

TOWN COUNCIL MEETING NO. 611, SEPTEMBER 25, 2002

ROLL CALL:

The meeting was called to order by Mayor Davis at 8:03 p.m. Mayor Davis led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers G. Comstock, K. Comstock and Merk, and Mayor Davis  
Absent: Councilmember Driscoll  
Others: Town Attorney Sloan, Town Administrator Howard, Public Works Director Young, Admin. Services Dir. Powell, and Dep. Clerk Hanlon.

ORAL COMMUNICATIONS

Mike Bautista, Canyon Drive, reiterated his comments made during the last two Council meetings on the Council's lack of response to his letters and the damage done to his property because of a neighbor's construction project. He discussed his attempts at arbitration both within and outside of the Town. He said the construction along his property line continued--even during evenings and weekends. He said the Town: 1) knew there was pending arbitration; 2) agreed to participate; 3) had been informed that the construction was not in accordance with the plans; and 4) signed off on the permits. When he asked for help again, he had been told that the Town was no longer involved and that he should sue his neighbor. He discussed the complaint filed against the Town. Michele Bautista discussed her dissatisfaction with the Town's response to the problem. Ms. Sloan noted that a closed session was agendaized to discuss some of these issues.

CONSENT AGENDA

By motion of Councilmember K. Comstock, seconded by Councilmember Merk, the consent agenda item listed below was approved by the following roll call vote:

Ayes: Councilmembers G. Comstock, K. Comstock and Merk, and Mayor Davis  
Noes: None.

- (1) Warrant List of September 25, 2002, in the amount of \$104,119.53.

REGULAR AGENDA

- (2) Minutes of the Town Council Meeting on September 11, 2002 (Removed from Consent Agenda)

Councilmember Merk submitted changes to the minutes of the 9/11/02 meeting. By motion of Councilmember K. Comstock, seconded by Councilmember Merk, the minutes were approved as amended by a vote of 4-0.

- (3) Disposal of Surplus Property (Removed from Consent Agenda)

Referring to Ms. Powell's memo of 9/6/02, Councilmember Merk said he had voted against the purchase of the material that would be replacing the items being surplus. The eight non-ergonomic desks were purchased less than 3 years ago, and some of the bookshelves were brand new. He thought it was pathetic that the Town was spending money in this way and giving away perfectly good property. He would not support the recommendation.

Ms. Powell said three of the eight desks were purchased within the last year and would be put on consignment at RD Furniture--the company that would be doing the modular furniture installation. The other desks were old. The five bookshelves were currently being used to hold plans; part of making the space more efficient was to install different bookshelves which could better hold plans.

Councilmember K. Comstock moved approval of Resolution No. 2017-2002 Approving and Authorizing the Disposition of Surplus Property identified in the staff report of 9/6/02. Mayor Davis seconded the motion. Councilmember G. Comstock said he had not had an opportunity to inspect the items and that he would abstain from voting. Responding to Councilmember G. Comstock, Councilmember Merk confirmed that some of the desks were quite new. After a discussion of how the abstention vote would count, Ms. Howard noted that the new furniture would be installed the first weekend in October. If action on the item was deferred, the old items would need to be moved to the MUR. After further discussion, Mayor Davis called for a vote on Resolution No. 2017-2002, and it carried 3-1. (Merk opposed)

(4) Right-of-Way Tree Trimming Project FY 2002/2003 Phase 1 (Removed from Consent Agenda)

Councilmember G. Comstock said he and his wife had been very disturbed about the tree trimming last year which had been handled in a very insensitive manner--particularly along Westridge Drive. Everything had been sliced off that was within a certain distance of some definable line. He asked how it would be handled this year. Responding, Mr. Young said the contractor, TruGreen, would be working with the citizens who had planted trees/bushes at the property line to shield themselves from the streets. Trimming would only be done in those areas where sight/visibility was impacted or where there were obstructions for fire equipment or UPS trucks. A walk-through had been done, and it had been made clear that the Town would only pay for trimming of items in the right-of-way; anything that was being maintained by a resident would not be touched unless the resident requested trimming. He added that this year's price was considerably less because extensive tree removal was not planned. Councilmember G. Comstock said the problem last year was bough removal; cutting everything within a precisely defined dividing line was absolutely the wrong thing to do. With respect to UPS trucks, he thought the trucks should move to the center of the road to avoid a limb.

