

AMENDED

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

April 8, 2008

Independence Hall, 2955 Woodside Road, Woodside

7:30 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

Persons wishing to address the Council on any matter not on the posted agenda are invited to do so. Please note, however, that the Council is not able to undertake extended discussion or to act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. This communication period is limited to five persons, three minutes each. Any additional persons wishing to be heard will be scheduled at the end of Regular Business.

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine and will be approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.

1. Approval of Waiver of Full Reading of Ordinances, per Government Code Section 36934 (**Allows Ordinances to be introduced or adopted by the Town Council without the full ordinance language being read into the record.**)
2. Approval of Minutes: Regular Town Council Meeting of March 11, 2008.
3. Monthly Investment Report for March of 2008.
4. Resolutions: (a) Modifying the Procedure for Payment of Approved Claims by Substituting the Assistant to the Town Manager for the Director of Community Design and Development/Assistant Town Manager as an Authorized Check Signatory and (b) Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Authorized Signatories. Resolutions No. 2008 - ____ and No. 2008 - ____
5. Resolution Modifying the Town's Salary Schedule and Classification Plan. Resolution No. 2008 - ____

NEW BUSINESS

6. Resolution Affirming that the Property Located at 490 Moore Road in the Town of Woodside has a Failed or Failing On-site Septic System and Should be Provided Access to a Public Sewer System. Resolution No. 2008 - ____
7. Resolution Approving Participation in the Cities for Climate Protection Campaign and Authorizing the Town Manager to Enter into an Agreement to Conduct a Greenhouse Gas Emissions Inventory. Resolution No. 2008 - ____
8. Resolution Decreasing the Size of the Town's Bicycle Committee from Seven to Six and Establishing Quorum Requirements. Resolution No. 2008 - ____
9. Adoption of an Ordinance Adding Chapter 98: Regulations Governing the Use of Barkley Field and Park to Title IX of the Woodside Municipal Code. Ordinance No. 2008 - ____
10. Status Report from Ad Hoc Town Council Subcommittee on Cañada College's Proposed Faculty/Staff Housing Project and Council Endorsement of Revised Project Design (note that there is no staff report for this

item).

APPOINTMENTS

11. Report and Recommendation from the Town Council Committees Appointments Subcommittee: Open Space and Recreation Committees.

REPORTS

12. Mayor and Councilmember Communications.

COMMUNICATIONS

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE TOWN CLERK AT (650) 851-6790. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

PLEASE NOTE THAT PURSUANT TO THE STATE OF CALIFORNIA'S OPEN MEETING RULES, THIS MEETING IS BEING AUDIO TAPED.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 2

From: Janet Koelsch, Town Clerk

April 8, 2008

SUBJECT: MINUTES FOR APPROVAL

The minutes of the Regular Town Council Meeting of March 11, 2008, are attached for review and approval.

Attachment

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

March 11, 2008

Independence Hall, 2955 Woodside Road, Woodside

CALL TO ORDER

Mayor Romines called the Meeting to order at 7:30 P.M.

ROLL CALL

Present: Councilmember Boynton, Burow, Hodges, Mason, Tanner, Mayor Romines
Absent: Councilmember Gordon

Staff Present:

Susan George, Town Manager
Jean Savaree, Town Attorney
Matt Francois, Consulting Attorney
Hope Sullivan, Director of Community Design and Development/Assistant Town Manager
Paul Nagengast, Town Engineer
Kevin Bryant, Assistant to the Town Manager
Janet Koelsch, Town Clerk

PLEDGE OF ALLEGIANCE

Mary Zvirblis, Martinez Road, led the Pledge of Allegiance.

COMMUNICATIONS

Susan Goetz, Branch Manager of the Woodside, Portola Valley and Atherton Libraries, presented the Council with the *San Mateo County Library 2006-2007 Annual Report* and pointed out the increased usage of the services of the Woodside Library.

ACKNOWLEDGEMENTS

Mayor Romines presented Susan George with a Proclamation In Recognition of Her Fifteenth Anniversary as Town Manager.

Noting how quickly her 15 years as Town Manager have passed, Ms. George thanked the Council, residents and staff for their support.

CONSENT CALENDAR

1. Approval of Waiver of Full Reading of Ordinances, per Government Code Section 36934.
3. Resolution Decreasing the Size of the Town's Livestock Committee from Ten to Seven and Establishing Quorum Requirements. Resolution No. 2008 - 6673
4. Approval of Minutes: Regular Town Council Meetings of January 8, and February 26, 2008.
5. Monthly Investment Report for February of 2008.
6. Resolution Approving Modifications to the "Handbook for Members of the Planning Commission, Architectural and Site Review Board, and Citizen Advisory Committees." Resolution No. 2008 - 6674
7. Monthly Financial Report for February, 2008.
8. Resolution Denying the Claim of Deborah Weil. Resolution No. 2008 - 6675
9. Consideration of a Request for Approval of a Deviation from the Town's Private Wastewater Disposal Regulations, Pursuant to Woodside Municipal

Code Section 51.032, for the Property at 1700 Fernside Street (Lovazzano -APN 069-044-170).

- 10. Resolution Consenting to San Mateo County Health Officer Enforcement Within the Town of Health Officer Orders Promulgated Pursuant to Statute Regulation. Resolution No. 2008 - 6676**

Councilmember Mason requested that Item 2 be removed from the Consent Calendar.

Councilmember Boynton moved approval of Items 1, 3, 4, 5, 6, 7, 8, 9 and 10 of the Consent Calendar.

Motion seconded by Councilmember Mason and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: Councilmember Gordon

- 2. Resolution Decreasing the Size of the Town's Bicycle Committee from Seven to Six and Establishing Quorum Requirements.**

Councilmember Mason requested that the Bicycle Committee's size and quorum requirements be considered at the same time the Committee's request to change its charter is agendized.

Ms. George provided the background for the request pointing out that presently all four of the current committee members must attend the meeting to constitute a quorum. She added that the proposed membership decrease was a stop gap measure to allow the committee to proceed with regular business.

The Council discussed the importance of having the Bicycle Committee chair and Town Council liaison present for the discussion.

There was no public comment.

Councilmember Mason moved that the Resolution Decreasing the Size of the Town's Bicycle Committee from Seven to Six and Establishing Quorum Requirements be agendized for the next Council Meeting which the committee liaison and committee chair are available to attend.

Motion seconded by Councilmember Tanner and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: Councilmember Gordon

NEW BUSINESS

- 11. Review of Final Environmental Impact Report (FEIR) for the Huddart-Wunderlich Parks Master Plan and Approval of a Town Position on the FEIR and Master Plan for Transmission to the San Mateo County Board of Supervisors.**

Ms. George introduced Matt Francois, Consulting Attorney, representing the Town.

Ms. George recommended that the Town retain its previously stated position, noting that most of the larger, overriding concerns previously conveyed to the County had not been addressed. She pointed out difficulties involved with monitoring the progress of the multitude of projects proposed in the Master Plan and expressed concern as to whether the Town would receive timely notification of the various 5, 10, and 20-year time horizons within the Master Plan. Ms. George acquainted the Council with the development of the San Mateo County Trails Master Plan Working Committee, advising that it will soon review proposed new trails in anticipation of a public hearing in July 2008. She detailed concerns with the proposed prohibition of in-stream horse crossings and the

indication in the Master Plan that the Town would build bridges for stream crossings. Ms. George stated that she would compose a letter to the Board of Supervisors conveying the Town's position and testify at the Board hearing on certification of the Final Environmental Impact Report (FEIR). She confirmed that the Board of Supervisors has the latitude to make modifications to the FEIR and the Master Plan if it determines that a body of information has not been adequately considered or addressed.

Mr. Francois added that the Town should make clear which comments are addressed to the EIR and which to policy matters. He explained the CEQA standard which requires the County to look at any reasonably foreseeable consequences of the Master Plan which might change the scope of the impacts.

Jon Kepecs, Moore Road, questioned if the Town could litigate against the County.

Mr. Francois explained possible litigation techniques. He noted that, although the County would be proceeding at risk, it could move forward with the EIR and Master Plan despite threat of a law suit.

Susan Lang, Hardwick Road, commended the staff on a thorough review of the complicated document. She discussed the document's internal inconsistencies and the areas of deferred environmental review, including the newly proposed Zwierlein facility, the increased parking fees at Huddart and Wunderlich Parks, and the lack of proposed environmental review for new trails. Ms. Lang reiterated the need for the Master Plan to list preservation of the Chinese walls built in Wunderlich Park in the 1800s. She pointed out the need to establish a Sudden Oak Death task force. Ms. Lang pointed out the low percentage of projects completed from the previous 20-year Master Plan and speculated that this was the reason for proposing deferred environmental impact review.

Donna Poy, Woodside Road, expressed concern with the impact on the neighboring properties of the proposed installation of night lighting in the Wunderlich Park arena. She expressed disappointment that there was no access to a community arena for Woodside equestrians.

Patricia Soffel, Moore Road, read a letter from Eldona Hamel, Mountain Home Road, encouraging the County to retain Huddart and Wunderlich Parks for hiking and equestrian use and to consider the impact on the surrounding areas of adding bicycle usage at the parks.

Bob Susk, Greer Road, legal counsel for Greer Road resident, Elizabeth Flood, described the impacts created by Huddart Park on the neighboring Flood property and opined that the Town has the power and responsibility to make sure that neighbors are not infringing on the rights of each other. He complained about the County's lack of adequate notice of the FEIR to the neighbors. Mr. Susk noted the repeated indication in the Master Plan of the Flood property trail as public access and Greer Road as a secondary park access. Mr. Susk opined that the County was trying to steam roll the project and encouraged the Council to take action on the adequacy of the EIR and to investigate the Town's police powers to protect the rights of the citizens from overburdened streets.

