

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

Independence Hall, 2955 Woodside Road, Woodside

July 8, 2008

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and will be approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.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 Minutes: Regular Meeting of June 24, 2008.
2. Resolution Requesting that the San Mateo County Tax Collector Collect the 2008-09 Sewer Service Fees for the Town Center Sewer Assessment District. Resolution No. 2008 - _____

NEW BUSINESS

3. Resolution Establishing a 'No Parking' Zone on Tripp Road from Tripp Court to Kings Mountain Road and Authorizing the Town Engineer to Install 'No Parking At Any Time' Signs in the Public Right-Of-Way. Resolution No. 2008 - _____
4. Resolutions: (1) Approving the Fifth Amendment to the Sanitary Sewerage Treatment Capacity Rights and Services Agreement Between the Town of Woodside, the City of Redwood City, and the Fair Oaks Sewer Maintenance District and (2) Approving the Fifth Amendment to the Agreement for Transmission of Sanitary Sewage By and Between the Fair Oaks Sewer Maintenance District and the Town of Woodside. Resolution No. 2008 - _____ and Resolution No. 2008 - _____
5. Resolution Appointing the Town's Voting Delegate and Voting Alternate to the League of California Cities Annual Conference. Resolution No. 2008 - _____

REPORTS

6. 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.

ANY WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE TOWN COUNCIL REGARDING ANY ITEM ON THIS AGENDA WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE ADMINISTRATION COUNTER AT TOWN HALL LOCATED AT 2955 WOODSIDE ROAD DURING NORMAL BUSINESS HOURS.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 1

From: Janet Koelsch, Town Clerk

July 8, 2008

SUBJECT: MINUTES FOR APPROVAL

The minutes of the Regular Town Council Meeting of June 24, 2008, are attached for review and approval.

Attachment

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

June 24, 2008

Independence Hall, 2955 Woodside Road, Woodside

CALL TO ORDER

Mayor Romines called the Meeting to order at 6:30 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

CLOSED SESSION

Conference with Legal Counsel - Anticipated Litigation {Government Code Section 54956.9(b)}: One Potential Case

The Closed Session was adjourned at 7:32 P.M.

REGULAR SESSION

The Meeting was reconvened at 7:38 P.M.

Staff Present:
Susan George, Town Manager
Jean Savaree, Town Attorney
Paul Nagengast, Town Engineer
Kevin Bryant, Assistant to the Town Manager
Janet Koelsch, Town Clerk

REPORT FROM CLOSED SESSION

Mayor Romines stated that there was nothing to report from Closed Session.

PLEDGE OF ALLEGIANCE

Tanya Rebarchik, representing the Woodside-area Horse Owners Association, led the Pledge of Allegiance.

COMMUNICATIONS

Fentress Hall and Donna Poy, representing the Woodside-area Horse Owners Association (WHOA!), presented a donation of \$5000 from the Day of the Horse proceeds to be ear-marked for trail maintenance on Mountain Home, Cañada, Kings Mountain, Olive Hill and Woodside Roads.

The Council thanked Ms. Hall and Ms. Poy for their efforts in establishing Woodside's Day of the Horse activities.

CONSENT CALENDAR

1. **Approval of Waiver of Full Reading of Ordinances, per Government Code Section 36934.**
2. **Approval of August Legislative Recess.**
3. **Monthly Financial Report for May, 2008 and Resolution Modifying the Adopted Budget for 2007-08 Pursuant to the Results of the Final Budget Performance Review. Resolution No. 2008 - 6693**

DRAFT

4. **Resolution Approving a Program Proposal for the Citizens' Option for Public Safety (COPS) Program for 2008-09. Resolution No. 2008 - 6694**
5. **Approval of Minutes: Regular Meeting of June 10, 2008.**
6. **Transmittal of 2007-08 Maze & Associates Letter of Engagement.**
7. **Resolution Approving a Corrected Rate Structure for GreenWaste Recovery, Inc, to be effective July 1, 2008. Resolution 2008 - 6695**
8. **Resolution Authorizing the Town Manager to Execute Agreements for Services Required for the Implementation of the 2007-08 and 2008-09 Budgets. Resolution 2008 - 6696**

Councilmember Hodges moved approval of the Consent Calendar as presented.

