheated by not being able to participate more. She had no idea that the basement ordinance was being talked about at the Planning Commission level again. She tripped over it during a Town Council meeting during the first reading. She wanted to have further discussion. There were a lot of people who would like to talk more about it. People were really intelligent, smart, and reasonable and would like to find a solution that everyone could live with. Secondly, the Councilmembers were her representatives. She was opposed to this on the principle that it didn't fall into what had historically been done as far as protecting the view and aesthetics. This went a little further beyond it.

Howard Zeprun, Franciscan Way, said he loved the Town. It was wonderful that you could drive 15 minutes from the heart of Silicon Valley to rolling hills and forests. These ordinances had clearly been a big part of that. The ordinances had historically focused on things like setbacks, total mass, and total square footage—all of which made sense. Historically, the whole point had been to make sure that houses fit in with the neighborhood, didn't impinge on the neighbors, and had a low-key visual image within the community. What went on beneath the footprint of his house didn't impact those issues any more than what went on in his hall closet. It was not visible and didn't affect anyone. The only argument that resonated with him was the environmental impact, which was a valid argument. In the last couple of years, everyone had become much more focused on that. But, he did not think this ordinance was the way to address that issue. A lot of changes could be made to address environmental issues. It was worth a lot of thought and discussion about the best way to get there. He did not agree with the other arguments supporting the ordinance.

Mark Leslie, Westridge, felt regulations or guidelines could be created to better address the carbon footprint issue. People could build a small basement and still consume huge amounts of energy. It was generally felt that this ordinance was merely to limit house sizes, which was a personal and private decision.

Jon Silver, Portola Road, submitted an excerpt of a posting he put on the Portola Valley forum/chat group and an article about the impact of CO<sub>2</sub> on acidity in the oceans. He said he had a basement and was glad to have it. He agreed with a number of comments made by staff, Councilmembers and residents. On the point about poorly designed houses, he said the Town was not responsible for that. That was private industry and the consumer. There were some well-built older homes. Whatever ordinance was ultimately adopted that addressed basement size, it should not be anti-basement. There might be times when having more construction underground could be part of saving energy or lowering visual impacts. He strongly believed that something stronger than what was in place now should be put in place. When the Town limited the house size, no one thought the Town would end up with much larger basements that could double the square footage. If the basement space was living area, the intensity of use would be doubled. There was more traffic and more overall energy consumption. An ordinance could be designed that would give people enough freedom to build what they wanted, feel good about their property, and still address the environmental impacts. Regarding the petition, he said referendums and initiatives were a last resort. They were all or nothing rather than just modifying something. People needed to get together and work this out. Some people would prefer to have no ordinance, but there were many in the community who elected the Councilmembers who would protect the Town. He hoped the Council would listen to the members of the public, give an indication of their initial responses, and indicate the direction this would go in. He no longer supported the ordinance as written. He suggested there be a task force or ad hoc committee. A totally different approach might be needed.

Wanda Ginner, Cervantes, said she served on the Board of the League of Women Voters for a number of years. They always tried to recruit people who were willing to serve as observers who would attend meetings of the city councils and planning commissions that were important to the populous. Most people did not want to sit through lengthy meetings that were boring and routine. She found that the information on the Town's website was stale and often a year old. Even when it was relatively current, it was really generic. She thought there should be a way to sign up to receive agendas for meetings when particular issues were addressed. She also couldn't find minutes for committee meetings. She recommended the Town look at its communication policies and procedures and find a way to keep them current and more informative. With respect to the ordinance, she said she would rather people built underground than build a two-story building.

Responding to Paul Heiple, Conservation Committee, Town Planner Mader said if your house was at the maximum floor area and you exceeded the 20% allowance for the basement, you would have to give up one sf above ground for each two sf in the basement. A basement without any need to deduct floor area could be 20% of the adjusted maximum floor area permitted on the parcel. Mr. Heiple said he understood that the ordinance was a way of limiting the floor space in housing. He felt the ordinance still allowed a big basement for most people. He grew up in a small house, and it was comfortable. This ordinance was a conservation proposal that would cut down on haulage and dirt removal. When you moved dirt, there was the possibility of destabilizing the ground. All of these things should be taken into account. Proposals like this needed to be adopted. If you didn't put in regulations, you ended up with people cheating and trying to do something that caused greater harm. If there were no regulations, the Town would have houses that filled the entire lot that were three stories tall.

