

TOWN COUNCIL MEETING NO. 724, JULY 25, 2007

ROLL CALL

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

Present: Councilmembers Davis, Merk and Toben, and Mayor Driscoll  
Absent: Councilmember Derwin  
Others: Town Administrator Howard, Town Attorney Sloan, Public Works Director Young, Asst. Town Administrator Willis, and Assistant Clerk Hanlon

URGENCY ITEM

Ms. Howard asked that installation of the fire service line for the Town Center be added to the agenda as an urgency item. By motion and second, the item was added to the agenda by a vote of 4-0.

ORAL COMMUNICATIONS: None

(1) PRESENTATION AND DISCUSSION: Sustainable San Mateo County (SSMC) Report

Tina King, Director of Education and Outreach, distributed copies of the "Indicators for a Sustainable San Mateo County" annual report dated April 2007. She said SSMC was a volunteer-based, non-profit organization started in 1992 by a group of community leaders who sought to educate decision makers throughout the County on the importance of sustainability. Using overheads, she discussed: 1) the goal of SSMC; 2) definition of sustainability; 3) relationship between economic vitality, social well-being, and environmental health; 4) 32 sustainability indicators used; 5) sustainable updates from the cities and the County; 6) organizations that used the report; 7) energy use in Portola Valley; 8) sustainable programs in Portola Valley; 9) water use and conservation; 10) additional ways to make communities sustainable; 11) zero energy homes; 12) individual efforts; and 13) the annual awards event.

Councilmember Merk referred to the chart in the report showing acres of city parks per 1,000 residents (p. 33) and said he felt the land owned by MIDPEN in Town should be counted. Ms. King said the chart would be redone in the next report and currently only reflected city parks. Mayor Driscoll pointed out that the Town also had traffic associated with the MIDPEN lands.

Councilmember Davis said this organization and publication were held in high regard. When the Town discussed its contributions to non-profit organizations during the budget process, SSMC sailed through every year; everyone really enjoyed the publication. Ms. King said there was an amazing group of volunteers on the Board and committees.

Ms. King said the Town was sent information and a survey from SSMC for the Pathway to Sustainable Cities program. The program included a set of tools, resources, guidelines and benchmarks to help cities measure their own progress in sustainability. There had been a tremendous amount of positive feedback on it. SSMC would also be embracing climate protection. Mayor Driscoll noted that the Town had a Climate Protection ad hoc committee. One of the issues they were dealing with was how to measure greenhouse gas emissions. He asked if SSMC could furnish information or provide contacts. Ms. King said SSMC would be participating in ICLEI and would be learning how to collect the data and provide benchmarks for cities. ICLEI software would become a standard. SSMC wanted to be on the same page in terms of the State's requirements, etc. Mayor Driscoll said it would be helpful if SSMC could become a central source of data for the cities. Ms. King said that was the goal.

Councilmember Toben asked if SSMC had considered new ways to offer services--beyond the publication--such as environmental data gathering. Another example might be the upcoming National Conversation on Climate Action scheduled for October 4 throughout the country. It was an effort to engage locally elected officials in serious dialogue about what measures municipalities could take to reduce their carbon footprint. He urged SSMC to enlist its capabilities and participate in this event. The Town had only so many staff resources, and SSMC was a central clearinghouse of capability and expertise. It would be great if SSMC could put some muscle behind the efforts to raise public awareness and build the audience for this event in those cities that elected to participate. There were 3-4 cities in the County who had signed on to the Climate Protection Agreement, and this could be an opportunity to give them the spotlight and encourage other cities in the County to enlist.

Responding to Councilmember Toben, Ms. King said SSMC accepted and encouraged self-nominations from cities and other entities for the annual awards. Councilmember Toben said a lot had happened in the community in the last few years, and he thought the Town offered a good case for leadership. The Town Center project was a good example of state-of-the-art green design, in addition to a lot of other things. He asked staff to think seriously about preparing a self-nomination for the Town. Mayor Driscoll discussed the group solar photovoltaic project in Town, which was now being done in other communities. He said the Town expected to get 25 homes to convert to photovoltaics and 175kw. The Town ended up getting 77 homes and 370kw. Councilmember Toben noted that the Town had the highest per capita percentage of homes powered by photovoltaics in California at about 10%. Ms. King said that deserved an award. Councilmember Toben added that the Town also used the GreenWaste garbage program and adopted a green purchasing policy. The Town was deadly serious about this and was making earnest efforts that were substantive. Mayor Driscoll noted that an SSMC graph showed the Town was using more power in all but 3-4 communities in the County; in fact, the Town was leading in alternative energy production. He suggested adding a graph that showed energy production per capita or use of photovoltaics. Ms. King agreed that all these were items that needed to be included in the Town's city page in the publication.