Responding to Mayor Davis, he did not think it was necessary to make room for two trucks to pass each other at any given spot on the road.

Councilmember Merk said he shared the concerns; limbs had been just cut off instead of taking it back to the trunk. He noted that a speaker at the Conservation Committee's meeting had expressed a concern about a hybrid oak on Canyon that might be in the right-of-way. With respect to the issue of two trucks passing, he thought the person going up hill should have the right of way; the other vehicle should stop and wait. Additionally, he did not know anything about the competence of TruGreen; which he thought was a lawn care company. In the past, members from the Public Works Committee went on walk-throughs with the tree companies at the time of bidding and met with the crews when the work was done. He thought that might be worth looking into. Responding to Councilmember Merk, Mr. Young confirmed that notices would be sent to residents once the proposal was approved.

Responding to Councilmember G. Comstock, Ms. Howard said the Public Works Committee could be asked to participate. Mr. Young added that he understood that trees were a very sensitive issue in Town; there had been and would be a lot more supervision than there had been previously to ensure the aesthetics of the neighborhood were not changed. He noted that a solution had already been reached for the tree on Canyon. Responding to Councilmember G. Comstock, he confirmed that limbs would be trimmed neatly at the trunk.

With respect to room for trucks to pass on residential streets, Mayor Davis agreed that one of the trucks

should pull over. He also agreed that the trimming that had occurred on Westridge had been totally unsupervised.

By motion of Councilmember K. Comstock, seconded by Councilmember Merk, Resolution No. 2018-2002, Approving the September 17, 2002, Proposal by TruGreen Landcare for 2002/2003 Phase 1 Annual Right-of-Way Tree Trimming Program was approved by a vote of 4-0.

(5) Discussion of Noise Ordinance

Ms. Sloan reviewed her memo of 9/20/02 on ways to amend the Noise Control Ordinance to eliminate the use of chain saws on weekends.

Councilmember Merk said he supported option #1 to include chain saws in the definition of construction activities. That would: 1) prohibit their use on weekends, except by a resident; and 2) stop a company from working on the weekend. Councilmember K. Comstock and Mayor Davis agreed.

Councilmember G. Comstock suggested that "closely related persons" should be included--providing the resident was present as well. This would allow his son, who was a non-resident, to do chain saw work on his property.

After discussing Section 9.10.030, Ms. Sloan said she felt a reasonable interpretation would allow for help from a resident's family. To clarify the intent, she suggested "...any resident may personally, or with the help of immediate family members, undertake...." Councilmembers agreed. By motion of Councilmember Merk, seconded by Councilmember K. Comstock, Council approved (4-0) option #1 of Ms. Sloan's memo of 9/20/02 with the additional wording for Section 9.10.030.C.

(6) Expenditure of California Law Enforcement Equipment Program, High Technology Grant Funding

Ms. Howard reviewed her memo of 9/17/02 on the Town's contribution to the Sheriff's Records Management System (RMS). As indicated, she recommended the Town contribute \$80,000 of its Law Enforcement Technology Grant to the RMS.

Councilmember Merk moved approval of Resolution No. 2019-2002 Approving and Authorizing the Expenditure of \$80,000 of Law Enforcement Technology Funds as the Town's Contribution to a New Records Management System for the San Mateo County Sheriff's Office. Councilmember K. Comstock seconded, and the motion carried 4-0.

(7) Biennial Notice and Amendments to Conflict of Interest Code

Ms. Sloan reviewed her memo of 9/19/02 on the biennial review of the Conflict of Interest Code and the recommended amendment with respect to the gift prohibition limit in order to comport with State law. Since the memo was prepared, she said she noticed that two new staff positions were not included in the Appendix. She distributed copies of a revised Appendix that included the Director of Administrative Services and the Public Works Director; the Asst. Town Administrator and Town Engineer would remain on the list in case those positions were filled. Responding to Mayor Davis, she said State law required that all designated employees fill out disclosure forms. Beyond that, it was the Town Council's duty to decide what other employees/positions needed to be designated. Responding to Councilmember K. Comstock, she confirmed

that her recommendation was to amend the code to refer to State law with respect to the gift prohibition limit so that the Town would always comply with the most recent limit without having to continuously amend the ordinance. She did feel, however, that it was appropriate to review the designated employees list every two years. Responding to Councilmember G. Comstock, she said the forms required listing income from business entities that did business within the Town's jurisdiction.