Karen Wick, Ramoso Rd., said she remodeled seven years ago, did not have a basement, and did not have any intention of further remodeling. She was, however, very opposed to this ordinance. Staff said that the Planning Commission was trying to ensure that homes were more energy efficient. It was a shame that this ordinance was just focusing on basements. There were so many other things that people could be doing. It didn't take into account if someone was doing solar power, putting in better insulation, etc. The intentions were good, but the point was not being looked at from all angles. The largest basement that had been built in the last ten years was 3,400 sf and an average basement was 1,550 sf. She questioned why basements were the focus. She hoped the Council listened to everyone. If you wanted to save energy, there could be a checklist that included reducing basement size as an option.

Mary Urbach, Crescent Ave., said every house had a basement back east. She had lived here for 38 years and got used to not having a basement. She just recently learned about the ordinance and was not aware of it during the nine years. When she heard about the 20%, her personal reaction was that that was a pretty small number. She thought people might be a little happier if the number wasn't quite so small.

Beth Bianchi, Grove Ct., said she had a small basement. She could not have built a one-story house because of her lot. Very little of the dirt had been off hauled. It was great being able to use the basement in the summer. In the winter, it was pretty warm. Also, the lights were turned off upstairs when people were using the basement.

Commissioner Zaffaroni said she was a skeptic with respect to the need for a basement ordinance when it was first proposed to the Planning Commission. She noted that it would be a rare occurrence for the Planning Commission to prompt a suggestion that a new ordinance be adopted by the Town. Usually, these suggestions were made in a collaborative fashion with the Town Council and Town Planner. The Planning Commission's role was strictly one of research, analysis and conducting public hearings. That was the case with the basement ordinance. Although she was a skeptic at first, through a long period of discussion and the passage of time, she came to support the need for the amendments. The goal of the amendments was to allow a reasonable amount of basement space while furthering General Plan policies. There were policies that were not as prominent in people's minds that pertained to: 1) minimizing traffic, noise and disruption, which accompanied prolonged construction time; 2) minimizing grading and the alternation of natural contours and terrain, which could result from stockpiling and redistributing excavated soil on site; and 3) significantly avoiding future increases in energy consumption associated with the square footage of extensive development. The Planning Commission always intended this to be a forward looking ordinance, which would probably affect new construction and new homeowners while having very little impact on current residents. Those who had existing basements that exceeded the limit would be grandfathered in. Very few homeowners without basements had indicated the desire to lift their homes off their foundations and excavate to install full size basements. The important Town policy objectives stated above and discussed by the Town Planner tonight—including objectives pertaining to energy conservation—had been part of the General Plan for years. The General Plan goals, as well as those addressing aboveground massing and visual impacts, contained a mix of objectives that went into establishing current FAR standards. As indicated by the Town Planner, two important changes occurred after the FAR standards were set, which were considered by the Planning Commission with respect to this ordinance. One was the trend to include extensive belowground development in new construction. The second was the Town Council's support of ambitious goals to encourage energy conservation and reduce CO<sub>2</sub> emissions in Town. With respect to the FAR standards and full size basements, the overall square footage of development both above and below ground would certainly have been considered relevant when the FAR standards were established had the Town been able to foresee this trend. There was a sense on the Planning Commission that the goals of FARs, along with reducing visual impacts, were a mix of General Plan objectives. These objectives were being thwarted or circumvented by extensive belowground development. Under current standards, the belowground development could be as extensive as the aboveground footprint. Certain General Plan objectives such as reducing grading and minimizing changes to natural contours were more tightly linked to basement development than aboveground development. A second development that influenced the Planning Commission was the decision to promote greater energy conservation as a Town goal—particularly with respect to new home construction. The Planning Commission saw this particular ordinance as a way to accomplish this goal with minimal impacts to current residents. In terms of alternatives considered with respect to the goals of the ordinance, there were different ways to address these various goals piecemeal. But, the proposed ordinance managed to address all of them. For instance, some might argue that higher road impact fees would create a disincentive for large basements and associated construction traffic. However, raising these fees would affect everybody doing a project—not just people building big basements. The road impact fees were already significant. While they brought money into Town, they did not seem to be effective in curbing big basements as evidenced by recent trends. There were different ways to create incentives to conserve energy, and the Town would certainly be