Rick DeBenedetti, Portola Road, noted that there were no comments from Midpeninsula Regional Open Space District or California Water Service regarding the portion of Huddart Park on the south side of Kings Mountain Road which abuts Teague Hill and suggested contacting those agencies for information.

Ms. George recommended that Councilmembers contact members of the Board of Supervisors to articulate the Town's position prior to the April 8th meeting. She noted that the broader issues are the parts of the EIR where the County has done an inadequate job.

The Council discussed prioritizing the Town's main concerns and rewriting parts of the document that are inconsistent, performing an engineering review of Greer Road, investigating the impact of converting the road to a private road, assessing the cumulative impacts of the Master Plan with regard to traffic,

noise, impacts on adjacent properties, and in-stream trail crossing issues, and requesting participation on the Blue Ribbon Committee.

Mr. Nagengast stated that staff would review the Greer Road issues and report back on limiting the use of the road.

Ms. George pointed out that the California Vehicle Code lays out regulations for road usage.

Bob Falkenberg, Marva Oaks Drive, questioned whether the Town could impose a road impact fee for heavy vehicles.

Ms. George explained that state law requires that the Town show a nexus between usage and damage to the roadway.

Vicki Coe, Greer Road, requested that the Town encourage the Parks Department to keep the Huddart Park gate on Greer Road locked.

Ms. George concluded that the Town should hone in on the top four or five priorities and make the case that the EIR cannot be certified because it is flawed. Ms. George confirmed that staff would provide separate comments on the Master Plan and on the FEIR.

Councilmembers Boynton and Hodges volunteered to work with staff on a subcommittee to establish the Town's position.

12. Introduction of an Ordinance Adding Chapter 98: Regulations Governing the Use of Barkley Field and Park to Title IX of the Woodside Municipal Code.

Mr. Bryant provided the Council with the background for the proposed ordinance noting that codifying the regulations in the Municipal Code is the best way to comply with the requirements of the use permit and the agreement with the donor.

There was no public comment.

The Council discussed issues of park usage by youth leagues, regulations for use and tournament play.

Ms. George pointed out that after two years of park operation, the Planning Commission will review the conditional use permit and noted that the Woodhill Homeowners Association has indicated that regulations could lighten in view of a good record.

Councilmember Boynton moved introduction of an Ordinance Adding Chapter 98: Regulations Governing the Use of Barkley Field and Park to Title IX of the Woodside Municipal Code.

Motion seconded by Councilmember Burow and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: Councilmember Gordon

13. 2008-10 Annual Roads Program and Project Funding.

Ms. George noted that the suggested funding for the two fiscal years totaled almost \$3.3 million, including an annual General Fund contribution of \$500,000. She added that \$60,000 was included for the Kings Mountain Road slide repair and \$70,000 for Old La Honda Road maintenance. Ms. George pointed out that \$400,000 would be received from Proposition 1B Project funds, explaining that the plan was to allocate these funds to roads that are not eligible for other State or Federal grant funds. Ms. George confirmed that staff would provide the details for use of the Proposition 1B funding during the June budget discussions.

Mike White, Old La Honda Road, thanked the Council, on behalf of the Old La Honda Road Homeowners Association, for its continuing support of road maintenance.

Councilmember Hodges moved preliminary adoption of the recommendations included in the 2008-10 Annual Roads Program and Project Funding Proposals report.

Motion seconded by Councilmember Burow and carried by voice vote.

14. Status Report from Ad Hoc Town Council Subcommittee on Cañada College's Proposed Faculty/Staff Housing Project.

Ms. Sullivan reported that, in a meeting last week, the Council Subcommittee advised the representatives of Cañada College that the Town is supportive of the housing project. She continued that representatives of Cañada College were receptive to discussing the design of the project and agreed to provide optional concepts for a meeting later in the week.

There was no public comment.

REPORTS

15. Mayor and Councilmember Communications.

COMMUNICATIONS

Ms. George advised the Council that the March 25th Meeting would be cancelled.

ADJOURNMENT

The Meeting was adjourned at 9:55 P.M.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 3

Prepared by: Kevin Bryant, Assistant to the Town Manager

April 8, 2008

Approved by: Susan George, Town Manager

SUBJECT: MONTHLY INVESTMENT REPORT FOR THE MONTH OF MARCH, 2008

RECOMMENDATION

It is recommended that the Town Council review and accept this report.

DISCUSSION

The Town Treasurer (whose duties have been delegated to the Town Manager) is required by State law to report to the Town Council on the investment activities of the Town. This report has been prepared in accordance with that requirement.

The Town only receives investment income from the Local Agency Investment Fund (LAIF), which is managed and administered by the State of California's Treasurer. This investment income is received on a quarterly basis, for the quarters ending March 31st, June 30th, September 30th, and December 31st. The Town receives an investment income statement and the cash from the State in the month following the end of the involved quarter. Thus, such revenue is actually received in July, October, January, and April. The July receipt is recognized on an accrual basis as June revenue for the previous fiscal year. Thus, to date in 2007-08, two quarters' interest has been received.

	Month	Interest Rate	QTD	FYTD
July	-			
August	-			
September	-			
Quarter Total			-	-
October	112,818.15	5.24%		
November	-			
December	-			
Quarter Total			112,818.15	112,818.15
January	94,107.12	4.96%		
February	-			
March	-			
Quarter Total			94,107.12	206,925.27
April				
May	-			
June	-			
Quarter Total			-	206,925.27
Total	\$ 206,925.27		\$ 206,925.27	\$ 206,925.27

CONCLUSION

This report is provided to the Town Council each month to meet State reporting requirements.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 4

From: Susan George, Town Manager

April 8, 2008

SUBJECT: RESOLUTIONS (A) MODIFYING THE PROCEDURE FOR PAYMENT OF APPROVED CLAIMS BY SUBSTITUTING THE ASSISTANT TO THE TOWN MANAGER FOR THE DIRECTOR OF COMMUNITY DESIGN AND DEVELOPMENT/ASSISTANT TOWN MANAGER AS AN AUTHORIZED CHECK SIGNATORY AND (B) AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND DESIGNATING AUTHORIZED SIGNATORIES

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolutions, which: (a) modifies the procedure for the payment of approved claims by substituting the Assistant to the Town Manager for the Director of Community Design and Development/Assistant Town Manager as an authorized check signatory and (b) authorizes the Town's investment in the Local Agency Investment Fund (LAIF) and designates authorized LAIF account signatories.

DISCUSSION

The Town Council has from time to time approved a procedure for paying approved claims against the Town. The most recent procedure was adopted in August of 1993, and was modified as to approved signatories in 1995, June of 1997, September of 1997, and, most recently, in December of 2007. The 2007 action substituted the Director of Community Design and Development for the Town Engineer. There are three authorized signatories: the Town Manager, Town Clerk, and the Director of Community Design and Development. Checks or wire transfers for approved claims for \$5,000 or more require two of the three signatures.

Since the Town Council's last action, the position of Assistant to the Town Manager has been filled. The incumbent of that position has responsibility for many of the aspects of the Town's finances and a broader knowledge of the Town's budget and fiscal operations than does the Director of Community Design and Development. It would be appropriate for the Assistant to the Town Manager position to be added as the third authorized signatory in place of the Director of Community Design and Development. The adoption of the first of two attached resolutions would accomplish this substitution. The Town must also formally indicate which members of the staff are authorized to order the deposit or withdrawal of funds from the Local Agency Investment Fund (LAIF). It is appropriate for the same three individuals who have check signatory authorization to be designated as authorized LAIF agents, as well. The second of the two attached resolutions accomplishes this.

CONCLUSION

Given the change in the staffing structure and the financial responsibilities assigned to the new Assistant to the Town Manager, the proposed substitution of that position for the Director of Community Design and Development for purposes of overseeing the Town's cash management functions is appropriate.

Attachments

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
MODIFYING THE PROCEDURE FOR PAYMENT OF APPROVED CLAIMS BY SUBSTITUTING
THE ASSISTANT TO THE TOWN MANAGER FOR THE DIRECTOR OF COMMUNITY DESIGN
AND DEVELOPMENT/ASSISTANT TOWN MANAGER AS AN AUTHORIZED CHECK SIGNATORY

RESOLVED, by the Council of the Town of Woodside, that:

WHEREAS, on August 10, 1993, the Town Council approved Resolution 1993-4890 which established a procedure for the payment of approved claims; and

WHEREAS, that procedure requires update from time to time to reflect changes in staffing and organization; and

WHEREAS, the latest update was approved by the Town Council through Resolution 2007-6661 on December 11, 2007, designating the authorized check signatories as the Town Manager, Town Clerk, and Director of Community Design and Development/Assistant Town Manager; and

WHEREAS, the Town has recently filled the newly created position of Assistant to the Town Manager, which position has broad financial management responsibilities; and

WHEREAS, it would be appropriate for the incumbent of the position of Assistant to the Town Manager to be authorized to undertake key financial activities.

NOW, THEREFORE, IT IS ORDERED:

That the Assistant to the Town Manager be substituted for the Director of Community Design and Development/Assistant Town Manager as the third authorized signatory for checks drawn for approved claims.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of April, 2008, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
cksign0408

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Town Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein are in the best interests of the Town of Woodside.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Woodside does hereby authorize the deposit and withdrawal of Town of Woodside monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Town of Woodside officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Susan E. George
Town Manager

Kevin A. Bryant
Assistant to the Town
Manager

Janet G. Koelsch
Town Clerk

(Signature)

(Signature)

(Signature)

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8^h day of April 2008, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ATTEST:

Mayor of the Town of Woodside

Clerk of the Town of Woodside

LAIFAuthorization2008

Town of Woodside
P.O. Box 620005
Woodside, CA 94062
650 851-6790

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 5

From: Susan George, Town Manager

April 8, 2008

SUBJECT: RESOLUTION MODIFYING THE TOWN'S SALARY SCHEDULE AND CLASSIFICATION PLAN

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, which modifies the Town's Salary Schedule and Classification Plan by reauthorizing Administrative Leave Banks for certain Town employees.