Responding to Councilmember Toben, Ms. King said when she visited city managers, she was sometimes shocked by the positive response the report received. Almost across the board, city managers were directing their staffs to use the indicators in the report to help guide them through their budgetary process and think about the indicators when they were reviewing their general plans. In the past, SSMC had disseminated information. It was now moving toward being more active and getting people actively involved and competing with each other. That was why the Pathways to Sustainable Cities program would be very important. Right now, the report just said this was the way it was. It didn't talk about the causes and solutions; it left it up to the towns to come up with those. SSMC was moving in that direction, which she thought would be very helpful. Councilmember Toben said he was in the business of providing grant support to environmental organizations. He suggested SSMC think about documenting impacts with greater particularity in the future. The report was an output, not necessarily evidence of impact. The output was great, but it was hard to tell exactly what difference SSMC was making other than a general assertion about raising consciousness. If SSMC could document with greater particularity the ways in which city managers were using this to influence budgeting, a good service would have been done by SSMC and the communities.

Councilmember Merk said he had read and saved these reports since the first one received about 11 years ago. He thought there was great educational value in having this data. You could compare the reports from year to year and see how you were doing and where your town stood in the list. He agreed with Councilmember Toben, but he felt the impact was hard to measure. He really appreciated these reports and found them to be interesting. He also quoted the information quite a lot.

Ms. King thanked the Councilmembers for the input. She said the city manager in San Carlos indicated they had a grass roots economic commission that constantly referred to the indicators/report. She agreed that type of feedback was hard to measure.

Mayor Driscoll said a classic management axiom was if you were going to improve something, you first had to measure it. By measuring it and disseminating that measurement to people, you would get the community competitiveness going. Presenting towns with more facts would help to: a) drive cities' own efforts; and b) compare themselves with their neighbors and see where improvement was warranted. Councilmember Davis added that it was very useful to have a neutral and well-presented comparison of data.

### CONSENT AGENDA

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

Ayes: Councilmembers Davis, Merk and Toben, and Mayor Driscoll.  
Noes: None

- (3) Warrant List of July 25, 2007, in the amount of \$582,413.46.
- (4) Annual Report of Fiscal Year Ending June 30, 2007, Budget and Interfund Transfers, per Administrative Services Officer's memo of 7/25/07.
- (5) Resolution No. 2351-2007 Approving and Authorizing Execution of the Lease Agreement Between the Town and Alpine Beer Garden, Inc., per Asst. Town Administrator's memo of 7/18/07.
- (6) Resolution No. 2352-2007 Establishing Rules and Regulations Relating to the Use of Trails, per Public Works Director's memo of 7/19/07.

### REGULAR AGENDA

- (2) Minutes of Town Council Meeting of July 11, 2007 (Removed from Consent Agenda).

Councilmembers submitted changes to the minutes of the 7/11/07 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

- (7) Town Center Project Phase 2, Softball Field and Site Improvements, Bid Packages 23 and 25

Mr. Young reviewed his staff report of 7/25/07 on bid packages 23 and 25 for the softball field and related site work.

Councilmember Toben said this facility was going to be as much about Little League baseball as it was about adult/girls softball. Little League was contributing to the field, and it should be acknowledge that it would be used for baseball as well as softball. Mr. Young noted that the specs used the term "softball," but the Town could refer to it as baseball/softball. Councilmember Merk felt it should be called "lower division baseball."

Responding to Mayor Driscoll, Mr. Young confirmed that the resin paving would only be done behind the backstop area as a part of this contract. By motion and second, Council adopted Resolution No. 2353-2007 Approving Plans and Specifications and Calling for Bids for the Town Center Project Phase 2 – Bid Packages 23 and 25 by a vote of 4-0.

- (8) Extension of Agreement with TBI Construction and Construction Management, Inc.