reviewing all different approaches. That was something the Climate Change Task Force was looking at. All the different bodies in Town would be brought into this consideration. However, buildings were a significant user of energy and contributed to CO<sub>2</sub> emissions—both in their construction and on-going use. It was her understanding from Linda Yates that one of the most efficient ways to conserve energy in new construction was to encourage less overall development. The Town's current situation allowed belowground development as extensive as the aboveground footprint or doubling of overall square footage. While setting the FAR requirements, this had not been anticipated or foreseen by the Town bodies at the time. She did not contest that aboveground development without energy conserving features could be less energy efficient than belowground development with conserving features. However, based on current requirements, energy conserving features were no longer a choice; they were a requirement by State law for all forms of construction. The proposed amendment did not prohibit extensive belowground development if one chose to use their square footage in this way. It was a given that few people chose subterranean living in lieu of aboveground living with natural light and views. Most people opted to use the maximum FAR for aboveground development and only wanted to proceed with subterranean development in addition to this. The proposed ordinance created a disincentive but not a prohibition in terms of basements in excess of 20% of the FAR. She believed that most people in Town were willing to support and move toward moderate basement size in exchange for less structure, construction noise, dirt and construction parking on local roads and reduced construction time. Even Atherton limited construction time in response to citizens' concern. Many concerns had been expressed at the Planning Commission level about the construction going on in Town. Most importantly, she believed many people were supportive of the Town Council's goals with respect to energy conservation. These goals would require sacrifice. The public might eventually put a higher value on green buildings and come to view energy-guzzling homes the same way inefficient, guzzling vehicles were viewed. There was an advantage to adaptations sooner rather than later. Furthermore, she believed most residents were willing to forego some things like excavating for large basements to benefit our children, grandchildren and future generations. Finally, she was puzzled why those now expressing concerns had not attended any of the Planning Commission meetings on this subject. It created the impression that the Town had been unresponsive. In this case, the Planning Commission had nothing to respond to. The Planning Commission had a good record of listening and responding to community concerns, and that kind of participation was needed. The process would have worked much better if people had come and participated at the Planning Commission level. In terms of the 20% figure or the 2:1 ratio, there was nothing set in stone. The Planning Commission was given a range to work with of 10-45%. These figures were looked at by the Planning Commission as well as the ASCC. In the absence of any public input, it was decided that 20% was probably reasonable. However, if people had come and expressed concerns, those figures would have very likely been different. It was an unusual situation where at this point, people were circulating petitions when there had been zero input at the Planning Commission level.

\_\_\_\_\_ said basements had positive influence on energy conservation for 30-40-50 years. There was no argument about that. The Council should require basements. Secondly, the Council had not communicated with the public. The Council was chiding the public for not paying attention. But, the communication was really poor from the Council to the community, and they should do something about that. Third, the Council should spend more time devising a scheme for cooperative purchasing of solar, etc. That's where they should be spending their time in encouraging solar panels on houses. They were taking the wrong approach. Responding to Mayor Derwin, he said if the Council was taking those steps, it was not being communicated. Mayor Derwin noted that it had been in the newsletter.

Mark Foster, Buck Meadow Dr., said the ordinance did not affect him. But, he felt that basements were very energy efficient. He felt the biggest concern was the roads and trucks. He suggested having some incremental fee as you got into the tens of thousands yards hauled away. People who were already here had what they had in their homes and basements and wanted to make sure that no one else came in with a larger basement than what they had because they thought it wasted energy. Pools and windows wasted energy, so maybe there shouldn't be any of those either. He was concerned about the incrementalism here.

It felt like a taking. It was taking away freedom in the name of saving the earth. He was all for saving energy but worried about the incrementalism of the Council and slowly taking one foot at a time from the newcomers. They were being told they couldn't put a big basement in their house because it wasted too much energy. It had been pointed out that basements were easier to heat and cool, etc.

Commissioner McKitterick said he was a skeptic of government regulations. He had voted against one of the Planning Commission budgets because it was too high. That said, he voted for this ordinance for two reasons. First, he had received many complaints in the Highlands and Wayside Road area about construction, truck traffic, and houses being built on parcels with basements that were done in a way that added to the intensive use of the parcel; that meant more parking and traffic on roads. In voting for this, he was taking into account the ten families that had come to him in the last three years and complained about various construction projects that they felt were inappropriate. Secondly, he realized the environmental issue. It was very difficult to challenge the fact that one of the top energy users for a house was the square footage. This was not basements in lieu of aboveground construction. It was the issue of basements in addition to maxing out the floor area and that trend. The number of houses that would be affected by this was small, but the trend was concerning. The cost of energy was more than just the money paid. It was the environment and energy. Anything the Town did wouldn't really change much in and of itself—especially a basement ordinance that might have a small effect on energy usage. But, it might inspire other communities. There were some times when communal as well as individual action was necessary.