DISCUSSION

Beginning in July of 1996, the Town Council authorized the Town Manager to grant certain employees Administrative Leave Banks, in recognition of the fact that these employees are required to attend afterhours meetings in addition to their normal work schedules. These employees are not eligible for overtime or other compensatory time because they are exempt employees under the Fair Labor Standards Act (FLSA). The Administrative Leave is not intended to provide relief for all afterhours worked and is thus not granted on an hour-for-hour worked basis. The original authority provided to the Town Manager covered the positions of Town Engineer, Planning Director, and Senior Civil Engineer.

In the ensuing years, the Town Council has approved the addition and/or reclassification of several positions in the Town's Salary Schedule and Classification Plan, including the Development Services Engineer and the Assistant to the Town Manager. Administrative Leave has been granted to these positions because of the nature of their work schedules. Additionally, the Town Clerk's position was reclassified a number of years ago and is now an exempt employee for purposes of the FLSA and receives no overtime for all the afterhours time she works. It would be appropriate for the Town Clerk to receive recognition of these hours through the granting of Administrative Leave.

The original authority for the Administrative Leave Banks was granted through Resolution No. 1996-5069. The resolution did not incorporate the authorization of Administrative Leave into the Town's Salary Schedule and Classification Plan. In order to correct this, the Salary Schedule and Classification Plan has been modified to indicate which positions are eligible for this leave. The original resolution included language to indicate that the granting of this leave would be "administratively determined and managed by the Town Manager" and this language has been included in the attached resolution.

CONCLUSION

In order to memorialize the actual practice that the Town has developed vis-à-vis Administrative Leave, adoption of the attached resolution is appropriate.

RESOLUTION NO. 2008 -

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
MODIFYING THE TOWN'S SALARY SCHEDULE AND CLASSIFICATION PLAN**

WHEREAS, Woodside Municipal Code Section 31.20 (E) provides that the Town Manager shall recommend to the Town Council for adoption such measures and ordinances as she deems necessary or expedient; and

WHEREAS, the Town Manager has recently determined that the authority to grant Administrative Leave to certain Town employees should be memorialized within the Town's Salary Schedule and Classification Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that the Salary Schedule and Classification Plan attached hereto as Exhibit "A" is hereby approved and adopted.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of April 2008, by the following vote of the members thereof:

- AYES, and in favor thereof, Councilmembers:
- NOES, Councilmembers:
- ABSENT, Councilmembers:
- ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside

SAL08040808SPECIAL

TOWN OF WOODSIDE

RESOLUTION NO. 2008 -

Exhibit "A" (page 1 of 2)

SCHEDULE OF MONTHLY SALARY RANGES AND STEPS

	<u>Range</u>	<u>Steps</u> (and minimum time of service between steps)							
		6 mos.	12 mos.	12 mos.	12 mos.				
		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>P-1</u>	<u>P-2</u>	<u>P-3</u>
Professional	100	9791	10306	10849	11422	12022	12654	13317	14017
	101	8004	8677	8963	9485	10029	10532	11060	11613
	102	7446	8071	8337	8823	9330	9798	10287	10802
	105	6202	6561	6978	7367	7753	8143	8548	8975
	108	5419	5756	6094	6433	6771	7108	7463	7839
	110	4744	5042	5340	5635	5933	6228	6539	6867
Technical	201	6055	6373	6710	7043	7398	7769	8157	8565
	202	5931	6244	6570	6900	7246	7608	7990	8390
	207	5449	5735	6038	6339	6659	6993	7341	7708
	209	4044	4356	4722	4958	5206	5466	5740	6027
Administrative	300	5545	5896	6241	6587	6938	7286	7648	8059
	302	4150	4410	4670	4926	5190	5450	5722	6008
	303	3962	4205	4461	4706	4957	5205	5465	5738
	304	3906	4146	4397	4639	4886	5131	5387	5657
	306	3527	3744	3967	4185	4405	4626	4857	5100
Hourly	403	Laborer	14.70 - 25.00						
	405	Clerk Typist	12.00 - 35.00						
	407	Intern	12.00 - 25.00						

Classification Plan

<u>Position</u>	<u>Number of Positions</u>	<u>Range</u>
Town Manager	1.0	(no range)
Asst. Town Manager/Director of Community Design and Devt. (7)	1.0	100
Town Engineer (7)	1.0	100
Assistant Town Manager (6) (7)	1.0	101
Development Services Engineer (7)	1.0	101
Senior Civil Engineer (7)	1.0	102
Associate Planner (3)	2.0	108
Deputy Building Official (5)	2.0	201
Supervising Maintenance Worker (1)	1.0	202
Sr. Maintenance Worker (2)	1.0	207
Maintenance Worker (2)	1.0	209
Town Clerk (7)	1.0	300
Senior Project Manager	1.0	302
Project Manager	3.0	303
Community Preservation Officer	1.0	303
Administrative Technician (4)	<u>2.0</u>	306
Total	21.0	

- (1) Subject to emergency call-back pay at two times base rate and to 5% work-out-of-class differential
- (2) Subject to emergency call-back pay at two times base rate
- (3) Alternately Classified as Assistant Planner, Range 110, and Principal Planner, Range 102
- (4) Alternately Classified as Accounting Office Assistant/Deputy Town Clerk, Range 304
- (5) Alternately Classified as Plan Checker/Building Inspector, Range 207
- (6) Alternately Classified as Assistant to the Town Manager, Range 105, and Management Analyst, Range 110
- (7) Eligible for Administrative Leave, to be administratively determined and managed by the Town Manager

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 6
April 8, 2008

SUBJECT: RESOLUTION AFFIRMING THAT THE PROPERTY LOCATED AT 490 MOORE ROAD IN THE TOWN OF WOODSIDE HAS A FAILED OR FAILING ON-SITE SEPTIC SYSTEM AND SHOULD BE PROVIDED ACCESS TO A PUBLIC SEWER SYSTEM

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, which affirms that the property located at 490 Moore Road in the Town of Woodside has a failed or failing on-site septic system and should be provided access to a public sewer system.

BACKGROUND

The property at 490 Moore Road has been the subject of Town Council discussion on several occasions in the past:

- ☑ In March of 2006, the Town Council adopted a resolution approving the annexation of the property into the Fair Oaks Sewer Maintenance District (FOSMD), which is managed by the County of San Mateo. Because of landslides on the property, the on-site septic system had ceased to properly function and connection to a public sewer system was sought by the property owners. The property did not qualify for a sewer Service Allocation from the Town because it did not meet the criteria included in Woodside Municipal Code Sections 51.120 to 51.128. Because the property is contiguous to the FOSMD Service Area, seeking a connection from the County seemed to be the property owners' best option.
- ☑ In January of 2007, the property owners and their representatives appeared before the Town Council seeking a Sewer Service Allocation from the Town. The County had declined to allow the property to be annexed into the FOSMD, thereby eliminating that connection option. The staff indicated that the Town Council had limited discretion to assist the property owners and that an amendment to those sections of the Municipal Code dealing with Sewer Service Allocation regulations would be required.
- ☑ In March of 2007, the Town Council introduced an ordinance modifying the Sewer Service Allocations by revising the definition of "Contiguous Parcel" and rendering the 490 Moore Road property eligible to request connection capacity from the Town. The ordinance was adopted on April 24, 2007 and went into effect in late May of 2007.

The staff reports from January and March of 2007, without the referenced attachments, are included as **Attachments 1 and 2** to this report. They provide a more thorough summary on the background of the Town's Sewer Service Allocation regulations and on the 490 Moore Road property.

DISCUSSION

Late in 2007, representatives of the property owners contacted Town staff to ask that a request for a Sewer Service Allocation be placed before the Town Council. Pursuant to the regulations, staff asked that proof of the failed/failing nature of the on-site septic system be provided in order for the Town Engineer to determine whether the property qualified for an allocation. Staff also arranged to meet with the appropriate staff members from the Redwood City Public Works Department and the County's Public Works Department. These meetings were necessary to reach agreement on the specifics of an amendment to the Town's three-

party agreement for sewer service with those two agencies. If the 490 Moore Road property owners were granted an allocation from the Town, both Redwood City and the County would have to agree to an amendment to the agreement so that the property could be included in the service area that the agreement governs.

At the time that the ordinance amendment was being developed for Council's consideration in early 2007, Town staff had made an initial inquiry of Redwood City Public Works Department staff about what steps would need to be accomplished to provide public sewer access to the involved property. It was suggested at that juncture that the capacity for the connection would have to come from the Town's Town Center Sewer District, even though the property would not be physically connected to that district. It was also suggested that the Town would have to be responsible for billing the property owners for sewer maintenance fees, even though the Town was not providing any direct service. These requirements were to be the subject of the meetings with the staffs from the two agencies.

Town staff met first with Redwood City staff. During this meeting, which occurred in January of 2008, Redwood City staff suggested a different approach for providing sewer service to 490 Moore Road. Rather than allocating Town Center connection capacity and having the Town bill for services, it was proposed that Redwood City provide the connection capacity and directly bill the property owners for associated fees and charges. The connection would be through the FOSMD, so the County would also require fees for the services of its system. The property owners at 490 Moore Road require an easement across the property of their neighbors, whose property has access to the FOSMD in Eleanor Drive. Both the County and Redwood City would require that the sewer facilities constructed within this easement meet their respective standards. This proposed approach appears to Town staff to be more desirable and it has been pursued with the County and Redwood City. There are many details to be ironed out and a new agreement will need to be drafted for approval of the legislative bodies of all three agencies. The most recent meeting, which was on March 28, 2007, involved all three agencies, along with a representative of the property owners. Additional meetings will be needed before an agreement is ready for public review and approval. The matter will most likely be before the Town Council at one of its May meetings.