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

NEW BUSINESS

9. **Resolution: (1) Approving the Plans and Specifications for the 2008 Road Rehabilitation Project; (2) Authorizing the Town Manager to Advertise for Bids and to Execute a Contract with the Lowest Responsible Bidder, with a Total Contract Amount not to Exceed \$985,000 Including a 10% Contingency; and (3) Authorizing the Town Manager to Enter into a Service Agreement with an Inspection and Testing Company for Inspection and Testing Services, not to Exceed \$60,000. Resolution No. 2008 - 6697**

Mr. Nagengast explained the process for designating the proposed repairs for the 2008 Road Rehabilitation Project and provided a summary of the proposed work by road impact fee areas and Councilmanic Districts. He noted the additional funds provided by Proposition 1B.

The Council discussed the poor quality of the contractor's work last year and inquired about the Town's ability to reject bids from certain contractors.

Ms. Savaree explained the difficulty for a public entity to debar a contractor and suggested that the solution would be to reject all bids.

The Council discussed controlling the edge of the paved surface to prevent paving from expanding onto the dirt road right-of-way and impacting the adjoining horse trail.

Mr. Nagengast stated that a requirement to control the edge of the roadway was contained in the Town's contract specifications. He explained staff's proposal to blend in higher edges and swales of the roadway.

There was no public comment.

Councilmember Mason moved adoption of Resolution: (1) Approving the Plans and Specifications for the 2008 Road Rehabilitation Project; (2) Authorizing the Town Manager to Advertise for Bids and to Execute a Contract with the Lowest Responsible Bidder, with a Total Contract Amount not to Exceed \$985,000 Including a 10% Contingency; and (3) Authorizing the Town Manager to Enter into a Service Agreement with an Inspection and Testing Company for Inspection and Testing Services, not to Exceed \$60,000.

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

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

PUBLIC HEARING

- 10. Resolutions: (1) Adopting the Town Budget for Fiscal Year 2008-09; (2) Determining the Appropriation Limit for Fiscal Year 2008-09; and (3) Approving the Town Salary and Classification Plan for 2008-09; and (4) Requesting that the San Mateo County Tax Collector Collect the 2008-09 Sewer Service Fees for the Town Center Sewer Assessment District. Resolutions No. 2008 - 6698, No. 2008 - 6699, No. 2008 - 6700**

Ms. George reviewed the purpose of the implementing resolutions, requesting that the salary schedule and compensation plan be made effective June 12, 2008, to cover a staff promotion. She stated that the resolution for collecting sewer service fees would be continued because the exhibits were not available. Ms. George continued that staff is following up on the availability of additional sheriff's shifts for summer weekends as discussed at the previous meeting.

There was no public comment. The Public Hearing was closed.

Councilmember Tanner moved adoption of resolutions (1) Adopting the Town Budget for Fiscal Year 2008-09; (2) Determining the Appropriation Limit for Fiscal Year 2008-09; and (3) Approving the Town Salary and Classification Plan for 2008-09 effective June 12, 2008.

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

- 11. Adoption of an Ordinance Requiring the Designation of Very High Fire Hazard Severity Zones in the Town of Woodside. Ordinance No. 2008 - 542**

Ms. George stated that after discussion at the June 9th Meeting, the Council accepted the State's version of the Very High Fire Hazard Severity Zones map, dated May 2, 2008, to implement Chapter 7A of the Municipal Code. Noting that the Council had indicated it was interested in adding additional Very High Fire Hazard Severity Zones to the map, Ms. George added that staff will work with the Woodside Fire Protection District to identify these areas and to develop the evidence for findings of necessity in terms of adding the additional zones.

Chief Muela, Woodside Fire Protection District, commented that the time was right for the Town and the Fire District to move forward on fire safety measures.

Ms. George confirmed that implementation of the map applies to construction of new structures and that the value percentage for structure remodels has not yet been defined by the Council.

The Council discussed the differences between the State's map and the map proposed by Fire Marshall and alternate construction materials and landscape plans required to comply with the regulations of Chapter 7A.

There was no public comment. The Public Hearing was closed.

DRAFT

Councilmember Boynton moved adoption of an Ordinance Requiring the Designation of Very High Fire Hazard Severity Zones.

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

REPORTS

12. Mayor and Councilmember Communications.

COMMUNICATIONS

ADJOURNMENT

The Meeting was adjourned at 8:25 P.M. in memory of Larry Wenrick, who served on the Town Manager's Ad Hoc Road Committee in 1997 and was a charter member of the Rotary Club of Woodside/Portola Valley.

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 2

From: Paul T. Nagengast, Town Engineer

July 8, 2008

Approved: Susan George, Town Manager

SUBJECT: RESOLUTION REQUESTING THE SAN MATEO COUNTY TAX COLLECTOR TO COLLECT THE 2008-09 SEWER SERVICE FEES FOR THE TOWN CENTER SEWER ASSESSMENT DISTRICT

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution requesting the San Mateo County tax collector to collect the 2008-09 sewer service fees for the Town Center Sewer Assessment District.

DISCUSSION

The Town has historically utilized the services of the San Mateo County Tax Collector's Office to collect the annual sewer service fees from those property owners within the Town Center Sewer Assessment District (TCSAD) who are connected to the sewer system. This includes those properties that lie within the Cañada Corridor Sewer Extension Area. The County requires a resolution of the Town Council every year in order to continue to collect these fees on behalf of the Town. The resolution attached to this report will meet the County's requirement.

CONCLUSION

The attached resolution, if adopted by the Town Council will provide the mechanism for the county tax assessor to collect TCSAD fees for the Town.

ATTACHMENT

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
REQUESTING THAT THE SAN MATEO COUNTY TAX COLLECTOR COLLECT THE 2008-
09 SEWER SERVICE FEES FOR THE TOWN CENTER SEWER ASSESSMENT DISTRICT

WHEREAS, the Town Center Sewer Assessment District, hereinafter called "TCSAD," comprises a portion of the incorporated territory of Woodside herein; and

WHEREAS, the TCSAD includes the Cañada Corridor Sanitary Sewer Service area; and

WHEREAS, on July 24, 2001, the Town Council of the Town of Woodside adopted Ordinance No. 2001-511, setting the annual residential and non-residential sewer service fee for 2001-02 and subsequent fiscal years for properties in the sewer service area outside of the Cañada Corridor Sanitary Sewer Service Area; and

WHEREAS, on April 13, 2004, the Town Council of the Town of Woodside adopted Ordinance No. 2004-522, setting the annual residential sewer service fee for 2004-05 for properties in the Cañada Corridor Sanitary Sewer Service Area at \$359; and

WHEREAS, schedules, including address, assessor's parcel number, and property owner name, of the residential properties for the Cañada Corridor Sanitary Sewer Service Area, residential properties for the balance of the Town Center Sewer Assessment District, and non-residential properties have been prepared and are attached hereto as "Exhibit A", "Exhibit B" and "Exhibit C" respectively; and

WHEREAS, the San Mateo County Tax Collector requires an adopted resolution of the Town Council prior to enrollment of the sewer service fees on the property tax bills.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that it requests the San Mateo County Tax Collector to collect the 2008-09 sewer service fees as outlined in the attached "Exhibit A", "Exhibit B", and "Exhibit C".

* * * * *

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

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

ATTEST:

Mayor of the Town of Woodside

Clerk of the Town of Woodside

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 3

From: Paul T. Nagengast, Town Engineer

July 8, 2008

Approved By: Susan George, Town Manager

SUBJECT: RESOLUTION ESTABLISHING A 'NO PARKING' ZONE ON TRIPP ROAD FROM TRIPP COURT TO KINGS MOUNTAIN ROAD AND AUTHORIZING THE TOWN ENGINEER TO INSTALL 'NO PARKING AT ANY TIME' SIGNS IN THE PUBLIC RIGHT-OF-WAY

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, which establishes a 'No Parking' zone on Tripp Road between Tripp Court and Kings Mountain Road and authorizes the Town Engineer to install needed enforcement signage.

DISCUSSION

The Town has received concerns from residents of Tripp Road between Tripp Court and Kings Mountain Road about runners and hikers making noise as they park their vehicles on Tripp Road in the early morning hours, often as early as 5:30 a.m. Complaints have been received about loud conversations, car alarm systems, audible vehicle door locking and unlocking noises, horn-honking, and door slamming. Many of these runners/hikers are parking on Tripp Road to access the Huddart Park trail network through the park entrance off of Greer Road.

The Town Trails Committee has also expressed concerns about the cars that park and encroach upon the trail adjacent to the pavement on Tripp Road, preventing the safe movement of equestrians. Equestrians are forced to move around parked cars onto the traveled roadway which is a slippery surface for shod horses and they must negotiate through vehicular traffic.

Due to the limited width of paved roadway (17 to 21 feet wide) and the location of the drainage swale, trees and trail, the parking of vehicles can lead to potential safety issues by causing impediments to emergency vehicle passage. There are no safe unobstructed areas without drainage swales or the trail adjacent to the roadway to park a vehicle. Section 72.10 of the Town Municipal Code allows for the posting of no parking on roadways less than 20 feet wide, where authorized by resolution of the Town Council.

Staff has recommended that the 'No Parking' zone be designated on Tripp Road from Tripp Court to Kings Mountain Road since it is not clear if the existing 'No Parking' signs placed in the vicinity of the Woodside Store at the corner of Tripp Road and Kings Mountain Road have been authorized by a previous Town Council resolution.

Staff has researched the various alternatives to placing 'No Parking' signs such as boulders, wooden blocks and logs. All of these alternatives would create additional hazards due to the limited right-of-way for a roadway, drainage swale, trees, and trail used by pedestrians and equestrians.

In addition, staff has researched the possibility of installing different material (wooden) for the 'No Parking' signs other than the

traditional metal signs. Unfortunately, the signs must conform to uniform sign standards, and wooden signs are not included in those standards. However, wooden posts, similar to those used with the existing posted 'No Parking' signs, in lieu of metal posts can and will be used for the signs.

Staff has sent letters to residents along the aforementioned portion of Tripp Road requesting comments and concerns about the proposed 'No Parking' designation and advising that the item would be agendized for consideration at the July 8, 2008, Town Council meeting. Staff has received several comments that have been included in this report.

The Town Engineer has driven Tripp Road and seen the pictures of vehicles parked on the roadway and concurs with the need to provide 'No Parking' along the roadway between Tripp Court and Kings Mountain Road.

CONCLUSION

Adoption of the attached resolution will prohibit parking on Tripp Road between Tripp Court and Kings Mountain Road in accordance with the various concerns from residents, emergency vehicle access and the equestrian and pedestrian users of the roadway right-of-way.

ATTACHMENTS: Resolution to Establish a 'No Parking' Zone
 Sample Letter from Town to Residents
 Engineer Report from CSG Engineers, June 30, 2008
 Various Pictures of Tripp Road
 Municipal Code Section 72.10

RESOLUTION NO. 2008 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
ESTABLISHING A 'NO PARKING' ZONE ON TRIPP ROAD FROM TRIPP COURT TO
KINGS MOUNTAIN ROAD AND AUTHORIZING THE TOWN ENGINEER TO INSTALL 'NO
PARKING AT ANY TIME' SIGNS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, concern has been expressed that too many vehicles are parking on Tripp Road between Tripp Court and Kings Mountain Road, specifically, in the early morning hours by runners and hikers who are utilizing the trails in Huddart Park; and

WHEREAS, the Town Trails Committee has indicated that the parking of vehicles along Tripp Road has encroached upon usage of the trail within the public right-of-way by equestrian and pedestrian users; and

WHEREAS, the width of the roadway and the location of drainage swales and trees does not allow parking with adequate clearance for emergency vehicles; and

WHEREAS, the Town Engineer has indicated that the portion of Tripp Road between Tripp Court and Kings Mountain Road should be established as a 'No Parking' zone.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that a No Parking zone is established on Tripp Road between Tripp Court and Kings Mountain Road and that the Town Engineer is authorized to install 'No Parking at any Time' signs in the public right-of-way of Tripp Road.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of July 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
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TOWN OF WOODSIDE

Report to Town Council

Agenda Item 4

From: Susan George, Town Manager

July 8, 2008

SUBJECT: RESOLUTIONS: (1) APPROVING THE FIFTH AMENDMENT TO THE SANITARY SEWERAGE TREATMENT CAPACITY RIGHTS AND SERVICES AGREEMENT BETWEEN THE TOWN OF WOODSIDE, THE CITY OF REDWOOD CITY, AND THE FAIR OAKS SEWER MAINTENANCE DISTRICT AND (2) APPROVING THE FIFTH AMENDMENT TO THE AGREEMENT FOR TRANSMISSION OF SANITARY SEWAGE BY AND BETWEEN THE FAIR OAKS SEWER MAINTENANCE DISTRICT AND THE TOWN OF WOODSIDE

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolutions, which approve the fifth amendments to: (1) the three-party agreement with Redwood City, the Fair Oaks Sewer Maintenance District (FOSMD), and the Town governing sanitary sewerage treatment capacity rights and services and (2) the agreement between the Town and the Fair Oaks Sewer Maintenance District for transmission of sanitary sewage. Both resolutions authorize the Town Manager to execute the amendments on behalf of the Town.

BACKGROUND

The two proposed amendments were developed in response to the property at 490 Moore Road, which 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 definition of "Contiguous Parcel" was modified to include those parcels which are contiguous to the boundaries of the Fair Oaks Sewer Maintenance District Service Area, but not a part of either the Redwood Creek Trunk Sewer Assessment District or the Town Center Sewer Assessment District. The 490 Moore Road property is contiguous to the FOSMD Service Area, as are eight other properties. The ordinance was adopted on April 24, 2007 and went into effect in late May of 2007.

- ☑ In April of 2008, the Town Council adopted a resolution affirming that the 490 Moore Road property has a failed or failing on-site septic system and should be provided access to a public sewer system.

DISCUSSION

In order for the 490 Moore Road property to be provided public sewer service, the Town's agreements with Redwood City and the FOSMD must be amended. Each of the two agreements has been amended on four previous occasions, reflecting the Town Council's approval of five Sewer Service Allocation requests (179 Albion Avenue, 239 Miramontes Road, 208 Miramontes Road, 225 Whiskey Hill Road, and 3373 Woodside Road). Town staff first contacted Redwood City Public Works Department staff in early 2007 to determine what steps would need to be accomplished to provide public sewer access to 490 Moore Road. 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 subsequent meetings with the staffs from the three 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. In recent months, the staffs of all three agencies and a representative of the 490 Moore Road property owners have been working on the proposed amendments to the two agreements. The amendments are now ready for public review and the approval of the legislative bodies of the three agencies involved. The amendments are first before the Town Council. They will next be placed on an upcoming Redwood City agenda, then on to the Board of Supervisors.

The amendments:

- ✓ Specifically identify the nine Woodside properties which are eligible for connection to the public sewers system as a result of the Town's modification of its Sewer Service Allocation regulations in 2007.
- ✓ Indicate that, prior to connection, the Town Engineer must make a determination that the existing on-site sewage disposal system for a subject property has failed and that there is no reasonable alternative from a health and safety standpoint but a gravity system into the FOSMD's facilities.
- ✓ Require the Town Council to uphold the Town Engineer's determination through adoption of a resolution.
- ✓ Identify the various fees and service charges that properties approved for connection must pay and to which agency.

Town staff feels that the amendments accurately reflect the Town Council's past discussions about the 490 Moore Road issue.

CONCLUSION

The attached resolutions provide the Town Council the mechanism by which it may approve the amendments to the two agreements. The 490 Moore Road property owners have secured a sewer easement across a neighboring property and have prepared the plans for the construction of the sewer facilities. Following the Town Council's adoption of the attached resolutions, the amendments will be considered by Redwood City and the County. After all three agencies have taken positive action, the permits needed by the 490 Moore Road property owners can be processed and issued.

Attachments

**FIFTH AMENDMENT
SANITARY SEWERAGE TREATMENT
CAPACITY RIGHTS AND SERVICES
(TOWN OF WOODSIDE)**

This is the Fifth Amendment to the **Agreement** (hereinafter the "Agreement") dated August 7, 2001 between the **CITY OF REDWOOD CITY**, a municipal corporation of the State of California ("City"), **THE TOWN OF WOODSIDE**, a municipal corporation of the State of California ("Woodside"), and the **FAIR OAKS SEWER MAINTENANCE DISTRICT** (the "District").

WITNESSETH:

WHEREAS, the Agreement acknowledged that the public health, welfare, and safety require that Woodside be provided sanitary sewage transmission services and Treatment Capacity Rights for sewage emanating from Woodside's Town Center Sewer Assessment District (TCSAD) through the sewer facilities of the District and the City and provided for a Service Area shown in said Agreement as Exhibit A thereof and Exhibits A-1 and A-2 hereto; and

WHEREAS, previous amendments to the Agreement provided for the addition of properties, as shown in Exhibit B hereto, to the Service Area of the TCSAD subject to an amendment to the Agreement; and

WHEREAS, Woodside now desires to further amend the Agreement by identifying certain properties that either have, or may have at some future date, failed on-site sewage disposal systems, which properties have the capability of being sewered by gravity into the facilities of the District and which properties will not be part of the TCSAD nor the identified Redwood Creek Sewer Assessment District; and

WHEREAS, the public health, welfare, and safety require that properties with failed on-site sewage disposal systems be offered the opportunity to connect to a publicly operated and maintained sewage disposal system; and

WHEREAS, the Parties hereby desire to amend the Agreement to add the properties listed and shown in Exhibit C hereto, in furtherance of the public good.

NOW THEREFORE, the parties hereto agree as follows:

1. That the properties shown on Exhibit C attached hereto are eligible to be sewered by gravity into the District's facilities subject to:
 - a. A determination by the Woodside Town Engineer that the existing on-site sewage disposal system serving an eligible property has failed and that there is no reasonable alternative from a health and safety standpoint but a gravity system into District facilities.

- b. A determination, by Resolution, of the Town Council upholding the Town Engineer's determination and the forwarding of a copy of that Resolution to both the City and District.
- 2. Upon a determination by the Town Council that an eligible property may be sewerred into the District's facilities, the eligible property shall be subject to all of the provisions of the Agreement, in addition to the following:
 - a. A connection fee shall be paid to the District in an amount determined by the District consistent with Paragraph III of that certain Agreement for Transmission of Sanitary Sewage by and between the Fair Oaks Sewer Maintenance District and the Town of Woodside, dated May 8, 2001.
 - b. A City Facilities Fee and Wastewater Treatment Connection Fee shall be paid to the City in an amount determined by City consistent with the connection of other properties to the sewage facilities of City, as said amount is established from time to time by the City Council. It is acknowledged that the City's Facilities Fee and Wastewater Treatment Connection Fee includes the cost of a portion of the capital cost for the transportation, treatment, and disposal facilities owned and maintained by the South Bayside System Authority (SBSA). In this regard, the provisions of Paragraph VI, "Acquisition of Additional Sanitary Sewage Treatment Capacity", of the Agreement do not apply to the properties shown on Exhibit C.
 - c. Upon being connected to District sewage facilities, the eligible property so connected shall be invoiced on a monthly basis by the City for sewage service consistent with sewage service charges invoiced to other single family dwellings within the City, as said sewage service charges are established from time to time by the City Council. It is mutually understood that the monthly charges for sewer service imposed by City constitute full compensation for the transmission of sewage from the eligible property through the City's sewage facilities and the transmission, treatment, and disposal of said sewage at the SBSA treatment facility. In this regard, the provisions of Paragraph IV "Payment" of the Agreement do not apply to the properties shown on Exhibit C.
- 3. In all other respects the Agreement is reaffirmed.

IN WITNESS WHEREOF, the parties hereto have executed this _____ amendment to the Agreement the date and year first above written.

CITY OF REDWOOD CITY,
A municipal corporation

By _____
City Manager

ATTEST: _____
City Clerk
(SEAL)

TOWN OF WOODSIDE,

A municipal corporation

By _____
Town Manager

ATTEST: _____
Town Clerk
(SEAL)

FAIR OAKS SEWER MAINTENANCE DISTRICT,

A sewer maintenance district of the County of San Mateo

By: _____
President, Board of Supervisors

ATTEST: _____
Clerk of the Board
(SEAL)

EXHIBIT C

List of Assessor Parcel Numbers:

073-132-160

073-132-200

073-132-210

073-132-240

073-132-250

073-133-210

073-133-270

073-133-280

073-133-340

and

Map of Parcels (following page)

**FIFTH AMENDMENT
TO THE AGREEMENT FOR TRANSMISSION OF SANITARY SEWAGE
BY AND BETWEEN THE FAIR OAKS SEWER MAINTENANCE DISTRICT
AND THE TOWN OF WOODSIDE (AGREEMENT)**

This is the Fifth Amendment to the Agreement dated May 8, 2001 between **the TOWN OF WOODSIDE** (the Town) and the **FAIR OAKS SEWER MAINTENANCE DISTRICT** (the District), collectively the Parties.

RECITALS

- A. The Agreement provides for sewage transport from the Town's Town Center Sewer Assessment District (TCSAD) through the facilities of the District and provides for a Service Area shown in the Agreement as Exhibit A thereof and Exhibit A hereto.
- B. Previous Amendments to the Agreement provided for sewage transport from certain properties that were annexed to the TCSAD as shown in Exhibit B.
- C. The Town now desires to amend the Agreement by identifying certain properties that either have, or may have at some future date, failed on-site sewage disposal systems, which properties have the capability of being sewered by gravity into the facilities of the District. The Parties hereby desire to amend the Agreement to identify those properties listed and shown in Exhibit C.

THEREFORE, IT IS AGREED:

- 1. That the properties listed and shown on Exhibit C, attached hereto, are eligible to be sewered by gravity into the District's facilities subject to:
 - a. A determination by the Town Engineer that the existing on-site sewage disposal system serving an eligible property has failed and that there is no reasonable alternative from a health and safety standpoint but a gravity system into the District's facilities.
 - b. A determination, by Resolution, of the Town Council upholding the Town Engineer's determination and the forwarding of a copy of that Resolution to both the District and the City of Redwood City.
- 2. Upon a determination by the Town Council that a property may be sewered into the District's facilities, the property shall be subject to all of the provisions of the Agreement, including, but not limited to:
 - a. A connection fee payable to the District in an amount determined by District consistent with Paragraph III of the Agreement.
 - b. The collection of a sewer service charge by the Town in an amount determined by Town consistent with Paragraph IV of the Agreement.
- 3. Properties identified in Exhibit C that are subsequently determined by Town Council Resolution to be connected to District facilities will not be annexed to either the TCSAD or District but will be provided sewer service through District in such manner as if the properties had been annexed to the TCSAD. In this respect, such properties that are being provided

sewer service pursuant to this amendment to the Agreement shall be shown on the sewer service charge report annually compiled by Town and furnished to both District and the City of Redwood City.

In all other respects The Agreement is reaffirmed.

DATED: _____

TOWN OF WOODSIDE

By _____
Town Manager

DATED: _____

APPROVED AS TO FORM

Woodside Town Attorney

DATED: _____

**FAIR OAKS SEWER MAINTENANCE DISTRICT,
A sewer maintenance district of the County of
San Mateo**

By: _____
President, Board of Supervisors

EXHIBIT C

List of Assessor Parcel Numbers:

073-132-160

073-132-200

073-132-210

073-132-240

073-132-250

073-133-210

073-133-270

073-133-280

073-133-340

and

Map of Parcels (following page)

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
APPROVING THE FIFTH AMENDMENT TO THE SANITARY SEWERAGE TREATMENT
CAPACITY RIGHTS AND SERVICES AGREEMENT BETWEEN THE TOWN OF WOODSIDE,
THE CITY OF REDWOOD CITY, AND THE FAIR OAKS SEWER MAINTENANCE DISTRICT

WHEREAS, on October 16, 1996, the Town Council approved a Sanitary Sewerage Treatment Capacity Rights and Services Agreement with the City of Redwood City and the Fair Oaks Sewer Maintenance District through the adoption of Resolution No. 1996-5079; and

WHEREAS, that agreement has been amended on four occasions since its original approval, incorporating properties with failed or failing on-site septic systems that were not included in the original boundaries of the Town Center Sewer Assessment District and that were granted Sewer Service Allocations by the Town Council; and

WHEREAS, on April 24, 2007, the Town Council of the Town of Woodside adopted Ordinance No. 2007-537, amending the Town's Sewer Service Allocation regulations by modifying the definition of "Contiguous Parcel" to include those parcels contiguous to the Fair Oaks Sewer Maintenance District Service Area; and

WHEREAS, the staffs of Redwood City, the County of San Mateo, and the Town of Woodside have developed a fifth amendment to the Agreement, in order to provide the framework by which the newly designated "Contiguous Parcels" may be provided public sewer service.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that it approves the fifth amendment to the Sanitary Sewerage Treatment Capacity Rights and Services Agreement, attached hereto as "Exhibit I", and authorizes the Town Manager to execute the amendment on behalf of the Town.

* * * * *

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

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

ATTEST:

Mayor of the Town of Woodside

Clerk of the Town of Woodside
seweragreementfifthamendment

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
APPROVING THE FIFTH AMENDMENT TO THE AGREEMENT FOR TRANSMISSION OF
SANITARY SEWAGE BY AND BETWEEN THE FAIR OAKS SEWER MAINTENANCE
DISTRICT AND THE TOWN OF WOODSIDE

WHEREAS, on May 8, 2001, the Town Council approved an Agreement for Transmission of Sanitary Sewage By and Between Fair Oaks Sewer Maintenance District and the Town of Woodside, through the adoption of Resolution No. 2001-6267; and

WHEREAS, that agreement has been amended on four occasions since its original approval, incorporating properties with failed or failing on-site septic systems that were not included in the original boundaries of the Town Center Sewer Assessment District and that were granted Sewer Service Allocations by the Town Council; and

WHEREAS, on April 24, 2007, the Town Council of the Town of Woodside adopted Ordinance No. 2007-537, amending the Town's Sewer Service Allocation regulations by modifying the definition of "Contiguous Parcel" to include those parcels contiguous to the Fair Oaks Sewer Maintenance District Service Area; and

WHEREAS, the staffs of the County of San Mateo and the Town of Woodside have developed a fifth amendment to the Agreement, in order to provide the framework by which the newly designated "Contiguous Parcels" may be provided public sewer service.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WOODSIDE that it approves the fifth amendment to the Agreement for Transmission of Sanitary Sewage By and Between the Fair Oaks Sewer Maintenance District attached hereto as "Exhibit II", and the Town of Woodside and authorizes the Town Manager to execute the amendment on behalf of the Town.

* * * * *

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

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

ATTEST:

Mayor of the Town of Woodside

Clerk of the Town of Woodside
seweragreementfifthamendment2

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 5

From: Susan George, Town Manager

July 8, 2008

SUBJECT: RESOLUTION APPOINTING THE TOWN'S VOTING DELEGATE AND VOTING ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution, appointing the Town's voting delegate and voting alternate to the League of California Cities (LCC) Annual Conference.

DISCUSSION

The LCC will be holding its Annual Conference from September 24th through September 27th this year. The conference will be held in Long Beach. The annual business meeting takes place during the conference and is scheduled for Saturday, September 27th. Every member city is eligible to vote on the matters on the agenda for the business meeting, including policy resolutions. The LCC has asked each member city that wishes to participate to appoint a voting delegate. The Town Clerk recently requested Town Councilmembers to let her know if they were planning on attending this year's League conference. As of this writing, responses have not yet been received, but will be provided to the Council at the time that this resolution is considered. The Town Council can then decide who from among those Councilmembers who indicate their intentions to attend this year's meeting to appoint as the voting delegate and alternate(s). Last year, the Town Attorney represented the Town as the voting delegate. The resolution must be received by the LCC by September 5, 2008.

CONCLUSION

In order to allow the Town to participate in the annual business meeting at the LCC Annual Conference, adoption of the attached resolution is recommended.

Attachment

RESOLUTION NO. 2008 -

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
APPOINTING THE TOWN'S VOTING DELEGATE AND VOTING ALTERNATE TO
THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

WHEREAS, the 2008 League of California Cities Annual Conference is scheduled for September 24 - 27, 2008, in Long Beach; and

WHEREAS, the League's Annual Business Meeting is conducted during the conference period; and

WHEREAS, the League has requested that each city/town designate a Voting Delegate to represent it at the Business Meeting.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council designates _____ as the official Voting Delegate and _____ as the Voting Alternate of the Town of Woodside at the 2008 League of California Cities Annual Conference.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th of July, 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

lcc2008.rsl