Bill Gurley, Georgia Ln., said one of the reasons so many people had come to the meeting was because so many would be affected. Most of the talk about environmentalism was not the real issue. It was all about square footage reduction. If it was about square footage reduction, that's what should be discussed directly as opposed to indirectly. The potential square footage of the home was being reduced by 40%. Today, many properties in the community traded based on the potential value of the home—not based on the value of what was there. That's why so many of the lots that traded were basically teardowns. The lot values were \$1.5-\$2 million, and those values competed with the neighborhoods around and near here. When you took away 40% of the potential square footage of someone's property, you were impinging on their property rights. Not being able to put a fence in your front yard was a marginal thing. This was a pretty dramatic thing. He urged the Council to calculate the value impact this would have on people's property and talk about it. What would that do to the tax revenue? There could be an imminent domain claim because this was a huge amount of value being taken out of somebody's pocket. He suggested it be put to a vote and find out what people wanted.

Ray Connelly, Westridge, said he purchased his property several months ago. The ordinance didn't affect him. In his basement, a significant portion was consumed with a geo thermal heating system. The house would not have the carbon footprint of most small houses and might be zero. If he didn't have the ability to put in a basement, that could never be achieved. If you wanted to change something, you needed to measure the thing you wanted to change. If you wanted to impact the environment and carbon footprint, the meters could tell you what you were taking out. Policies could be developed around how much wattage a parcel consumed. That would be a direct way of measuring environmental impact for property development. You could put in a basement that reduced the overall power consumption of the house; that achieved the environmental objective. On the issue of property rights, he said he chose Portola Valley over Woodside because of the community—the people and the schools. Portola Valley was different because it tended to welcome people more. These types of measures were moving more in the direction of Woodside. The impact that this would have on tax revenue would be dramatic. The amount he paid for his property was several million dollars more than it would have been had he not been able to put in a basement. He had four children and they needed some space. If the schools were deprived of the tax revenue, they would not be of the quality they were today.

Annaloy Nickum, Alpine Rd., said she was a landscape consultant. In that capacity, she traveled all over the south Bay Area and saw a lot of different communities. Portola Valley was paradise because of the

types of regulations that were in place. The ordinance would not eliminate basements; it would put some restrictions on by asking that the footprint of the house be reduced. She supported regulations that did that. She saw lots of situations after the grading was done. Excavating for basements was not a benign thing. You spent money, gas, time and energy to haul the dirt off, or you used it in the existing landscape. The trees were in trouble. Sudden Oak Death was very prevalent in Portola Valley, and it was moving down. Any kind of disturbance that undermined the health of the trees was something to consider. There were also indigenous shrubs that were completely obliterated by just moving the dirt around over them. The changes proposed were relatively modest. If you wanted a larger basement, you gave up some of your square footage. People did not live in their basements; they lived above ground. She supported the ordinance.

Bill Youstra, Cervantes Rd., said there was a disconnect which might be due to the definition of a basement. A basement was a special place to people who grew up with them. They were where you had your personal interests--like the model railroad example. He was not affected by this ordinance but was opposed to it. He had four boys and was a little offended by the notion of wanting to restrict basements because it might lead to more activity. He questioned what that meant. This ordinance reached into something that was special to him. He would rather have his living room restricted. His basement was used by everyone in the family. The definition of what a home was shouldn't be penalized. It also reached in on the issue of energy consumption. There was no attempt to manage how long it took to take a shower or whether he drove a Suburban. There were right choices and wrong choices with respect to that, and people had the liberty to make those choices. He also supported a referendum because it was difficult to really get a sense of what basements meant to people. Everyone should have a chance to weigh in. This outpouring could be characterized as an overdue injection of citizens. It could also be looked at as a failure of representative government. He was here because he noticed the article in *The Almanac*. People were busy and had to be careful about choosing where to be a leader and where to count on other people to represent their interests.

Paul Wick, Ramoso Rd., said he opposed the basement ordinance. He wished he had a basement for his children and their bumper cars. Portola Valley was more restrictive than Woodside and a lot of the other communities in the surrounding area. Portola Valley real estate had not appreciated nearly as much as real estate in Woodside or some of the other communities. That might not bother the Town Council or Planning Commission, but it did bother the vast majority of Portola Valley residents. Secondly, he felt the basement restrictions would exacerbate that disparity between real estate in Portola Valley and surrounding towns. He personally knew of at least one individual who was looking at real estate in Portola Valley. They opted to no longer consider buying in Town because of the uncertainty with regard to this particular ordinance. This ordinance would depress property values in the Town. Third, there was a perception that there was a problem. Maybe there were a few people who wanted to put in a 20' deep basement of 6,000 sf. Maybe that was excessive, and he would probably be opposed to it as well. But, there was already an ASCC committee, and they would have the wherewithal to dissuade people or roadblock approval of those types of projects that would be very disruptive to the roads and neighbors. Lastly, existing residents with basements would be grandfathered in. But, new residents would be told they were left out in the cold. They would pay top dollar and higher property taxes, but they couldn't have a big basement or play area for their children, an exercise room, etc.