Councilmember G. Comstock moved first reading by title, waive further reading, and introduction of Ordinance No. 2002-\_\_\_\_ Amending Chapter 2.36 (Conflicts of Interest) of Title 2 (Administration and Personnel) of the Municipal Code. Councilmember K. Comstock seconded, and the motion carried 4-0.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (8) Polystyrene Take-out Containers at Local Food Establishments

Ms. Powell reviewed her memo of 9/13/02 and options that the Council could pursue with respect to polystyrene take-out food containers. She said staff's recommendation was to enter into an agreement with Environmental Planning Consultants to provide technical assistance to local food establishments on reducing their overall wastestream.

Councilmember K. Comstock agreed that there were bigger issues involved than just banning polystyrene containers. He supported working in a cooperative manner with the local commercial establishments to identify components of their wastestream and other issues. Mayor Davis noted that the recommendation would not preclude banning polystyrene containers in the future.

Councilmember G. Comstock agreed there should be consultation with the local merchants in hopes of getting every degree of reasonable improvement--including the polystyrene issue which might be a small percentage of the wastestream.

Councilmember Merk noted that paying \$1,800 for an environmental planning consultant would be the same as paying the price differential for 12,000 food containers that were more environmentally friendly alternatives to polystyrene. When paying \$4-6 for a sandwich, he did not think that 15 cents more for the container would be a serious burden. His preference would be to adopt an ordinance prohibiting the use of polystyrene but not if it put up a wall between staff and the merchants and prevented MOUs, etc. Banning polystyrene could occur at a later date.

Councilmember K. Comstock moved approval of staff's recommendation to enter into an agreement with Environmental Planning Consultants to provide technical assistance to local food establishments. Councilmember G. Comstock seconded, and the motion carried 4-0. Mayor Davis asked that the sentiment of the Council be conveyed to the consultant.

##### (9) Signage/Banner Policy

Ms. Howard reviewed Ms. Lambert's memo of 9/17/02 on the revised signage/banner policy, noting that suggestions from the staff and ASCC had been incorporated into the policy.

Referring to item #4 of the policy, Councilmember Merk suggested rewording to indicate "...sign/banner shall be 3'x10'." That size would fit the existing sockets for the posts, etc., in front of Town Hall.

Councilmember G. Comstock said there was nothing in the phrase "Signage/Banner Policy" that suggested it

was for an event-oriented kind of thing. He thought the name of the policy and an introductory sentence should emphasize that these were for events. He suggested "Public Event Signage/Banner Policy."

Councilmember K. Comstock noted that the policy addressed what was allowed; everything else was not allowed. Councilmember Merk suggested "...Events..." because it talked about different types of events. He also questioned whether the word "Public" was necessary.

After discussion, Council agreed (4-0) on "Public Events Signage/Banner Policy" and changing item #4 to read "...sign/banner shall be 3'x10'."

(10) Policy Concerning Rotation of Committee/Commission Chairs

Ms. Powell reviewed her memo of 9/13/02 on the establishment of term limits for Committee Chairs and Vice Chairs. She said the policy differed from the policy adopted by Woodside in two ways: 1) the dates when the Chair and Vice Chair elections took place; and 2) there was a maximum term limit of 5 years in the event a successor could not be found.

Councilmember Merk said this was a serious consideration. He preferred that the full Council be present to discuss it. Mayor Davis agreed. By motion of Councilmember Merk, seconded by Councilmember K. Comstock, the item was tabled until a full Council was present.

(11) Reports from Committee Liaisons

(a) Conservation Committee

Councilmember Merk referred to Danna Breen's e-mail and suggestion to name the next land purchased with Open Space Acquisition Funds "Herb Dengler Preserve" or something similar. He said the Committee felt that just planting a tree for Mr. Dengler was not enough. Responding to Mayor Davis, he said a private memorial service had been held on Monday; Jasper Ridge would be doing a memorial walk for the docents.

While he liked the idea, Councilmember K. Comstock said it could be a number of years before any land was purchased. He suggested naming the grove in front of Town Hall after Mr. Dengler.

Councilmember Merk said the Committee had also discussed whether the Town should hold some kind of event to honor Mr. Dengler. Councilmember K. Comstock thought that could be concurrent with naming a grove or piece of property. Councilmember Merk suggested the planting of the tree on Mr. Dengler's birthday might also be a good time for a memorial gathering.

After discussion, Council asked Councilmember Merk to take the suggestion of naming the grove in front of Town Hall after Mr. Dengler to the Conservation Committee.

b. Parks and Rec Committee

Councilmember K. Comstock said the Committee was very focussed on what the definition of Rossotti's playing field will be; the consultant had conducted his review, and the process was going forward. Once the costs were known, the Committee planned on fundraising. He said he was very encouraged about where the project was going. Councilmember Merk discussed concerns about premature fundraising. Responding

to Mayor Davis, Ms. Powell said Mr. Young anticipated a proposal would be before the Council at the October 23, 2002, meeting.

c. ASCC

Councilmember Merk said the ASCC had prepared a 2-page document called "What to Expect From Design Review" which would help applicants to understand the process. Ms. Howard confirmed the document would be before the Council on October 9.

d. Emergency Services Council

Councilmember Merk said the Emergency Services Council had heard an interesting presentation by the Dept. of Public Health. A report had been compiled for the Board of Supervisors on "Public Health Preparedness for a Biological or Chemical Terrorist Event." He said there was no surge capacity in the medical system in the County or State and no backup capacity. The County would be receiving \$1 million/year for the next 5 years as a result of the Homeland Security Act; that money would increase their staff by 10. Additionally, 1) a two-way radio class would be held October 10 at Town Hall; 2) the schools would be having an emergency exercise on October 24; 3) the Town would have a CERPP exercise on October 26; 4) the Town would conduct a walk-through exercise with the County on November 7; and 5) the County's OES exercise would take place November 14. He said Councilmembers were encouraged to attend. He added that the County had someone who did Public Information Officer training. The Public Information Officer was a very important person as this was the person who disseminated information to the press; he thought the training would be worthwhile.

WRITTEN COMMUNICATIONS

(12) Town Council 9/13/02 Weekly Digest

(a) Town Meeting with Assemblymember Simitian

Referring to Assemblymember Simitian's letter of 9/6/02, Mayor Davis asked if there was any interest in holding a town meeting to discuss issues of common concern. Noting that Assemblymember Simitian was running for re-election, Councilmembers suggested staff work with the local district director to coordinate a meeting after the election.

(b) School Board Logistical Planning

Councilmember Merk said he would attend the Schools' Logistical Planning meetings set forth in Mr. Villareal's letter of 9/11/02.

(c) Establishing Immediate and Long Term Goals for the Town

Responding to Councilmember Merk, Ms. Howard said she would send a thank you letter in response to Bill Lane's letter of 9/12/02.

(13) Town Council 9/20/02 Weekly Digest

(a) County Mosquito Abatement District

September 25, 2002

Referring to the County's letter of 9/12/02, Ms. Howard said Joe Fil's term of office on the Mosquito Abatement District Board would expire on 12/31/02. Attached to that letter was Mr. Fil's letter expressing his

desire to continue his appointment. She said the Council could re-appoint Mr. Fil or post a notice that this position was available. After discussion, Mayor Davis reappointed Mr. Fil to the position through December

31, 2006. By motion of Councilmember Merk, seconded by Councilmember K. Comstock, Council concurred.

(b) Recycled Bicycles

Referring to the RecycleWorks Bike Re-use Event notice, Ms. Powell said GreenWaste would be providing a large container for used bicycles and would haul it to the County's site. Councilmembers agreed it was an excellent program.

CLOSED SESSION

- (14) Conference with Legal Counsel - Anticipated Litigation (Gov. Code Section 54956.9(b))  
Significant Exposure to Litigation: 1 Case  
Claim from Bautistas regarding drainage issues

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

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Mayor

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