Because of the new approach to the provision of sewer service to 490 Moore Road, the property owners no longer need to request a Sewer Service Allocation from the Town Council. The Town Council will, however, need to make a finding that the on-site septic system at 490 Moore Road has either failed or is failing, that there is no reasonable alternative on-site solution, and that access to a public sewer system should be provided. The property owners are desirous of having this finding made at the earliest opportunity.

Included as **Attachment 3** are copies of letters and a report from Applied Earth Sciences Consultants, retained by the property owners at 490 Moore Road to provide an assessment of the on-site septic system and the feasibility of any alternative on-site solutions. The Town Engineer has reviewed these materials and has concluded that they support the required finding.

CONCLUSION

The attached resolution provides the Town Council the vehicle needed for making the needed finding. The property will not be able to connect to the public sewer system until after the agreement has been approved by all three public agencies.

Attachments

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 4

From: Susan George, Town Manager

January 23, 2007

SUBJECT: REQUEST FOR SEWER SERVICE ALLOCATION FOR 490 MOORE ROAD
(DOUGLAS)

RECOMMENDATION

It is recommended that the Town Council consider this report and any public input it receives and provide staff with direction concerning the request of the property owners at 490 Moore Road for a Sewer Service Allocation.

BACKGROUND

The property located at 490 Moore Road is within the municipal corporate boundaries of the Town of Woodside. Because of landslides on the property, the on-site septic system has failed. This property was before the Town Council in March of 2006, at which time the property owners were asking for the Town Council's approval for the annexation of their property into the Fair Oaks Sewer Maintenance District (FOSMD), which is managed by the County of San Mateo. It was acknowledged at that time that the property does not meet the criteria for receiving a Sewer Service Allocation from the Town, pursuant to Municipal Code Sections 51.120 to 51.128. **Attachments 1 and 2** are copies of the staff report and resolution, respectively, from the March 14, 2006 Town Council meeting. **Attachment 3** is a copy of the Town's Sewer Service Allocation Regulations.

In May of 2006, the Town received a letter from the County's Director of Public Works, which is included as **Attachment 4**. The letter indicates that the FOSMD is unable to provide the requested sewer service to the property at 490 Moore Road because of its 1985 agreement with Redwood City governing the transmission, treatment, and disposal of the District's sewage. The agreement covers properties within a defined FOSMD service area. The Public Works Director concludes that in order to serve the property at 490 Moore Road, the agreement between the FOSMD and Redwood City would need to be amended and that he does not believe it is the District's responsibility to pursue such an amendment for the benefit of this property. The letter concludes with a suggestion that the Town provide sewer service/capacity through its own Town Center Sewer District.

In the ensuing months, the Town Manager and Town Engineer have met with the property owners and their representatives, as well as with staff from both Redwood City and the County/District. The next sections of this report provide a brief overview of the Town's sewer systems and regulations and a summary of the current status of discussions between and among the various involved parties.

DISCUSSION**Town Sewer System and Sewer Services Allocation Regulations**

The Town has two sewer assessment districts, which were formed by the Town using the State's prescribed special assessment district formation laws. The Redwood Creek Sewer Assessment District was formed in 1968. The boundaries of the this district generally encompass the Woodside Glens, the Laning Drive/Jane Drive area, portions of La Questa Way and Romero Road, the Haciendas Drive/Lindenbrook area, areas south of Woodside Road

around the intersections with Quail Meadows and Moore Road, a large portion of Woodside Hills, and a few adjacent parcels along Farm Hill Road. The operation and maintenance of the sewer system within this district is governed by an agreement with the FOSMD. Under the terms of the agreement, as parcels within this assessment district connect to the sewer system, they are formally annexed into the FOSMD, which is responsible for the day-to-day and long-term maintenance of the system. The agreement also provided sewer capacity for the properties within the assessment district boundaries. This capacity is set at 150,000 gallons per day. A flow analysis performed in 1999 led to the Town's determination that there was (and is) no available capacity remaining in the Redwood Creek District, taking both currently connected properties and those with a vested right to connect at some future date (a paid assessment) into account.

The Town Center Sewer Assessment District, which was formed in 1987, includes the Town's commercial area and residential properties generally located along Woodside Road, Martin Lane, Prospect Street, Audiffred Lane, Cedar Lane, and up Cañada Road to Bardet Road. The Town is responsible for the day-to-day maintenance and operation of this district. The Cañada Corridor Sewer Extension Project, completed in 2004, added approximately forty additional properties to the Town Center Sewer District. These properties are in the northern part of the Town, from the Palm Circle area to Godetia Drive. The Town Center Sewer District is the subject of a three-party agreement, including the FOSMD, Redwood City, and the Town. The agreement provides for the transmission and treatment of sewage from properties within the district through both FOSMD and Redwood City lines to the treatment facility. The agreement limits capacity at 100,000 gallons a day, to be rented and/or purchased from Redwood City. The agreement also defines the specific boundaries of the Town Center District and indicates that any change in the service area requires the agreement of all parties. It is estimated that approximately 50,000 gallons of this capacity are currently being utilized.

During the mid-1990's, the Town struggled to develop rules and regulations that would govern the connection of properties to the two sewer assessment districts. Prior to the adoption of the Town's Sewer Service Allocation Regulations, it was clear that there was a growing demand for allocations of public sewer service and that the Town had limited sewage treatment capacity. This growing demand has not diminished and has been exacerbated by the redevelopment of existing sewer parcels and increasing commercial sewage flows. The intent of the regulations was to provide specific criteria for determining which properties might be eligible to connect to either district. The rights of those property owners whose properties were included in the original formation process of either district were protected, with allocations reserved for those properties with "paid Full Assessments" and no time limit imposed for connection to the sewer system.

Because there was potentially some limited capacity available through the Town Center District, the Town Council desired to establish the rules for the allocation of this limited capacity. The regulations indicate that **Developed** properties with failed or failing on-site septic systems may be considered for a sewer service allocation, but only if they are within the existing sewer district boundaries or are a **Contiguous Parcel**, which is "one that shares at any point at least one property line with another parcel that is fully annexed, into either the RCS (the Redwood Creek District system) or the TCAD (the Town Center District)." It should be noted that both the Town's regulations and its agreement with Redwood City and the FOSMD provide specifically for the Cañada Road Sewer Extension Area, even though it is not contiguous to either sewer district. To date, there have been five sewer service allocations granted to properties that qualify under the Town's regulations. In each case, both Redwood City and the FOSMD, through the Board of Supervisors, had to approve the inclusion of the subject property into the Town Center Sewer District's service area.

490 Moore Road Property

Attachment 5 illustrates the location of the property that is the subject of the Sewer Service Allocation request. It is separated from the Redwood Creek Sewer District boundaries by two parcels, rendering it not a **Contiguous Parcel** pursuant to the Town's Sewer Service Allocation Regulations. Furthermore, given the geographic characteristics of the area, the parcel at 490 Moore Road could not gravity flow into the Redwood Creek system, but would require pumping. The parcel is contiguous with parcels on Eleanor Drive that are within the Fair Oaks Sewer Maintenance District.

When the Town Council adopted its resolution in support of the annexation of 490 Moore Road to the FOSMD in March of last year, the solution that the property owners and their representatives were pursuing was to connect to the FOSMD's system along Eleanor Drive by way of a private sewer easement across the neighboring property on Eleanor Drive. This is still the preferred option for the property owners.

Status of Multi-agency Discussions

A meeting was held in early October of 2006 with the property owners and representatives of the Town, Redwood City, and the County. Town staff explained the Town's Sewer Service Allocation Regulations and the reasons why the property was not a candidate for annexation into either of the Town's two sewer districts. The potential annexation of the property into the FOSMD system along Eleanor Drive became the primary focus of the discussion that day, and both Redwood City and County staff members appeared open to exploring this potential. The representative from Redwood City was concerned about the precedent-setting potential of allowing 490 Moore Road to annex into the FOSMD system and asked for an analysis, to be provided by the property owners. At the conclusion of the meeting, it was agreed that this analysis would be provided and that a subsequent meeting would be scheduled to consider the resulting information. **Attachment 6** is a letter from Bohley Consulting to the Community Development Director for Redwood City. It provides the results of the analysis.

Another meeting was held on October 24, 2006. **Attachment 7** is a second letter from Bohley Consulting, summarizing the results of the meeting. The letter is addressed to the County's Director of Public Works. It asks the Director whether the FOSMD is willing to address the two issues that Redwood City raised during the October 24th meeting. Because the sewage from the FOSMD is transported through and to Redwood City sewer facilities, the city is concerned about the current level of flow. Before Redwood City will consider any additional annexations to the FOSMD, city staff has indicated that the FOSMD must do the following:

1. Provide a current accounting of sewer connections.
2. Provide a commitment to and timeline for the repair or replacement of the FOSMD's sewage flow meter, which is currently not functional.

The County's Director of Public Works replied to Bohley Consulting in a letter dated November 3, 2006, which is included as **Attachment 8**. In summary, his response is that the FOSMD is not in a position to commit to the repair or replacement of the flow meter because of financial circumstances. Further, he opines that the Town's agreement with Redwood City and the FOSMD allows the Town to purchase additional capacity from Redwood City that could be used outside of the Town Center Sewer Service area and indicates that he is willing to support an amendment to the three-party agreement whereby the Town could purchase capacity for the 490 Moore Road property.

Town Staff's Position

First, staff does not agree with the County Director of Public Works' interpretation of Section VI of the three-party agreement. His assertion is that because this section does not specifically refer to the Town Center Sewer Assessment District, the sewer treatment capacity that could be acquired could be used outside the boundaries of the Town Center District. When the agreement is read as a whole, it is very clear that this is not the intended meaning. For example, Section VII sets a discharge limit of 100,000 gallons per day for the Town Center Sewer system, the same amount of capacity that may be acquired under Section VI.

If the Town is to provide capacity to the 490 Moore Road property, or any other property in Town, it must do so in accordance with its Sewer Service Allocation Regulations. Those regulations identify three Sewer Service Allocation Areas. The first area is comprised of those parcels located within the Redwood Creek District that are located within the Woodside Glens. The second area is comprised of parcels located within the Redwood Creek or Town Center Districts, excluding the Woodside Glens. The third area is comprised of parcels located outside of both districts, but contiguous to one of them. As has been previously indicated, the property at 490 Moore Road is not within any of these three areas and cannot be served pursuant to the Town's existing regulations.

Staff is sympathetic with the plight of the property owners at 490 Moore Road, but sees few options for the Town Council's consideration. Any allocation of the Town's limited sewer capacity must be done within the constraints of the existing Sewer Service Allocation Regulations. One option is to amend the Municipal Code in such a way that would render the property consistent with the regulations and allow the Town Council to consider whether it wishes to grant an allocation. The simplest amendment would involve a modification to the definition of **Contiguous Parcel**. The Fair Oaks Sewer Maintenance District could be added to the definition, so that a **Contiguous Parcel** would be defined as "one that shares at any point at least one property line with another parcel that is fully annexed, into either the RCS (the Redwood Creek District system) or the TCAD (the Town Center District system) or the Fair Oaks Sewer Maintenance District". The subject property is contiguous with another parcel that is fully annexed into the FOSMD.

If this option is to be considered, staff would need to do a careful analysis to determine what other language in the Municipal Code might need to be modified in order to provide internal consistency to the regulations. Several other definitions, including **New Development**, refer to connection to either the RCS or the TCAD. A review of these would be essential so that there would be no unintended consequences of adopting an amendment. A second analysis that should be undertaken would expand upon the work already done by Bohley Consulting and reported in **Attachment 6**. At this juncture, staff does not know what the impact of this change would have upon properties throughout the Town and cannot speculate how many other properties might come into compliance with the Town's Sewer Service Allocation Regulations and be in the position to request an allocation from the Town. The Town has faced legal challenges to its Sewer Service Allocation Regulations in the past and will want to do its own due diligence to ensure that an amendment will not be an invitation for a new challenge.

This option only provides an avenue by which the property at 490 Moore Road can receive needed capacity for connection to some public sewer system. It does not necessarily resolve the matter of the actual connection of the property. There are two ways for this property to

connect: (1) on Moore Road to the existing Redwood Creek system at 560 Moore Road or (2) across a private sewer easement to the existing Fair Oaks facilities on Eleanor Drive. The first option will require that the sewage be pumped from the property and along the road. Because Moore Road is a private road at this location, the property owners will need to secure the permission of the other Moore Road property owners between their property and the point of connection, through formal easement agreements. The property owners will also need to enter into a maintenance agreement to ensure the condition and operation of the pump. The second option requires the property owners to secure an easement from their Eleanor Drive neighbor in order to reach the sewer facilities in Eleanor Drive.

Both options raise the question of ongoing maintenance responsibility. The Redwood Creek District area at the beginning of Moore Road is maintained and operated by the FOSMD, as are the facilities on Eleanor Drive. The 490 Moore Road property would need to be annexed into the FOSMD in either case. This raises the concern already expressed by Redwood City about the repair or replacement of the FOSMD's sewage flow meter. Redwood City will need to agree to the annexation no matter which option is selected and at this juncture, staff is unaware of any change in position on the part of the Redwood City staff.

CONCLUSION

The property at 490 Moore Road has a failed septic system and poses a public health hazard. The property owners are trying to correct this situation by connecting to a public sewer system. Staff has considered what options are available and has been able to identify limited discretion for the Town Council. Whatever action the Council decides to take will require the cooperation of both the County of San Mateo and the City of Redwood City. This is not a situation that lends itself to a unilateral action by the Town. Staff will provide any updated information during the Town Council meeting and remains available to work with the other jurisdictions and the property owners.

Attachments

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 6

From: Susan George, Town Manager

March 27, 2007

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING WOODSIDE MUNICIPAL CODE SECTIONS 51.120 - 51.128: SEWER SERVICE ALLOCATION REGULATIONS

RECOMMENDATION

It is recommended that the Town Council consider this report, accept public input, and introduce the attached ordinance, which amends Woodside Municipal Code Sections 51.120 to 51.128 concerning Sewer Service Allocation Regulations.

BACKGROUND

On January 23, 2007, the Town Council considered a request for a Sewer Service Allocation from the property owners at 490 Moore Road. The staff report from that evening is included as **Attachment A**. This property does not meet the Town's existing requirements for eligibility to apply for a Sewer Service Allocation. Specifically, it is not contiguous to either the boundaries of the Redwood Creek Trunk Sewer Assessment District (RCS) or the Town Center Sewer Assessment District (TCAD), as defined in Municipal Code Sections 51.120 to 51.128. A copy of the existing regulations is included as **Attachment B**.

The 490 Moore Road property is alleged to have a failed septic system and because of this represents a public health hazard. The staff report before the Council that evening indicated that one way to address this situation was by modifying the definition of "Contiguous Parcel" to include those parcels that are contiguous to the boundaries of the Fair Oaks Sewer Maintenance District (FOSMD) Service Area, but not a part of either the RCS or the TCAD. The property is contiguous to the FOSMD Service Area that serves Eleanor Drive.

At the conclusion of its January 23rd deliberations, the Town Council "directed staff to prepare an ordinance for introduction to allow parcels contiguous to the Fair Oaks Sewer Maintenance District to have the same rights for annexation as parcels contiguous to the Town's other districts; to require these parcels to be contiguous to the original borders of the district as of a date determined by staff; and to require a restrictive covenant specifying that a property cannot be developed beyond what it would normally be developed with an on-site sewage system." The Town Council also decided to attempt to facilitate the resolution of the public health problem at 490 Moore Road by contacting elected officials in Redwood City and the County of San Mateo. The specific goal was to gain agreement with Redwood City and the County that the immediate connection of the 490 Moore Road property to the FOSMD is in the best interests of all three agencies because of the public health ramifications. Redwood City staff had previously indicated that no further annexations to the FOSMD could occur until such time as the County repaired or replaced its sewage flow meter, an undertaking that County staff had indicated was not a high priority because of cost implications. This effectively placed a moratorium on additional FOSMD annexations until the flow meter issue was resolved. Councilmember Gordon volunteered to make the needed contacts in order to obtain some movement on this issue.

DISCUSSION

There are several issues before the Council that require discussion prior to the modification of the sewer service allocation regulations.

Discussions with Redwood City and San Mateo County Elected Officials

Councilmember Gordon held discussions with key elected officials from Redwood City and the County. Staff has subsequently contacted staff from Redwood City and the County to ensure their familiarity with these discussions and their results. Staff has found that the County staff was not aware of the discussions or any informal agreements arising from them. Redwood City staff, however, was fully aware of the issue and has confirmed that, from Redwood City's standpoint, the following steps must be taken before 490 Moore Road can be annexed to the FOSMD:

- The Town must modify its Sewer Service Allocation Regulations through an ordinance amendment in such a manner so that those properties that are contiguous with the current FOSMD Service Area, but which are not within or contiguous to the RCS or the TCAD, are eligible to apply for an allocation of sewer capacity.
- The ordinance amendment must specify that for purposes of designating "Contiguous Parcels" the current FOSMD Service Area boundary and the existing boundaries of the RCS and the TCAD will not be modified by the future annexation of a parcel with a failed septic system (e.g. the boundaries do not expand because of such annexations).
- Given the new definition of "Contiguous Parcel" the Town must determine which parcels within Woodside are contiguous with the TCAD, the RCS, or the FOSMD Service Area and clearly identify these parcels on a map, which will become a new exhibit for the Town's three-party Town Center Sewer Service Agreement with Redwood City and the FOSMD (County of San Mateo). The purpose of this exercise is to establish a "worst case scenario" of how many parcels might qualify in the future to receive sewer service should their septic systems fail.
- The three-party agreement must be amended to indicate that all parties are granting blanket approval for the annexation of these parcels into either the FOSMD or the TCAD (parcels in the RCS are annexed into the FOSMD at time of connection to the sewer system, while parcels in the TCAD are not annexed in the FOSMD), if they otherwise qualify for a sewer service allocation.
- All parties must agree that the needed capacity for the parcels to be annexed into the FOSMD under this arrangement will receive "temporary" capacity from the Town Center's contractual 100,000 gallons per day allocation from Redwood City. The "temporary" nature of this allocation is to terminate if and when the County can account for its existing usage levels and available capacity.
- Redwood City has evidently dropped its "moratorium" and requirement that the County's flow meter be replaced or repaired on the advice of counsel.

The property at 490 Moore Road must also be subjected to all of the provisions of the Town's Sewer Service Allocation Regulations, including the requirement that the Town Engineer determine that the septic system has failed pursuant to Section 51.122 - Failed Septic System -of the Woodside Municipal Code.

Town staff has undertaken the process of identifying parcels under the "worst case scenario" discussed above and the results of this undertaking will be completed and shared with the Town

Council during the March 27th meeting. At this point, it appears that only parcels would be added to the "contiguous" category with a change in the definition of Contiguous Parcel to include the FOSMD and the specification that the annexation of these two parcels would not change the boundary line of the FOSMD. It further appears that about 75 parcels would qualify as "Contiguous Parcels" to the RCS and the TCAD. As is discussed in the next section, the Town Council must decide whether it is willing to modify the existing definition of "Contiguous Parcel" as regards the TCAD and RCS, pursuant to the Redwood City proposal. That is, the impact of "freezing" the boundaries of these two districts so that the future annexation of parcels does not expand the universe of parcels eligible to apply for a Sewer Service Allocation must be examined and its repercussions understood. Once this and any other issues are resolved to all parties' satisfaction, the attorneys for the three agencies will need to provide revised language for the agreement, which will require approval of the City Council from Redwood City, the Board of Supervisors, and the Town Council. The work necessary to move the agreement along can be initiated while the ordinance amendment process evolves through introduction, adoption, and the thirty day waiting period following adoption before the amendment becomes effective. It should be emphasized that County staff has not yet reacted to any of the terms outlined in the foregoing discussion, but it is assumed that they will ultimately find them acceptable.