Virginia Bacon, Golden Oak, said she had a basement on the east coast. Most people today wanted lighted space. They weren't interested in dark corners. She felt there was a lot of confusion about the basement issue and what it really meant. What was really at issue here was the floor area and the amount of living space that people wanted to have. The Council needed to take a look at the overall floor area ratio. People assumed that a basement could be converted into living space. The real issue was floor area, and she didn't think it had anything to do with personal rights or property values. It had to do with the fact that people were looking for more space for their families.

Linda Yates, Mapache Dr., said she had been in Town since 1967. She was encouraged by the dialogue

and consensus in the room that this really didn't have to do with basements. The Planning Commission was incredibly well intentioned and was consistent with the origins of the Town of doing things to preserve the rural nature of the Town, views and open space. Those were the reasons people moved here. This issue started a long time ago when there weren't all the technologies and sustainable building mechanisms that were available today. Times had changed; policy moved slowly, and technology moved rapidly. The ability to create more sustainable homes, reduce the carbon footprint and create energy neutral homes was increasing at a rapid rate. What she was hearing was positive because most people agreed on many issues. She thought it was about total square footage and the carbon footprint of that square footage. The second major issue was the sustainability and energy efficiency of that. Aspen and Boulder were looking at tying square footage to efficiency and sustainability. That was the issue—not basements. It was also important to realize property rights and the fairness issue. People feared monster homes and didn't want that to happen in Town. She thought the FARs could be re-looked at. It was important to look not only at the monster homes that could be built in Westridge but also to ensure that people on the 1-acre lots weren't impacted more vastly than those on large lots. This issue opened the way to continue the dialogue about the issues the climate change committee was working on.

Bill Lane, Westridge Dr., said he wanted to speak on the importance of the way the Town had been governed from the very beginning—particularly for those who were new residents. The first five councilmembers were very involved for several years before incorporation. They represented different areas in the community. Westridge was founded immediately after WWII and existed in a way that was closely involved with the County because there was no Town. When people referred to large homes in Westridge, it should be kept in mind that the minimum acreage was 2.5 acres; many of the lots were much bigger. On the first Town Council, three members were elected for four years and two members for two years. Those elected for two years ran again so that the first Town Council was the same group of people for four years. One of the things that made the Town unique was the adoption of a special setback along Skyline Blvd. to protect the scenic corridor. That ordinance set a precedent that was so important to the community. In 1965, the ASCC was established. In 1966, an underground ordinance was adopted. In 1967, the slope density ordinance was adopted and was one of the first in the country; that protected the hillsides from development and changed the character of the Town dramatically. From the very first Town Council throughout the years, the quality and commitment of the people who served on the Council was superior. These people were volunteers, and residents should not expect these good quality volunteers to communicate with them by e-mail or some other high tech method. E-mail and cell phones couldn't replace the amount of time these volunteers on the Council, Planning Commission and ASCC put in. You could not get the quality of volunteers to serve on these committees unless they loved this Town and wanted to serve the public in the very best way they could. When he spoke to kids and distributed copies of the constitution, he always stated that democracy was something that worked. To make it work, the people of the country had to work at democracy. You couldn't take it for granted. To suddenly turn up at a meeting and expect things to radically change was unrealistic. It was wonderful that all the residents turned out. The Town was blessed with a paper like *The Almanac* that reported thoroughly on many things. But, it could not cover the many meetings that took place. It was important that the public turn out and express their views.

Danna Breen, ASCC and BEET Committee, suggested the Council refer the issue to a working group consisting of members of the ASCC, Planning Commission, BEET and others who were interested in sustainable building to see what the implications were of having a basement. It was great to finally hear some suggestions, and these people in the audience should be called on to put some of their suggestions to use.

Mayor Derwin closed the public hearing.

Councilmember Driscoll said the Council was an imperfect body that consisted of volunteers. Sometimes the Council did not communicate as well as it could, and the Town was working on improving communication. What triggered this ordinance was a proposal to build a house with a 15,000 sf basement.