Mr. Young reviewed his memo of 7/25/07 on the third amendment to the contract with TBI Construction &

Construction Management, Inc. for the balance of the work described in Exhibit A-3 in an amount not to exceed \$944,052. Mayor Driscoll noted that CR Hogdson was doing an outstanding job for the Town.

By motion and second, Council adopted Resolution No.2354-2007 Authorizing the Expenditure of Up to \$944,052 to TBI Construction and Construction Management, Inc., for Construction Management Services for the Town Center Project by a vote of 3-0, with Councilmember Merk abstaining.

URGENCY ITEM: Town Center Fire Line Service (Added to Agenda)

Mr. Young reviewed his memo of 7/25/07 on the installation of the fire service line for the Town Center. He said the Construction Manager recommended four new fire hydrants be operational prior to wood framing, which was scheduled to begin by mid August. Cal Water's estimate to provide the 6" line to the property was \$27,764. Mayor Driscoll noted that 25% of the cost was listed as taxes. Mr. Young said Cal Water was subject to certain taxes—28% was federal and 7.5% was State. It was classified as an in-kind construction; the Town actually paid for it and gave it to Cal Water, and they were subject to taxes for the capital improvement. Mr. Young confirmed for Councilmember Merk that the Town would not be using the fire line service—only the Fire Department.

By motion and second, Council authorized the Town Administrator to accept the estimate provided by California Water Service Company and authorize them to proceed with the installation of the required fire service line by a vote of 4-0.

(9) Agreement with Jensen Landscape Contractors for Renovation of Ford Field

Mr. Willis reviewed his memo of 7/18/07 on the annual renovation of Ford Field and recommendation to retain Jensen Landscaping Contractors to do the work. Responding to Councilmember Davis, he said "Candlestick Mix" was a reddish-brown, decomposed granite mix that was put on the infield areas. Responding to Councilmember Merk, he said some of the work that was crossed out on Exhibit A had been done previously.

By motion and second, Council approved Resolution No. 2355-2007 Approving and Authorizing Execution of an Agreement Between the Town and Jensen Landscape Contractors by a vote of 4-0.

Responding to Mayor Driscoll, Mr. Young described efforts made to keep cars from parking under the oak trees near the field. He said the trail on Alpine Road had been barricaded off, and telephone poles had been put at the other end behind the backstop; the telephone poles had been moved. He said he would investigate better ways to keep cars from getting into the area.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(10) Portola Valley Community Fund (PVCF) Request for Approval of 3<sup>rd</sup> Quarter Budget

Mayor Driscoll said he would present the committee's memo on the 3<sup>rd</sup> quarter budget because no PVCF members could attend the meeting. Reviewing the memo, he noted that a mailing was planned during the quarter, and a number of outreach efforts were planned for the fall.

Councilmember Toben said he hoped that some funds would be reserved for a major groundbreaking event a year from now to acknowledge major donors again. Additionally, he understood there would be another major challenge gift in the fall. By motion and second, the PVCF steering committee's budget was approved by a vote of 3-0, with Councilmember Merk abstaining.

(11) Status of Town Center Project

Ms. Howard said all the prep work had been done for the playground and most of the equipment was scheduled for delivery on August 6. The reinforced steel was being placed in the Town Hall building. The forms had been done for the library and the concrete walls would be poured next week. The footings were being poured in the Community Hall, and all the electrical work would be done this week. Work on the baseball field would begin shortly. Responding to Councilmember Davis, Mayor Driscoll said the camera was up but the results were not yet available. Mr. Willis added that the current web posting service didn't provide what was needed. Mayor Driscoll noted that the Town's fee for web posting would increase to \$49/month from \$25/month to cover the Town's needs.

Mayor Driscoll said he viewed episode one of the documentary film, which described why and how the Town Center project was being done. Episode one closed with the pouring of the first concrete in the library. His only objection was that there was nothing to indicate more would follow. That had been fixed and he felt the film did a fine, neutral job. It ran about 20 minutes. He noted that some modifications would probably be necessary to reduce the size of the file. Councilmember Toben suggested a copy of the film accompany the Town's award nomination to Sustainable San Mateo County this fall. Mr. Willis added that the film definitely served the educational mission.

Mayor Driscoll noted that Mr. Young went over the plans for the baseball field last week and made some adjustments: 1) two 16' high, 2' wide foul ball poles had been eliminated and would be replaced by temporary 3' poles; and 2) a footbridge across a small swale had been removed.

(12) Reports from Commission and Committee Liaisons

(a) Parks and Rec Committee

Councilmember Toben said one member of the Committee was re-examining the fees charged to leagues and teams for use of the fields. This individual felt some of the CYSA teams were not paying their fair share and wanted to raise fees for non-resident members of teams by 4-5 times what a resident member would pay. There was an assumption by some on the Committee that the Council intended that the fields be maintained through revenues paid to the Town. Councilmember Toben said that had never been a strong policy of the Council, and his impression was that the use fees were never going to cover the full costs of the fields. Councilmember Davis said that had been the practice versus policy.

Responding to Mayor Driscoll, Ms. Sloan said it was fine to charge non-residents more than residents; all cities she was aware of did that. Councilmember Davis suggested agendaing the topic and getting some feedback on whether non-residents should be charged more than residents and whether the general rate was too low. Ms. Sloan suggested the Committee research what other cities were doing. Councilmember Merk said he felt the general rate was too low, and he would have no problem charging non-residents a higher rate—but not 4-5 times higher. He preferred a percentage of the rate rather than a multiplication of the rate.

Mayor Driscoll said Parks and Rec was an advisory committee. It was fine for them to advise that the Council revise the fees upward and charge more for non-residents. He felt the actual number setting was Council's prerogative. Councilmember Davis said in the past, the Committee had made specific numeric proposals, even though the Council set the rate.

(b) Open Space Advisory Committee

Councilmember Toben said a proposal was being floated about a potential open space purchase. He noted that the fund balance was presently \$1.5 million. It was important that the Council pay attention to the fund balance to ensure it didn't get too high without any action being taken. He suggested the Council discuss whether the Town should aggressively pursue things like conservation easements as opposed to a more passive approach.

(c) Planning Commission

Councilmember Merk said the tentative map approval for the Sausal Creek project had been extended for two-years to accommodate the lawsuit/appeal on the senior aspect of the project. Additionally, on August 1, the Commission would hold a meeting to get input on creek setbacks. The Commission also discussed the SPUR/Douglas use permit condition that required that they hook up to the sewer when it became available. The Bujas had put up a lot of money upfront for the sewer project. The Douglasses had put in an approved new septic system, and did not want to hookup to the sewer. The item was continued to gather more information. The Commission also discussed the Lefteroff project, which he described. He said the project involved 24' of sequential vertical retaining wall just to get the driveway up to the house. There was also an 80' mass of building material, which some neighbors were quite concerned about. Technically, it was okay, but collectively it was scary. They were also depending on planting—including a lot of oaks. Sudden oak death was in Town and was spreading

(d) Emergency Preparedness Committee

Responding to Councilmember Merk, Mr. Willis confirmed that the Council's training session on August 29 would consist of evacuation training. Councilmember Merk said the Committee was still concerned about where water would be stored on this site.

(e) ASCC

Councilmember Merk said there was a project on the top of Redberry Ridge in an area with a lot of old manzanitas. That had been tentatively approved with a long list of conditions. Lighting was also an issue. He said the new State building code required a light at every exterior door with a photosensitive switch that could not be turned on during the day; it had a motion detector that would turn the light on if it was dark and there was any motion. That was in contradiction with the Town's ordinance about not having a motion detector. The building code did not address the brightness of the light. These things would probably have to be worked through the ASCC and Planning Commission. Responding to Mayor Driscoll, Ms. Sloan said when updated building codes were adopted; the Town had the ability to change things due to unique circumstances because of public health and safety. Responding to Councilmember Toben, she said she would look at the Town's authority to tighten/loosen the code.

(f) Conservation Committee

Councilmember Merk said the Committee was setting up a subcommittee to go over the planting guidelines revisal. There was also a lot of talk about sudden oak death. The Committee also discussed Harding grass in the pond and Harding grass in general.

(g) Cable Committee

Mayor Driscoll said the Committee cancelled its meeting this month. But, there was a lot of e-mail traffic about AT&T's Project Lightspeed and bringing video to your DSL line. AT&T would be coming to the Planning Commission/ASCC in a month or so to discuss installing a couple of boxes in Town. He noted that the Committee was anxious to facilitate some competition to keep cable prices down and give people an alternative.

WRITTEN COMMUNICATIONS

(13) Town Council 7/13/07 Weekly Digest

(a) Construction Fence on Nathhorst Trail

Referring to his memo of 7/12/07, Mr. Willis confirmed for Councilmember Merk that Mr. Young brought the matter to the attention of the contractor.

(b) "Heart of Philanthropy" Award

Referring to the Esses and Drake press release of 7/12/07, Councilmember Toben suggested sending written congratulations to Bill and Jean Lane for receiving the Glenn George "Heart of Philanthropy" Award.

(14) Town Council 7/20/07 Weekly Digest

(a) 20' x 30' Flag Donation

Referring to Mayor Driscoll's e-mail about the donation of a large flag for the New Town Center ribbon cutting ceremony, Councilmember Merk said he would prefer to use the Town's flag for the ceremony. Mayor Driscoll noted that the large flag could not be flown on a pole. Councilmember Davis said it was a wonderful gesture, but the size of the flag was not in keeping with the Town.

(b) CA Liability Waivers Law

Referring to the *Los Angeles Time's* article on California's liability waiver law, Ms. Sloan said her usual answer to questions about waivers was that they helped, but they were not foolproof. The recent ruling indicated that waivers didn't protect recreation providers in cases of gross negligence. Town Administrator Howard suggested that some of the Town's rules/policies might need to be re-examined when the New Town Center opened.

(c) National Conversation on Climate Action

Referring to the ICLEI/Yale/ASTC letter of 7/10/07, Councilmember Toben said his foundation was providing support to the Yale School of Forestry and ICLEI to help organize the event scheduled for October 4. He thought this might be a timely event to bring together Woodside and possibly Menlo Park in some kind of joint event on climate protection. The virtue of this event was that it was a measured, quiet conversation about taking serious steps forward in this ongoing challenge as opposed to a rabble-rousing/advocacy kind of event. He did not have a clear sense of what might be expected of the staff in terms of getting things organized. He had hoped to engage Sustainable San Mateo County. He asked if the Council thought this was something that the Town should endorse and possibly do some organizing around. He thought the Climate Protection group could put some muscle behind it.

Mayor Driscoll said the Council talked about the Climate Protection task force having a further presentation at some point in the future. He felt a special meeting might be appropriate on October 4, and perhaps have Stefan Unnasch present his committee's recommendations. He added that he appreciated all the work that went into the reports and thought a special meeting to receive those reports would be appropriate.

Councilmember Davis said a lot of groups were getting involved in this issue. He would feel better if he had an accurate recommendation from the task force on what activities the Town should be supporting. Given the sponsors of the October 4 event, Councilmember Toben said he was confident that this was a unique opportunity. He felt it could be fleshed out with the Town doing something a little more concrete. He noted that the Town was already a subscriber to ICLEI service.

Mayor Driscoll agreed this event was worth supporting. But, he felt the Town might need to re-examine some of these requests in the future. In addition to the special meeting on October 4, he suggested asking Anne Campbell about some school/class participation.

(d) General Plan Update

Referring to the letter of 7/16/07 from the State Office of Planning and Research on general plan updates, Mayor Driscoll noted that a number of the Town's General Plan elements needed updating. He noted that the planning budget included update of the Noise Element. Responding to Mayor Driscoll, Ms. Sloan said the biggest risk was not having an updated Housing Element, which the State paid attention to. The only other risk was if the Town approved a project and someone wanted to challenge it. They could say that the project should not have been approved because it wasn't consistent with the general plan, which was inadequate because it was out of date.

Councilmember Toben noted that a lot of work had been done on the Housing Element when he was on the Planning Commission, and he questioned what became of that. Additionally, he noted that several elements were updated in 1998. That same type of comprehensive push might occur so that a number of the elements could be updated at once. Councilmember Davis discussed work done on the Land Use Element in the past. He felt some of the elements were in reasonably good shape and would not require substantial effort.

After discussion, Mayor Driscoll suggested scoping out an update effort so that it could be accomplished in FY 08/09. Councilmember Merk suggested putting priority on the Noise and Housing Element.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

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Mayor

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Town Clerk