TCAD and RCS Boundary Designations

The Town's Sewer Service Allocation Regulations currently do not limit how the boundaries of either the RCS or the TCAD change with the annexation of "Contiguous Parcels" pursuant to the regulations. The existing definition defines a "Contiguous Parcel" as "one that shares at any point at least one property line with another parcel that is fully annexed into either the RCS or the TCAD." Under this definition, a property can qualify as "contiguous" if it shares a property line with a parcel that was not originally included in either the RCS or the TCAD, but which has subsequently been annexed into one of these districts under the terms of the regulations governing contiguous parcels with failed septic systems. The boundaries thus can meander away from the ring around the RCS and TCAD boundaries. Furthermore, when the regulations were first considered in the late 1990's, "contiguous" was defined so as to be limited to those parcels that physically abut a parcel within either the RCS or the TCAD. It was ultimately expanded to include parcels that are located across a right-of-way from a parcel that is fully annexed into either district.

What the Town Council must decide is whether modifying the definition as it applies to the RCS and the TCAD is most appropriate for the Town. This is one component of the current discussions with Redwood City. On the one hand, crafting the definition in such a manner that limits the number of parcels that qualify as "contiguous" simplifies the future annexation of any parcels that are included on the "worst case scenario" list, as the policy bodies for the three agencies that are parties to the three-party agreement will all be agreeing up front that these parcels can be annexed if they otherwise meet the "failed septic system" designation requirements. On the other hand, there is anecdotal data to suggest that septic system failures do not necessarily follow the existing boundary lines. In the Woodside Hills area, for example, staff is aware of a growing concern among residents that their septic systems are increasingly problematic. The ring of parcels that surround the existing boundaries of the RCS does not necessarily include those parcels that are the subject of this concern. In order to gain Redwood City's formal approval for the connection of the 490 Moore Road property to the FOSMD, the Town Council may have to acquiesce to the requested definitional change and deal on a case-by-case basis when and if

property owners of parcels with failed septic systems not on the pre-approved list come forward to request the Council's assistance.

Proposed Modifications to the Town's Sewer Service Allocation Regulations

Staff's review of the current regulations and of the objectives before the Town Council indicates that the following changes are required:

1. Section 51.120: Subsections (L) and (M) should be added to the recitals to indicate that (a) the Town has limited available contractual sewer capacity from Redwood City for the Town Center Sewer Assessment District that can be temporarily allocated to properties with failed or failing on-site septic systems pursuant to this chapter and (b) the Town is aware that there are parcels within the Town limits that have failed or failing on-site septic systems that are potentially creating a public health concern and that are not within or contiguous to either the RCS or the TCAD, but which are contiguous to the Fair Oaks Sewer Maintenance District Service Area (as of the effective date of the ordinance).
2. Section 51.121 - Definitions: Contiguous Parcel and Developed Parcel must be modified to include reference to the FOSMD and to indicate that the FOSMD Service Area boundaries and the RCS and TCAD boundaries as of the effective date of this ordinance amendment shall be considered when determining whether a property is contiguous.
3. Section 51.123 - Sewer Service Allocation Areas: Subsection (C) defining Area III must be modified to include a reference to the FOSMD.
4. Section 51.125 - Allocation of Sewer Service to Area II: Subsection (F) should be updated to indicate that there is no unreserved sewer service capacity available within the RCS, but that limited temporary sewer service capacity may be available within the TCAD for a Developed Parcel that has a failed septic system as defined in this chapter. Existing Subsection (G) should be rewritten in response to the Town Council's direction regarding the requirement for a restrictive covenant limiting future development on properties which receive a sewer service allocation pursuant to Section 51.126 (F). This sentence should indicate that "New" or "Expanded Development" on Developed Parcels that receive a sewer service allocation shall not be permitted and that the Town will cause the recordation of the details of this restriction with the County Recorder.
5. Section 51.126 - Allocation of Sewer Service to Area III: This section should be updated to indicate that there is no unreserved sewer service capacity available within the RCS, but that limited temporary sewer service capacity may be available within the TCAD for a Developed Parcel that has a failed septic system as defined in this chapter. A sentence should be added to subsection (B) in response to the Town Council's direction regarding the requirement for a restrictive covenant limiting future development on properties which receive a sewer service allocation pursuant to Section 51.126 (A). This sentence should indicate that "New" or "Expanded Development" on Developed Parcels that receive a sewer service allocation shall not be permitted and that the Town will cause the recordation of the details of this restriction with the County Recorder.
6. Section 51.127 - General Conditions: Subsection (C) should be modified to include a reference to the FOSMD.

The attached draft ordinance includes proposed language for accomplishing these changes.

CONCLUSION

The Town Council should accept public input on the proposed changes to the Sewer Service Allocation Regulations and then introduce the attached ordinance.

Attachments

RESOLUTION NO. 2008 -

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
AFFIRMING THAT THE PROPERTY LOCATED AT 490 MOORE ROAD IN THE
TOWN OF WOODSIDE HAS A FAILED OR FAILING ON-SITE SEPTIC SYSTEM AND SHOULD BE
PROVIDED ACCESS TO A PUBLIC SEWER SYSTEM**

WHEREAS, the on-site septic system for the property at 490 Moore Road in the Town of Woodside has ceased to properly function because of landslides on the property; and

WHEREAS, the property owners of the property at 490 Moore Road are desirous of connecting their property to a public sewer system; and

WHEREAS, the Town Manager and Town Engineer have been working with staff from Redwood City and the County of San Mateo to develop an agreement that will allow the property at 490 Moore Road to receive a sewer service allocation from Redwood City and permission to connect to the County's Fair Oaks Sewer Maintenance District; and

WHEREAS, one of the conditions of the pending agreement will be that the Town Council make a finding that the property at 490 Moore Road has a failed or failing on-site septic system; and

WHEREAS, the property owners have retained the services of a registered geologist who has submitted documentation of the status of the on-site septic system at 490 Moore Road; and

WHEREAS, the Town Engineer has reviewed this documentation and has determined that the on-site septic system is either failed or is failing and that there is no reasonable alternative on-site solution for this property.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that it affirms that the property at 490 Moore Road in the Town of Woodside has a failed or failing on-site septic system and should be provided access to a public sewer system.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of April 2008, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
490MooreRoadSepticFailureFinding

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 7

Prepared By: Kevin Bryant, Assistant to the Town Manager

April 8, 2008

Approved By: Susan George, Town Manager

SUBJECT: RESOLUTION APPROVING PARTICIPATION IN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT TO CONDUCT A GREENHOUSE GAS EMISSIONS INVENTORY

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, which approves participation in the Cities for Climate Protection Campaign and authorizes the Town Manager to enter into an agreement with Joint Venture: Silicon Valley for government operations greenhouse gas emissions inventory assistance.

BACKGROUND

State and local governments like Woodside are taking a leadership role in addressing global warming. The Town's adopted budget for Fiscal Years 2008 and 2009 has funds to support a number of "green" proposals, including the installation of solar technology at the Town Hall Complex and the Library. Local efforts like these are increasingly being coordinated at the regional, national, and international level to build knowledge and increase opportunities for partnerships. The Silicon Valley is emerging as one of the leading areas for this kind of coordination.

California Global Warming Solutions Act

In September 2006, Governor Schwarzenegger signed the California Global Warming Solutions Act. The Act requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will reduce California's greenhouse gas emissions to 1990 levels by 2020. CARB is currently developing both current emissions reporting protocols for local governments and strategies for achieving the 2020 emissions reduction target. To date, there have been no proposals to require local governments to take any specific action with respect to greenhouse gas emissions.

DISCUSSION

One locally based regional effort to coordinate the reduction of greenhouse gas emissions is the Climate Protection Task Force organized by Joint Venture: Silicon Valley Network, a non-profit organization made up of government, business, and academia that addresses issues which affect the entire Silicon Valley.

Joint Venture's Climate Protection Task Force has four goals:

- Accelerate the reduction of greenhouse gas emissions by public agencies.
- Use demand aggregation to conserve scarce public resources.
- Encourage and support the growth of the clean technology industry.
- Provide leadership for the region and the world.

In support of these goals, Joint Venture has negotiated a volume discount for local governments in San Mateo and Santa Clara Counties to conduct government operations greenhouse gas emissions inventories. The City/County Association of Governments (C/CAG) of San Mateo County is supporting this effort by offering funds to cities and towns to cover the cost of conducting an emissions inventory.

Additionally, Joint Venture plans to create a buying consortium for green technology such as photovoltaic panels, hybrid cars, and bio-diesel trucks - technology that would typically require a substantial capital investment. This effort could result in a significant cost savings to the Town and other local governments.

Government Operations Greenhouse Gas Emissions Inventory

For local governments such as Woodside that seek to reduce their impact on global warming, it can be difficult to know what actions to take and, more specifically, which actions have the greatest value. The purpose of a government operations greenhouse gas emissions inventory is to identify baseline levels and sources of emissions. This information can be used to identify those parts of the operation that are responsible for the most emissions, allowing the Town to choose the most effective way to reduce them. Establishing baseline levels is an important component of quantifying the success of any efforts to reduce greenhouse gas emissions.

Joint Venture has entered into an agreement with ICLEI - Local Governments for Sustainability to develop government operations greenhouse gas emissions inventories for local governments in the Silicon Valley for \$13,000 per local government. This represents an approximately 50% reduction of the cost to contract directly with ICLEI. If the Town elects to join the Joint Venture agreement, C/CAG has offered to provide reimbursement funds to cover the cost of the greenhouse gas inventory up to the full \$13,000.

Under the terms of the agreement between Joint Venture and ICLEI, the Town would need to become members of both ICLEI and Sustainable Silicon Valley (SSV) to take advantage of this program.

ICLEI- Local Governments for Sustainability

ICLEI - Local Governments for Sustainability (formerly known as the International Committee for Local Environmental Initiatives) is an international membership association of local governments who are committed to advancing climate protection and sustainable development. ICLEI has nearly 1,000 member cities worldwide, including over 100 member cities in California, of which nearly 70 are in the Bay Area. Locally, the Towns of Portola Valley, Atherton, and Los Altos Hills, as well as the Cities of Menlo Park and Palo Alto, are members of ICLEI.

ICLEI membership would cost the Town \$600 annually and requires the Town Council to adopt a resolution approving participation in the Cities for Climate Protection Campaign (Attachment A) and to designate an elected official liaison to ICLEI.

Joining the Climate Protection Campaign would entail taking a leadership role in promoting public awareness about the causes and impacts of climate change, which the Town now does through events like the Environment Fest, and undertaking the Cities for Climate Protection Program, which consists of the following five milestones to reduce both greenhouse gas and air pollution emissions:

1. Conduct a greenhouse gas emissions inventory and forecast, which would be completed as part of the Joint Venture project described above;
2. Establish a greenhouse gas emissions reduction target;
3. Develop a local Climate Action Plan;
4. Implement the Climate Action Plan; and
5. Monitor and verify results.

The role of the elected official liaison is to:

- Keep the Town Council aware of progress made by the Town in reducing greenhouse gas emissions;
- Inform the Town Council and staff of grant, financing, and recognition opportunities;
- Help motivate the staff and members of the community to accomplish climate protection goals;
- Participate in ICLEI training workshops; and
- Report on the Town's progress on the Climate Protection Program

An "FAQ" for elected liaisons is attached.

Ongoing benefits of ICLEI membership include access to resources such as technical assistance, Climate Protection Program case studies, and best practices for local governments; and tools such as software to estimate greenhouse gas and air pollutant emissions associated with government operations.

Sustainable Silicon Valley

Sustainable Silicon Valley (SSV) is a non-profit partnership of businesses, government, and non-governmental organizations that are identifying and addressing environmental and resource pressures in the Silicon Valley. The Towns of Portola Valley and Los Altos Hills and the City of Palo Alto are local partners of Sustainable Silicon Valley.

Becoming a partner of Sustainable Silicon Valley would cost the Town \$1,000 annually and require a commitment to set a CO₂ emissions reduction target for each Town facility included in the program. Each year the Town would report to SSV the number of kilowatt-hours of electricity, therms of natural gas, and gallons of fuel used and SSV would convert the information to CO₂ emissions. SSV prepares an annual report on CO₂ emissions reductions for all pledging partners and seeks media coverage to promote the efforts of members.

Ongoing benefits of SSV membership include the opportunity to participate in forums which bring together partners who share their successes and failures and resource organizations offering information on ways to reduce greenhouse gas emissions.

CONCLUSION

Conducting a government operations greenhouse gas emissions inventory will provide the Town with valuable information, which can be used to make more informed decisions about reducing the Town's impact on global warming. By joining other Silicon Valley communities in conducting the inventory at this time and joining organizations that coordinate efforts to reduce greenhouse gas emissions, the Town would be both saving money and taking an active leadership role in combating global warming.

Attachments

ICLEI – Local Governments
for Sustainability U.S.A., Inc.
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U.S.A.

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U.S. Regional Capacity Centers
Northeast - Boston
Midwest - Chicago
South Central - Houston
Western States - Denver
Pacific Northwest - Seattle

World Secretariat
Toronto, Canada

Africa Secretariat
Johannesburg, South Africa

East Asia
Japan Office
Tokyo, Japan

Korea Office
Jeju, Korea

European Secretariat
Freiburg, Germany

**Latin America and
Caribbean Secretariat**
Buenos Aires, Argentina
Rio de Janeiro, Brazil

North America
Canada Office
Toronto, Canada

U.S.A. Office
Oakland, CA, U.S.A.

Oceania Secretariat
Melbourne, Australia

Southeast Asia Secretariat
Manila, Philippines

South Asia Secretariat
Delhi, India

International Training Centre
Freiburg, Germany

Project Offices
China
Indonesia
Mexico

FAQ: Elected Official Liaisons

Upon joining ICLEI, Members identify elected official liaisons from their jurisdictions to serve as the main points of contact for other elected officials in their jurisdictions, for other ICLEI Members and for ICLEI staff.

How does a Member select an elected official liaison?

Typically, elected liaisons are Mayors, County Executives, City Council Members, County Supervisors, or Commissioners. It is always up to the jurisdiction to determine the most appropriate person for the role. However, if no liaison is designated by the jurisdiction, the Mayor, Board or Commission Chair, or County Executive will be the default elected official liaison.

What is the role of the elected official liaison?

- Keep the elected body aware of progress made by the local government in reducing greenhouse gas emissions and implementing sustainability plans
- Inform elected and appointed officials of grant, financing, and recognition opportunities
- Help motivate local government personnel and community members to accomplish climate protection goals
- Participate in ICLEI training workshops
- Report on the jurisdictions' progress as it achieves the five milestones of ICLEI's Cities for Climate Protection® (CCP) Campaign
- Help build and maintain support for ICLEI's mission and goals

What kind of support do elected official liaisons receive from ICLEI?

- Notifications of grant, financing, and promotion opportunities
- Periodic updates on global warming science and policy news
- ICLEI publications that summarize best practice examples and highlight successful emissions reduction policies and programs
- Invitations to ICLEI regional, national, and international workshops and events, which often include tailored sessions focused on supporting the elected official's role in doing emissions reduction work
- Registration discounts and, when available, travel and lodging subsidies for ICLEI events
- Support in publicizing climate protection successes such as talking points and customizable press releases
- Ongoing assistance and support from ICLEI staff that includes providing contacts and facilitating communication with elected liaison counterparts nationally and internationally, as well as recommending resources outside of ICLEI as necessary and appropriate

RESOLUTION NO. 2008 -

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
APPROVING PARTICIPATION IN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN
AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH JOINT
VENTURE: SILICON VALLEY TO CONDUCT A GREENHOUSE GAS EMISSIONS INVENTORY**

WHEREAS, scientific consensus has developed that Carbon Dioxide (CO₂) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, in 2003, the American Geophysical Union adopted a Statement noting that human activities are increasingly altering the Earth climate and that natural influences cannot explain the rapid increase in near-surface temperatures observed during the second half of the 20th century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences (NAS) reviewed and declared global warming a real problem caused in part by the actions of humankind; and

WHEREAS, the 2001 Third Assessment Report from the International Panel on Climate Change (IPCC) and the 2000 U.S. Global Change Research Program's (USGCRP) First National Assessment indicate that global warming has begun; and

WHEREAS, 162 countries, including the United States, pledged under the United Nations Framework Convention on Climate Change to reduce its greenhouse gas emissions; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of U.S. greenhouse gas emissions; and

WHEREAS, local governments influence communities' emissions by exercising key powers over land use, construction, waste management, and energy management; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, reducing energy expenditures, and saving money for the local government, its businesses and its residents; and

WHEREAS, the Cities for Climate Protection Campaign, sponsored by ICLEI - Local Governments for Sustainability, has invited the Town of Woodside to become a partner in the Campaign; and

WHEREAS, Joint Venture: Silicon Valley Network has negotiated with ICLEI - Local Governments for Sustainability to provide assistance in the preparation of government operations greenhouse gas emissions inventories for local governments in San Mateo and Santa Clara Counties.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Woodside that:

1. The Town of Woodside commits to participate in the Cities for Climate Protection Campaign and, as a participant, pledges to take a leadership role in promoting public awareness about the causes and impacts of climate change;
2. The Town of Woodside will undertake the Cities for Climate Protection Program five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, specifically:
 - a. Conduct a greenhouse gas emissions inventory and forecast to

- determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- b. Establish a greenhouse gas emissions reduction target;
 - c. Develop an action plan with both existing and future actions which, when implemented, will meet the local greenhouse gas reduction target;
 - d. Implement the action plan; and
 - e. Monitor to review progress.
3. The Town of Woodside requests assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.
4. The Town Manager is authorized to enter in an agreement with Joint Venture: Silicon Valley Network for government operations greenhouse gas emissions inventory assistance.

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of April, 2008 by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 8

Prepared by: Kevin Bryant Assistant to the Town Manager

April 8, 2008

Reviewed by: Susan George, Town Manager

SUBJECT: RESOLUTION DECREASING THE MEMBERSHIP OF THE WOODSIDE BICYCLE COMMITTEE AND ESTABLISHING QUORUM REQUIREMENTS

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, decreasing the membership of the Woodside Bicycle Committee from seven to six members and setting three as the number of members required to constitute a quorum.

DISCUSSION

The Bicycle Committee was designated by the Town Council as a seven member committee in March of 2007. Since that time, the Committee has experienced difficulties with recruitment and retention of members and, as a result, has had a problem with meeting quorum requirements under the Brown Act. The Committee members feel that a reduction to six members, with three members constituting a quorum, would greatly facilitate the convening of regular meetings. Accordingly, a resolution has been prepared which will formally enact the proposed change.

CONCLUSION

In the interests of increasing the effectiveness of one of the Town's volunteer committees and to facilitate its regular meetings, the adoption of the attached resolution would be appropriate.

Attachment

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
DECREASING THE MEMBERSHIP OF THE TOWN'S BICYCLE COMMITTEE FROM SEVEN TO
SIX MEMBERS AND ESTABLISHING QUORUM REQUIREMENTS

WHEREAS, the Bicycle Committee provides an open forum for bicycle issues and advises and recommends on the Town's policies for planning, developing, maintaining and usage of the Town's bikeways system, including reviewing and recommending on applications for special bicycle event use permits; and

WHEREAS, the membership size of all of the Town's advisory committees is adjusted from time to time, based upon individual circumstances; and

WHEREAS, the Bicycle Committee's membership was last adjusted on March 27, 2007, when the Town Council decreased the membership of the Bicycle Committee from nine to seven members; and

WHEREAS, the Committee has experienced difficulties with recruitment and retention of its membership in recent months and has had difficulties achieving a quorum from time to time; and

WHEREAS, decreasing the membership and the quorum requirement should facilitate the Committee in meeting the quorum requirement, thereby ensuring that Committee meetings can be convened.

NOW, THEREFORE BE IT RESOLVED THAT, the Town Council of the Town of Woodside does hereby decrease the membership of the Town's Bicycle Committee from seven to six members and establish that three members of the Bicycle Committee constitute a quorum for purposes of undertaking Committee business.

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th of April 2008 by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:
NOES, Councilmembers:
ABSENT, Councilmembers:
ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
BicycleCommitteeSize0408

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 9

Prepared By: Kevin Bryant, Assistant to the Town Manager

April 8, 2008

Approved By: Susan George, Town Manager

SUBJECT: ADOPTION OF AN ORDINANCE ADDING CHAPTER 98 (BARKLEY FIELDS AND PARK) OF TITLE IX OF THE WOODSIDE MUNICIPAL CODE

RECOMMENDATION

It is recommended that the Town Council consider this report, accept public input, and adopt the attached ordinance, which adds Woodside Municipal Code Chapter 98 concerning Barkley Fields and Park.

BACKGROUND

On March 11, 2008, the Town Council introduced the attached draft ordinance after accepting public input. The staff report that transmitted the draft ordinance that evening is included as **Attachment A**. The purpose of the ordinance is to provide rules and regulations for Barkley Fields and Park that are enforceable as part of the Municipal Code.

CONCLUSION

The Town Council should accept public input on the proposed regulations and then adopt the attached ordinance.

Attachments

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 12

Prepared By: Kevin Bryant, Assistant to the Town Manager

March 11, 2008

Approved By: Susan George, Town Manager

SUBJECT: INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 98 (BARKLEY FIELDS AND PARK) OF TITLE IX OF THE WOODSIDE MUNICIPAL CODE

RECOMMENDATION

It is recommended that the Town Council introduce the attached draft ordinance after taking public input on its contents.

BACKGROUND

Barkley Fields and Park opened to the public on October 14, 2007. The operation and maintenance of Barkley Fields and Park are controlled by two actions - an approval of a Conditional Use Permit (CUP) by the Planning Commission on June 2, 2004, and the execution of an Agreement Governing the Donation of Property to the Town of Woodside for Barkley Fields & Park (Agreement) in May of 2005. Staff believes that the most effective tool for communicating and enforcing the conditions of both the CUP and the Agreement is to codify the appropriate components into the Municipal Code.

DISCUSSION

Following is a review of the key sections of the draft ordinance:

98.03 Use of Park - Reservations.

- ✓ The requirement for managing the scheduling of the use of the field through a formal application process is included in the CUP Conditions of Approval for the Park.

98.04 Fees.

- ✓ Fees are intended to help cover the cost of maintenance of the Park.

98.05 Security deposit.

- ✓ The security deposit will provide a source of funds to repair damage to the Park that might occur directly as a result of the use of the field.

98.06 Liability insurance.

- ✓ The requirement for users of the Park to maintain liability insurance is one protection to the Town in the event that there are property damages or injuries that are sustained as a result of the activities on the field.

98.08 Use of Park - No tournament play.

- ✓ The prohibition of tournament play is one of the CUP Conditions of Approval for the Park.

98.09 Animals.

- ✓ Animal conduct is controlled by Chapter 91 of the Municipal Code, which requires that all animals be under physical control (i.e., on a leash). Animals in the Park must comply with this section of the Municipal Code.

98.10 No amplified sound.

- ✓ The prohibition of amplified sound is a CUP Condition of Approval.

98.11 Prohibited activities in the Park.

- ✓ Many of the prohibitions included in this section are CUP Conditions of Approval. Additional prohibitions against smoking and carrying weapons will protect users of the Park, while prohibiting the tampering of the field irrigation system and the removal of any turf, soil, grass, tree, or shrub will protect the Park itself.

98.12 Park closed at night.

- ✓ Closing the Park one-half hour after sunset is a CUP Condition of Approval. It is also necessary as there is no night lighting of the Park, except for security purposes.

CONCLUSION

The draft ordinance for Barkley Fields and Park will codify both Conditions of Approval of the Conditional Use Permit and the terms of the Agreement Governing the Donation of Property to the Town of Woodside for Barkley Fields & Park, making them enforceable as part of the Town's Municipal Code. It is recommended that the Town Council accept public testimony on the draft, introduce the ordinance by title, and pass it to second reading and adoption on April 8, 2008.

Attachment

ORDINANCE 2008 –

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE ADDING CHAPTER 98 (BARKLEY FIELDS AND PARK) OF TITLE IX OF THE WOODSIDE MUNICIPAL CODE

IT IS ORDAINED by the Woodside Town Council to amend the Woodside Municipal Code as follows:

Section 1: Chapter 98 of Title IX of the Woodside Municipal Code is hereby added as follows:

Chapter 98: BARKLEY FIELDS AND PARK

98.01 Definitions

(a) "Park" means Barkley Fields and Park, including the adjacent parking lot.

98.02 Purpose of chapter.

The purpose of this chapter is to regulate the use of Barkley Fields and Park for the use and enjoyment of residents of Woodside; to establish standards to prevent the misuse and destruction of the facilities; and to establish regulations to ensure the safety and comfort of users of the facilities as well as persons residing or owning property in the vicinity of the Park.

98.03 Use of Park - Reservations.

The Town shall only accept and approve field usage applications from official, organized youth leagues that serve the residents of the Town of Woodside. No other reservations shall be permitted. Reservations and scheduling shall be administered by the Town Manager or his or her designee. Reservations for seasonal field usage by qualified youth leagues may be made up to sixty (60) days in advance of the beginning of league play. The Town shall post the approved reservation schedule, including the approved user(s) and their activities and their approved time of use on the grounds of the Park. Only the approved user(s) identified on the schedule may use the field during the approved time indicated on the schedule.

98.04 Fees.

A schedule of fees for use of the fields shall be adopted and periodically amended by Town Council Resolution.

98.05 Security deposit.

A security deposit shall be required in an amount adopted and periodically amended by Town Council Resolution.

98.06 Liability insurance.

The Town may require an applicant for the use of the Park to file a certificate of insurance showing the maintenance of insurance in an amount appropriate to cover the liability of the applicant for property damages and injuries to persons in connection with the activities conducted by the applicant. The amount of insurance shall be based upon the scope of the activity, the risks foreseeably involved, and

the cost and availability of such insurance and shall not exceed \$1,000,000. The certificate of insurance shall name the Town, its officers, agents, employees and volunteers, as additional insureds.

98.07 Use of Park – No reservations.

Teams other than those specified in Section 98.03 may use the field on a first come, first served basis during those times when the field has not been reserved and when weather and field conditions permit.

98.08 Use of Park – No tournament play.

The Park shall not be used for tournament play, except that single tournament games may be scheduled in which an official youth league that serves the residents of the Town of Woodside is a participant and that meets all Town operating policies, regulations, and laws.

98.09 Animals.

Licensing and control of animals in the Park shall conform to Section 91.08(A) of the Municipal Code. Dogs shall be allowed only on designated paths in the Park. Dog training shall be prohibited in the Park.

98.10 No amplified sound.

No amplified sound shall be permitted in the Park, except as specified in Section 98.13.

98.11 Prohibited activities in the Park.

The following activities are prohibited in the Park:

- (a) Private or commercial activities, other than youth sports, including, but not limited to, weddings, concerts, reunions, private sports lessons, dog training, and private club activities;
- (b) Lighting or maintaining fires of any kind, including the use of barbeque grills;
- (c) Possessing or consuming alcoholic beverages;
- (d) Possessing or consuming recreational drugs of any kind;
- (e) Smoking, as defined in Section 97.02 of the Municipal Code;
- (f) Possessing or discharging weapons, except those carried by duly sworn law enforcement personnel;
- (g) Placing litter or debris anywhere other than in designated containers;
- (h) Removal of turf, soil, grass, tree, shrub, or portion thereof; except work that may be done by authorized Town employees or agents;
- (i) Tampering with any component of the field irrigation system;
- (j) Causing, creating, encouraging, or threatening to cause any disturbance which may reasonably result in injury or property damage, or disturb the peace, comfort and security of Park patrons.

98.12 Park closed at night.

The Park shall be closed for use one-half hour after sunset until sunrise. No person shall enter, use, cross, or remain in the Park or the parking lot adjacent to the Park during the hours the Park is closed. Law enforcement personnel, employees or agents of the Town may, in the course of their duties, be in the Park during the hours the Park is closed.

98.13 Annual anniversary celebration.

The Town may utilize the Park for a Town-sponsored annual anniversary of the Park's opening. The Town may use amplified sound for an official program not exceeding sixty (60) minutes. However, no amplified music shall be allowed.

Section 2: If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and to that end the provisions of this ordinance are severable.

Section 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

Section 4: The Town Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

* * * * *

Introduced this 11th day of March, 2008.

PASSED AND ADOPTED as an Ordinance of the Town of Woodside on the ____ day of _____, 2008, by the following vote.

AYES, COUNCIL MEMBERS: _____

NOES, COUNCIL MEMBERS: _____

ABSENT, COUNCIL MEMBERS: _____

ABSTAIN, COUNCIL MEMBERS: _____

Mayor of the Town of Woodside

ATTEST:

Town Clerk of the Town of Woodside