That represented over 1,000 truckloads of fill that would be off hauled. There should be some allowable room for a basement, but that was too big. He was encouraged by the common ground he heard. With the riparian corridor/creek setback issue, the Town took that up because people were putting in big stone ripraps and pushing the erosion to the other side of the creek. The Town came up with a good plan to address the problems. Once people started learning about it, people who were new to the process came forward. The Town stopped and decided to bring all these people into the process and rework the issue with new public involvement. The end result was a creek setback ordinance that was much more widely accepted because everyone contributed; there was virtually no opposition. He thought this issue should be "creeked." Since a lot of people were now interested, it made sense to send this back to the Planning Commission, have some more hearings, and hear some more concerns. He had spoken to a dozen people about this ordinance and had yet to find someone who was actually impacted. The only person he spoke to who might be impacted was a spec homebuilder who wanted to maximize his house. Nevertheless, he wanted to capture all the opinions of the people. On the question of whether this was something that should be put to a vote, he said he generally did not believe in government by initiative.

Councilmember Merk concurred. He said the comment had been made that basements reduced the bulk above ground. That was not true in Portola Valley because houses were built to 1-2 feet below the maximum square footages allowed. It had also been said that if a huge project came in, the ASCC should be able to put its foot down. The ASCC and the Planning Commission could not put their foot down unless there were numeric limits. Additionally, the average size basement in the projects that were coming in was 1,650 sf. That was about the size of the Schoolhouse room. He thought the ordinance needed to go back to the Planning Commission for more public input. He hoped the result would be the same as it was for the creek setbacks. He said he had an issue with the fact that the first 20% was exempt, but if you had 21%, it all counted. He agreed the first 20% should be free but was not locked into 20% as a number. Whatever percentage it was, that was free. When you went over it, it should affect what went on above ground. He suggested exempting spaces like mechanical rooms, spaces for electronic equipment, or spaces for equipment that was producing sustainable or renewable energy such as geo thermal equipment. The words "excessive belowground development" also needed to be looked at and come up with a definition of what that meant. He thought it should be sent back for further discussion.

Councilmember Wengert said she had been on the Planning Commission until last month. She had tremendous familiarity with all the work that went into the ordinance. The work of the Planning Commission had been terrific, and she was somewhat reluctant to send it back to them. The issues raised today were bigger issues. She agreed with a number of the comments about opening up the bigger issue of floor ratios. That was coming in the not too distant future vis-à-vis all the environmental concerns. Legislation would be determined for the Town if the Town didn't get ahead of it. She agreed it needed to be re-crafted. The petition set a very different tone and one what was a little negative and potentially divisive. What she heard tonight was terrific and productive. While it would have been nice to have it two years ago, she was delighted that it had started. She would also like to figure out how to engage people in the same way that took place for Resolution 500, the creek setbacks, and Sausal Creek. She supported opening it up to a broader group rather than sending it back to the Planning Commission. She thought an advisory group similar to the Sausal Creek committee might be more appropriate. That would open up the dialogue and very quickly dovetail with the work of the BEET committee.

Mayor Derwin said she wanted to harness the energy in the room and form a working group. She did not support sending it back to the Planning Commission. She hoped volunteers from the room with a couple of councilmembers, planning commissioners and ASCC members could figure this one out. She was also interested in tying in basements and square footage to carbon neutral footprints.

Commissioner Zaffaroni felt a broader group would be more productive. She was not an expert on energy conservation, and comments on that had been somewhat contradictory. The Climate Change Task Force or BEET group had more expertise in this area. At the beginning of developing the ordinance, energy

conservation was not at the forefront. She wanted to see broader expertise brought to bear rather than the Planning Commission alone.

Commissioner McKitterick said there were people opposed to any form of restriction. He thought there were bigger, more important and less controversial issues that the Planning Commission was working on right now such as the green building guidelines. He would hate to see this issue on which there was so much polarization distract the Commission from that.

Councilmember Driscoll said he could support forming a larger group. He just didn't want to have to create a whole structure for public hearings. He thought the Planning Commission could form the larger group. The alternative was for the Mayor to appoint an ad hoc committee. Councilmember Merk said he felt that would be easier on the Planning Commission.

Mayor Derwin suggested that interested parties e-mail or call the Town Administrator. Councilmember Driscoll noted that the Sausal Creek group met 4-5 times, and a long-term commitment was not envisioned for this group. Ms. Howard said the committee could be appointed at the next meeting. A resident suggested that someone be on the committee who understood the positive environmental impacts of basements over 30-40 years.

Councilmember Merk thanked Mr. Lane for his comments. He said a number of people complained to the Council that they didn't know what was going on. The Town tried to get the word out. Because "the price of liberty was eternal vigilance," people had to take a few minutes out of their day and pay attention to what was going on. Notices were posted in a number of places, people could check *The Almanac* or the website, or read the newsletter. It was incumbent on people to choose what information they would look at. He moved not to adopt the ordinance. Councilmember Driscoll seconded the motion, and the motion carried 4-0.

(8) First Reading of Title, Waive Further Reading, and Introduction of an Ordinance Amending Chapter 10.72 [Construction Traffic Road Fees] to Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code

Ms. Sloan reviewed her memo of 1/2/08 on the revised construction traffic road fees ordinance.

Responding to Councilmember Driscoll, Ms. McDougall said the Measure 1B funds would amount to a total of \$400,000 and would augment the Town's road budget. She added that the subcommittee was still obtaining information on allowed uses of the funds. Responding to Councilmember Merk, Ms. Sloan said by the time the ordinance was effective, the subcommittee should have completed its work, and the Council could discuss the fees and the method for distribution.

Referring to Section 10.72.070, Councilmember Merk asked how the Town would know if the fees paid to the Town were expended. Ms. Howard said if someone paid the road fee, it would be the last money added to the pot. Unless 1.3 million was spent, the money would be refunded. Ms. Sloan said there could be a six-month delay. The issue Councilmember Toben raised was with the old language that referenced fees being "committed." He felt that was vague, and it had been changed to "expended." It was possible that the money would have been spent, but highly unlikely. Councilmember Merk said that was unfair to the person who paid the fee and the permit was cancelled or voided. He did not see how you could track if the money was spent. Ms. Sloan noted that the subcommittee was still working on a method for distributing the funds. The ordinance language might have to be clarified or modified later as a result of the subcommittee's recommendations. Responding to Councilmember Wengert, Ms. Howard confirmed that currently, the fees were kept track of on a spreadsheet for each street in Town.

Councilmember Merk moved first reading by title, waive further reading and introduction of an Ordinance

Amending chapter 10.72 [Construction Traffic Road Fees] to Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code. Councilmember Wengert seconded, and the motion carried 4-0.

(9) Agreement to Provide Information Technology Services and Support to Town Hall

Ms. Howard reviewed the staff memo of 1/9/08 and recommendation to retain Two Fish West for IT and website maintenance service. At the next meeting, the firm would be presenting a proposal for the redesign of the entire website.

Councilmember Driscoll said the Town was about to pick up and move to the new facilities. He wanted to make sure there was some wording included in the agreement about the consultant helping transition to the new facility. Ms. Howard said that had been discussed, and it was felt that most of that could be done under the existing scope of service that included 15 hours of service/month. She said she would verify with Ms. Atmar to ensure that was included.

Responding to Councilmember Merk, Ms. Howard said she anticipated using all 15 hours/month initially. The type of work done for the retainer and the extra hours was different. The website work under this agreement would consist of assisting staff when there were technical problems or something new was added. A lot of the work could be done remotely. The initial work would be more labor intensive and require the firm to be on site. After a year, if 15 hours was too much, it could be cut back. Responding to Councilmember Merk, she said staff had not been able to find anyone more suitable that was closer to the Town. Councilmember Driscoll noted that once the Town's systems were configured correctly, the firm would probably only need to make occasional visits. Responding to Councilmember Wengert, Ms. Howard said she would verify that travel costs were included. Responding to Councilmember Wengert, she said how many times on-site visits would be necessary had not been discussed. Councilmember Wengert wanted to make sure the Town would receive all of the on-site time that was needed. Ms. Howard said Ms. Atmar would do what she needed to in order to get the Town up and running. Initially, there would be a lot of hours involved. Responding to Councilmember Merk, she said one of the reasons the Town had servers on site was in case lines went down. She thought the Town would ultimately have data backed up elsewhere.

Councilmember Wengert moved approval of Resolution No. 2376-2008 Approving and Authorizing Execution of an Agreement Between the Town and Two Fish West. Councilmember Merk seconded, and the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(10) Proposed Change to Trails and Paths Committee Charter

Referring to the Committee's memo of 12/12/07, Mayor Derwin said the Committee wanted to reduce the membership number to 9 instead of 10. Councilmember Merk said it was easier to get a quorum with an odd number. Ms. Howard confirmed that the committee currently had nine members and that the Council had suggested that the membership be increased. By motion and second, Council agreed to reduce the membership number to 9 by a vote of 4-0.

(11) Placement of Town Benches on Trails

Mayor Derwin reviewed the Trails and Paths Committee's memo of 12/17/07 recommending that the Town adopt a policy of no memorial or commemorative benches on Town trails.

Councilmember Driscoll said some of the trails were like sidewalks, and some trails wandered through wilderness areas. He did not think benches should be prohibited everywhere. It was reasonable in some

places where benches wouldn't be intrusive on wilderness areas and might be a desirable feature. He suggested the liaison inform the Committee that the Council was not prepared to adopt a policy banning benches; it should be looked at on a case-by-case basis.

Councilmember Merk agreed. He discussed Herb Dengler's bench on Toyon Trail and other benches where people could sit and enjoy the view. He appreciated some benches here and there along the trails. He didn't want bench after bench after bench. If there was a policy, it could indicate how many benches there could be for some distance. "No benches" was too restrictive. Councilmember Wengert agreed. Mayor Derwin noted that there were a total of 8 benches on all of the trails. Ms. Howard confirmed that the policy now was to evaluate requests on a case-by-case basis. Council agreed the current policy should remain and asked the liaison to inform the Committee.

(12) Temporary Moratorium of Replacement Signage on Coalmine Ridge

Referring to the Trails and Paths Committee's memo of 12/17/07, Mayor Derwin said the Committee was frustrated about the on-going vandalism of signs on Coalmine Ridge and wanted to place a temporary moratorium on replacing missing or vandalized signs.

Councilmember Merk said if the Town needed to use a 4" cast iron steel post, four feet into the ground in concrete, that should be put up. He could not support the Committee's recommendation.

Councilmembers discussed possible motives for the vandalism. Mayor Derwin asked that the liaison inform the Committee that the Council wanted to keep replacing the signs.

(13) Status of Town Center Project

Ms. Howard said the community hall was moving along well with interior framing, electrical and fire sprinklers going in. Work also continued on the library. On the playground, new boots would be manufactured and should be received the first week in February; installation should start on the 11<sup>th</sup> with a completion date of the 22<sup>nd</sup>. The playground would be closed for about three weeks. Next week, notice would be placed in *The Almanac*, on the website, the forum, etc. Staff was working on the final bid packages, which would include architectural woodwork, earthwork and grading, asphalt paving for the road, concrete, landscaping and irrigation for the soccer field, tennis and basketball courts, signage, and custom wood floor for the community hall.

(14) Reports from Commission and Committee Liaisons

(a) Community Events Committee

Councilmember Driscoll said he was concerned that the Committee was not following the proper procedures. The Council needed to appoint any new members. Ms. Howard said if there were any committee vacancies, an ad was placed in *The Almanac* in January or February. Councilmember Merk added that the Committee wanted to change their meeting time to the second Wednesday at 8:30 a.m., which would require a change to the charter. Also, the Committee was concerned about new people coming into the Town not having any kind of a welcome. Years ago, a welcome packet had been developed. One problem was getting to the people and the other was finding out who they were. A suggestion was made that in the new website, there could be a link for new residents. Additionally, they planned to hold the Town picnic on June 7, Blues and BBQ on September 14, and the holiday party on November 21. After discussion, Council agreed the date for the holiday party should be between Thanksgiving and Christmas.



(b) Council of Cities Meeting

Mayor Derwin said she and Ms. Howard attended the dinner meeting. Sepi Richardson would be the new Chair for the Council of Cities. Additionally, she said she committed to having a Council of Cities dinner in Town on November 21.

(c) School District

Mayor Derwin said Richard Louv would be speaking at the Priory on January 28.

WRITTEN COMMUNICATIONS

(15) Town Council 12/14/07 Weekly Digest

(a) Weed Abatement

Referring to the memo of 12/13/07 from Ms. McDougall on the Woodside Fire Protection District weed abatement ordinance, Councilmember Merk said he did not feel it was necessary to attend the next District meeting as the issue appeared to be taken care of.

(16) Town Council 12/21/07 Weekly Digest

(a) Comcast Service to Hayfields

Referring to the letter from Comcast dated 12/14/07, Ms. Howard confirmed that Comcast Service to the Hayfields was now available.

(17) Town Council 1/4/08 Weekly Digest

(a) Ethics Training

Referring to Ms. Sloan's memo of 1/3/08 on ethics training for councilmembers, Mayor Derwin said she and Councilmember Merk enjoyed the training last year. Councilmember Merk said he hoped the same group put on the training again. Ms. Howard added that the training could be done on line, and Ms. Hanlon had been asked to find training programs.

CLOSED SESSION

- (18) Conference with Real Property Negotiator  
Government Code § 54956.8  
Property: Town Trail in Portola Glen Subdivision  
Negotiator: Town Attorney  
Under Negotiation: Terms of Easement.

REPORT OUT OF CLOSED SESSION: None to Report.

ADJOURNMENT

The meeting adjourned at 12:15 a.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk