

TOWN COUNCIL MEETING NO. 722, JUNE 27, 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, Derwin and Merk, and Mayor Driscoll
Absent: Councilmember Toben
Others: Town Administrator Howard, Town Planner Mader, Town Attorney Sloan, Public Works Director Young, Asst. Town Administrator Willis, Admin Services Officer Nerdahl, and Assistant Clerk Hanlon

ORAL COMMUNICATIONS

Gunther Steinberg, Lerida Ct., Ladera, reviewed his memo and discussed the fire danger in the open space preserve at 358 Alamo Road, which adjoined his property. He said most homeowners in Ladera and Portola Valley cleaned up their weeds to prevent fires. This was not the case on this lot, which was 27' from his house. He said large oak trees with dead wood hung down into the weeds, and there were a number of dead trees. He attempted to contact the owner three times starting in February 2006, but there had been no response. He spoke with the Fire Department, and the Fire Marshal had been out to see him. He sent the Town two letters along with pictures of the problem and received a response indicating it would be looked into; nothing had been done. His homeowners' insurance company declined to renew his insurance because of fire danger, and he had to obtain another policy at a higher premium. He discussed the potential for fire in Ladera and Stanford. As he suggested before, he felt a weed abatement ordinance was in order. There should be a 50-100' reduced fuel area from the fence line into the lot, which was in line with other insurance and agency recommendations. He urged the Council to act before there was a fire.

(1) PRESENTATION: New Proposal for C-1 Trail in Portola Valley by Stanford University

Larry Horton, Stanford, said last February Stanford sent the Town a formal offer to pay for improvements to the trail along Alpine Road in Portola Valley from the Town's border with unincorporated San Mateo County to Arastradero Road. Since that time, Stanford representatives and outside engineering and environmental experts had worked with Town staff and the Trails and Conservation Committees to design and relocate the trail in accordance with the wishes of Portola Valley. More than one plan had been done and modifications had been made at the request of the Town's representatives. He said Stanford very much appreciated the cooperative, constructive and thoughtful approach of the staff and committee members. He said no pre-existing design had been used as the basis for the new design. New plans had been developed through field inspection of the existing trail and all the available land between the road and the creek. BKF and environmental experts drew up new plans based on the preferences of the working group. He said: 1) the existing trail was a little over a mile; the new trail was 100' longer at 5,600' due to relocating significant portions of the trail further inland from the road; 2) 40% of the existing trail was less than 15' away from the road; only 14% of the new trail was less than 15' away from the road; 3) 16% of the existing trail was more than 60' from the road; 32% of the new trail was more than 60' from the road; in two places, the new trail was over 80' from the road; 4) the entire trail was essentially 8' wide with a 2' shoulder on each side in most cases; 5) the trail would be moved away from the road wherever possible; 6) Stanford would grant new easements for the segments relocated deeper into Stanford land; and 7) the new trail plan also included significant environmental protection for the creek. He discussed the background and expertise of Stanford's Field Construction Manager, Jim Inglis, and Stanford biologist Dr. Alan Launer, who worked on this trail project.

Jim Inglis, used trail maps and the trail segment chart (dated 6/25/07) to discuss: a) the proposed C-1 and existing trail; and b) improvements to each of the 11 segments and proposed landscaping.

Mr. Horton said the old trail would be taken up and replanted in those areas where the new trail moved inward. The trail improvements represented a year's work of collaborative effort. In order to construct the trail, three things needed to be completed. First, there had to be appropriate environmental review. Second, the project would need to be approved by the Council. Additionally, the Santa Clara County Parks Director had to approve the payment of the final trail improvements; the plans were previewed with the Parks Director this week who was extremely positive about what was proposed. Third, Stanford and Portola Valley had to conclude an agreement on those things specified in the Santa Clara/Stanford Trails Agreement executed on January 3, 2006, which addressed how the project would be done. Finally, he said Stanford had been asked to grant an easement near Arastradero Road for some future work if the Town chose to do it to cross over the creek at that point. Stanford would try to work out an appropriate agreement for that at a future time. He noted that Sandy Skaggs, land use attorney who negotiated the agreement with the County, would be working on this agreement.

Responding to Councilmember Merk, Mr. Horton said the arborist's report dated 6/24/07 on the necessary tree removal had been given to the Conservation Committee, and he understood that they would be doing a field inspection. In order to put the trail in, some trees would have to be removed. If the Town chose not to remove the trees, the trail would be moved back. These were choices for the Town to make. Referring to the arborist's report, Mr. Inglis said the bulk of the trees that needed to be removed were in segment 3 where the creek bank needed to be stabilized. The trees were down in the creek. The report represented the best guess of which trees needed to be removed in order to follow the proposed trail alignment. Mr. Horton discussed the number of trees to be removed and replacement trees, shrubs and groundcover. Responding to Councilmember Merk, he said Stanford used the Town's plant list. Responding to Councilmember Davis, he said Stanford would give the Town an amount for maintenance of the trail as specified in the agreement; the initial estimate was \$100,000.

Responding to Mayor Driscoll, Mr. Horton said what was proposed for the trail was within the original budget. There were a number of options that would be negotiated. Stanford could pay the Town to do the work, or Stanford could do the work.

Jerry Hearn said he appreciated the work done on the C-1 trail, which was quite a bit different than what was initially proposed. Responding to Mr. Hearn, Dr. Launer described the crib wall and riparian enhancement proposed for segment 3 and studies done on an appropriate solution. Responding to Mr. Hearn, Mr. Inglis said erosion was not a concern in segment 5. Mr. Hearn suggested strengthening the banks with some additional tree planting. Dr. Launer said the analysis of this segment would be reviewed to see if additional planting was appropriate.

Mr. Horton added that the "super sidewalk" plan had not come from Stanford. Santa Clara County required Stanford to do a study of a 12' trail with 2-4' feet shoulders.

Responding to SallyAnn Reiss, Mr. Inglis said the surface was asphalt.

Responding to Councilmember Merk, Dr. Launer said the cement part of the retaining wall in segment 3 was about 10 feet. On the road side, the wall would only stick up a couple of feet due to the backfill. There would be a guardrail of some sort.

Councilmember Merk said he thought what was proposed was moving in the right direction. The Conservation Committee discussed this yesterday, and they would like Acterra to start growing the plants for this now, so that shrubs with the DNA of plants in the area would be available. Dr. Launer agreed that you needed to prepare a year in advance to get these things going.

Mayor Driscoll said the Trails Committee had worked hard on this issue and were content with the plan. He felt they deserved a lot of credit. This was a difficult route to try to improve, and the original plan was very different.

Council directed the Town Attorney to enter into negotiations with Stanford on the contractual issues. Mayor Driscoll said there might need to be refinements in terms of tree removal, etc., later on. Ms. Sloan said Town Planner Mader's office would need to start with the environmental review. Responding to Town Planner Mader, Mr. Horton said funds from Stanford would cover the CEQA evaluation.

CONSENT AGENDA

By motion of Councilmember Davis, seconded by Councilmember Merk, the items listed below were approved by a vote of 4-0:

- (1) Minutes of Town Council Meeting of June 13, 2007.
- (5) Resolution No. 2336-2007 Adopting Town Investment Policy, per Admin. Services Officer's memo of 6/27/07.

REGULAR AGENDA (Agenda Items Re-ordered)

- (2) Warrant List of May 23, 2007 (Removed from Consent Agenda)

Councilmember Merk said there were two items for reimbursement for damage to vehicles from soccer balls hitting cars. It was annoying that the adult soccer leagues who used the fields and parked their cars there weren't responsible for damage. Ms. Howard said when the Town sponsored any kind of adult or children's league, the Town assumed the responsibility and liability. The Town's deductible was \$25,000, and it was easier to pay small claims. When an organization like the Little League rented the Town fields, they assumed the liability and responsibility for damages. With the adult leagues, there was no organization. SallyAnn Reiss noted that there was no fence by the parking lot any more.

By motion and second, the Warrant List of 6/27/07 in the amount of \$421,139.60 was approved with the following roll call vote:

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

- (6) Agreement with Hasso Plattner Foundation for Acceptance of Donation to the Town Center Project

Ms. Howard reviewed her memo of 6/27/07 on: 1) the \$2 million international donation from the Hasso Plattner Foundation (HP Trust); 2) requirements for the Town to comply with the charitable and non-profit-making character of the HP Trust, pursuant to German tax law; and 3) auditing/reporting requirements. She said conversations were ongoing with the Foundation and German tax law authorities to clarify some of the details to be absolutely sure everyone understood the requirements. Additionally, the proposal from the auditing firm, KPMG, included assistance to staff to ensure there was a clear understanding of which uses were and were not allowed in the Community Hall.

Council member Davis called attention to page 2, paragraph #11 of Ms. Howard's memo which reads: "If the Town should not comply with all reporting requirements, it will be obliged to refund all of the \$2 million." He stated that his rusty German would translate the agreement as saying that if the reporting requirements were not met the Plattner Foundation may, if they wish, require the refund of the donation— not will. He went on to say that this was an important distinction and he felt the provision was reasonable.

What followed was a discussion of whether the Town might have to refund the donation if the Plattner Foundation was audited and the German tax authority found something wrong. Ms Howard said she felt the current uses met the spirit of the agreement. The Town had always had a policy of not allowing commercial uses.

Responding to Councilmember Davis, Ms. Sloan said she did not think the accounting firm would feel it was in their purview to look at the donation agreement. She looked at the donation agreement and requested a couple of changes. Some clarifications had also been asked for, such as whether renting the hall for weddings was considered a commercial activity. The Town felt it was not a commercial activity because no one was making a profit of selling anything. Councilmember Davis said he was more concerned about things like Tae Kwon Do. Ms. Howard noted that there were ongoing discussions about that use. It might be that the Town would have to change its relationship with the various classes; the Town might pay the teacher to teach the class. This was one point that was not 100% clarified. Responding to Councilmember Davis, she recommended the Council approve the donation agreement with the stipulation that the Mayor would not sign it until everyone was satisfied that the fine details had been worked out. Responding to Councilmember Davis, she said she did not foresee changing the agreement. The agreement had been translated and reviewed, and everyone felt comfortable with the revisions. Her concerns were with the fine details such as what "occasional use" meant. She understood that the accounting firm could help define some of these things. Staff would not be comfortable requesting the donation unless everyone was sure that the Town met the requirements or could comfortably meet the requirements with modifications to the process and policy.

Beth Rabuczewski, PVCF, said she did not think the wording of the agreement would change. It needed an addendum that clarified very specifically what an acceptable use was. Whether Tae Kwon Do was considered a commercial business needed to be decided. Ms. Reiss said Mr. Plattner extended this gift in the spirit that encompassed what the Town was already doing at the Town Center. He very much understood what went on at the Town Center and understood that the classes were for continued education for both young and old, and that there were classes for sports. There was no intent on his foundation's side to try to change it in any way. They just wanted to make sure that everyone was on the same page. This was an extremely generous gift that was done in the spirit of supporting education and youth sports.

Councilmember Davis said the concerns were about the taxing authority. Ms. Rabuczewski agreed, noting that no one wanted to accept the donation until it was understood exactly what the Town could and could not do in this building—for his sake as well as ours. She reiterated that she did not think the substance of the agreement would change; it would just be clarification of use. Mayor Driscoll suggested that the Town might need to adopt a policy that the staff could use to evaluate applicants.

Councilmember Davis moved to adopt a resolution approving and authorizing execution of an agreement between the Town and the Hasso Plattner Foundation. Councilmember Derwin seconded the motion.

Councilmember Merk said this money was being given directly to the Town and not going through the Silicon Valley Community Fund. The relationship between the donor and the Town was different. The PVCF was a committee under the umbrella of an organization, which was not being used for this transfer. Ms. Howard said one of the provisions of the German tax law was that there could be no fees associated with the donation. The Silicon Valley Community Fund took a 1% fee of donations that were going through it. Because of that, the HP Foundation agreed to give the donation directly to the Town, which was also a tax-deductible organization. She confirmed for Councilmember Merk that the Silicon Valley Community Foundation suggested that the donation go directly to the Town. Mayor Driscoll noted that the Town had a number of contributions that came to the Town before the Silicon Valley Community Foundation was involved. Ms. Rabuczewski said the agreement was originally written with the Silicon Valley Community Foundation as a third party to the agreement. They were however, not allowed to take a fee, and it was their suggestion that they be eliminated from the agreement and the donation come directly to the Town.

Mayor Driscoll noted that the Town had also received money directly since working with Silicon Valley Community Foundation. They were a conduit but not the only conduit.

Councilmember Merk said he read the contract a number of times, and it made him uncomfortable. The contract said the Town "shall warrant \$2 million for the next 20 years." When this agreement went into effect, he asked if that grandfathered the Town into current existing German tax law. Additionally, German tax law could change in, say 11 years without anyone in Town getting the news. If the Town did something wrong and found out after the fact because the law changed, he didn't know what the effect would be. He was very concerned that in, say 19 years from now when the staff and Council had changed, something would be done that would obligate the Town to pay someone in Germany \$2 million.

Councilmember Davis said from his personal knowledge, he felt that risk was minimal. Even if that occurred, the Town would have had the use of \$2 million for 20 years.

Mayor Driscoll said he could not imagine the German government coming after a small town like Portola Valley and demanding \$2 million because someone had been allowed to teach a Tae Kwon Do class. Councilmember Merk said he could imagine them coming after Hasso Plattner and his foundation about what was going on with his donation. Mayor Driscoll said if the Town used the money to build a casino, the charitable designation of the TOSA Foundation would be endangered. The Town could cause problems for all of the people who had made charitable donations and received tax benefits. Ms. Rabuczewski added that she had the same concerns as Councilmember Merk when she first read the agreement. Although it was costing the Town a fair amount of money, she felt better having an outside auditor. The fact that they came in every year, as an outside entity with institutional knowledge of the audit from year to year, was the one stable factor. The auditor added structure to that long-term proposition. The auditor was mandated by the agreement to be internationally recognized, which was why KPMG was selected. They were also working with their German office.

Councilmember Merk said the contract with KPMG was for five years, and they were the only firm that responded. He questioned what would happen at the end of five years if no one wanted to take this on. Mayor Driscoll noted that he was trying to generate a second bid. As he understood it, the fee was higher for the first and second year because they were generating procedures against which they would be evaluating from here on out. The following years would be an implementation. He did not think the Town would have a problem finding someone to take this on. Responding to Councilmember Merk, Ms. Howard said the Town was required to report to KPMG every six months only during construction. KPMG had to report to the tax authority once a year.

Councilmember Merk said this had a lot of strings, and there were restrictions on uses. Mayor Driscoll said the restrictions were consistent with the Town's already adopted policies. The Town would not accept a casino renting the MUR. The Town accepted certain things and did not accept others. Ms. Rabuczewski said one of the uses that had raised concerns was the catering kitchen. They were concerned some kind of canteen, restaurant, or commercial enterprise would be opened up. The answer was obviously "no." They had a lot of requirements to ensure themselves that the Town was not opening a restaurant or the Tae Kwon Do teacher would not be making \$150,000/year. Ms. Reiss added that the irony in having to do this was that the Town was committed to what the Town was already about. Ms. Rabuczewski said articulating it for both the community and staff made it clearer. Ms. Howard added that staff had already decided that before the buildings were opened, it needed to be very clear what the uses were and who could use the buildings. The staff had a lot of experience doing this, and she felt this issue would clarify and help that process. Ms. Sloan said this kind of agreement went to Stanford for another HP Foundation donation. This was the German way of doing this type of thing.

Mayor Driscoll called for the question, and Resolution No. 2337-2007 Approving and Authorizing Execution of an Agreement Between the Town and the Hasso Plattner Foundation passed by a vote of 4-0.

(7) Agreement with KPMG for Audit Requirements of the Hasso Plattner Foundation Donation

Ms. Howard reviewed her memo of 6/27/07 and recommendation to enter into an agreement with KPMG to meet reporting requirements specified in the Hasso Plattner Foundation donation agreement.

After discussion, Mayor Driscoll suggested authorizing the Mayor's signature on the agreement unless another better/lower proposal was received for auditing services for the donation. Councilmember Davis felt the agreement with KPMG should be signed. He moved approval of Resolution 2338-2007 Approving and Authorizing Execution of an Agreement Between the Town and KPMG. Councilmember Derwin seconded the motion.

Referring to the KPMG proposal's Executive Summary (p. 2), Councilmember Merk asked what "capacity building assistance" meant. Similarly, he asked what "deliver services around lines of business that are defined by our clients' markets" (p. 3) meant. Mayor Driscoll suggested that perhaps 3-4 sentences in the proposal applied to the Town; the rest was marketing. Councilmember Merk noted that there were no municipalities or government entities listed in their list of clients. When they talked about their "team," no one had experience dealing with governments. Ms. Sloan said she was not surprised that Delotte and Touche had not submitted a proposal. This was a very small amount of money for a big accounting firm to be concerned with. She felt the Town was lucky to find someone who was willing to do it. She also didn't think there were too many municipalities that were dealing with \$2 million donations. Councilmember Merk reiterated his concern that in 5 years, KPMG would decide it was not worth it. Ms. Sloan said once a relationship was established with a firm, it was more likely that that would be renewed.

Under fees (p. 8), Councilmember Merk said there was an escape clause about the fees described. At the bottom of the page, it said total professional services fees would not exceed \$59,850 over the five-year period. Ms. Sloan said the first description of fees was more of a proposal and somewhat unclear. In the contract itself, paragraph 3 indicated that the compensation shall not exceed the estimated fees set forth in Exhibit C without the Town's prior consent. Councilmember Merk questioned how the Town could say "no" if they wanted more money. Ms. Sloan said that happened with a lot of consultants; unexpected things arose. Ms. Howard said she did not feel the Town would be in any other position with another firm. In Exhibit C, Councilmember Merk said it indicated "Estimated Fees." That was in conflict with paragraph 3. Ms. Sloan re-iterated that compensation provision in the contract said "shall not exceed estimated fees."

Mayor Driscoll called for the vote on Resolution No. 2338-2007 Approving and Authorizing Execution of an Agreement between the Town and KPMG, and it passed 3-0 with Councilmember Merk abstaining.

(8) PUBLIC HEARING: Adoption of FY 2007-2008 Budget

Ms. Nerdahl said the suggestions made by Council at the last meeting on the budget had been incorporated. As set forth in the budget cover memo, she reviewed revenue estimates (p. ii of iv) and expenditure estimates (p. iii of iv). Responding to Councilmember Merk, she said the chart on p.2 had been reworked. The \$5,837,223 figure shown for the PVCF revenue did not include the \$2 million donation from the Hasso Plattner Foundation, which was reflected as a separate line item on the chart. Ms. Howard said the \$2 million was left out on both revenues and expenditures, so it still balanced on the last version. Responding to Mayor Driscoll, she confirmed that the auditing expenses for KPMG were included. The agreement with TRA would be paid in part from the planning budget; \$16,000 would come out of miscellaneous consultants. It was not identified as a separate line item.

Mayor Driscoll opened the public hearing.

Responding to Ms. Reiss, Ms. Nerdahl said the revenue shown for the library fund (p. 15) was a new

revenue stream from the County to be used for library purposes. Responding to Ms. Reiss, she said community outreach was included under Services & Supplies (p. 51), line item #5, Town Publications. That was connected to hiring a part-time staff member to coordinate these things.

There were no further comments and the public hearing was closed.

Councilmember Merk moved approval of Resolution No. 2339-2007 Adopting the Operating and Capital Budgets for Fiscal Year 2007-2008. Councilmember Davis seconded. Councilmember Merk said he hoped the Town would purchase an all-electric vehicle rather than a hybrid vehicle. Mayor Driscoll agreed. He called for the question, and the motion carried 4-0.

(4) Amendments to Service Agreements

Councilmember Merk moved approval of the resolutions amending the service agreements. Councilmember Derwin seconded. Mayor Driscoll said a number of the requested amounts seemed to be distinctly above the CPI. Town Planner Mader noted that last year, Spangle & Associates asked for a CPI increase but it was not in time to get it into the budget. The request this year included last year's and this year's CPI. Mayor Driscoll noted that the increase for CleanStreet probably was impacted by the increase in fuel costs. Mayor Driscoll called for the question, and the following resolutions were adopted.

- (4a) Resolution No. 2340-2007 Approving and Authorizing Execution of the Seventh Amendment to Consulting Agreement Between the Town of Portola Valley and Cotton, Shires & Associates, Inc. for Geologic Services, per Asst. Town Administrator's memo of 6/6/07.
- (4b) Resolution No. 2341-2007 Approving and Authorizing Execution of the Eighth Amendment to Consulting Agreement Between the Town of Portola Valley and Spangle Associates for Planning Services, per Asst. Town Administrator's memo of 6/6/07.
- (4c) Resolution No. 2342-2007 Approving and Authorizing Execution of the Seventh Amendment to Consulting Agreement Between the Town of Portola Valley and Kutzmann and Associates, Inc. for Plan Review Services, per Asst. Town Administrator's memo of 6/6/07.
- (4d) Resolution No. 2343-2007 Approving and Authorizing Execution of the Seventh Amendment to Consulting Agreement Between the Town of Portola Valley and Nolte Associates, Inc. for Engineering Services, per Asst. Town Administrator's memo of 6/6/07.
- (4e) Resolution No. 2344-2007 Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and Cleanstreet for Street Sweeping and Litter Clean-up Services, per Asst. Town Administrator's memo of 6/6/07.
- (4f) Resolution No. 2345-2007 Approving and Authorizing Execution of a First Amendment to an Agreement Between the Town of Portola Valley and CSG Consultants, Inc. for Building Inspection Services, per Asst. Town Administrator's memo of 6/6/07.

(10) Agreement with TRA Environmental Sciences for Biological Survey and Fire Hazard Assessment

Town Planner Mader reviewed his staff reports of 6/19/07 and 4/16/07 on the biological survey and fire hazard study. He noted that Exhibit 5 had been added to the contract to address questions raised by the Council at the meeting on May 9, 2007. He said Denise Enea (Fire Marshal), Planning Commissioner Wengert, Tay Peterson (TRA), and Ray Moritz, (Moritz Arboricultural Consultants) were present to answer questions.

Town Planner Mader said State planning law and the Safety Element required that wildland and urban fires be addressed. Using a map developed in 1975 that was part of the General Plan, he described problem areas. He said this was an opportunity to greatly improve the map. With respect to the increase in the cost of the proposal from TRA in 1996, he said it represented a 37% increase over eleven years—excluding the cost of the fire consultant; aside from inflation, there would be more detailed work done by TRA because they now had the information to do it. The Planning Commission believed in the importance of biologic mapping. There were concerns about mapping fire hazards and how the map would be used. Ways in which the map would be used included: 1) help identify potential threats during the review of new houses or additions; 2) assist in the review of site development permits in terms of fire threat; 3) provide information to homeowners who had a concern about fire hazards in their area; 4) inform groups of neighbors of a problem that they might share, such as vegetation in a canyon; and 5) help shape any large developments. All of this work would be coordinated with Woodside Fire Protection District. In his discussions with the Fire Marshal, he said there was new state law effective in 2008. Doing the mapping was in anticipation of that law.

Tay Peterson distributed copies of biological maps done for other projects. She said when the vegetation was mapped, TRA would work with the fire consultant to determine fire risk so mapping would not have to be done twice. TRA would be using the aerial photos the Town had and overlaying mapping of vegetation. Undoubtedly, there would be questions, and field work would be done to confirm vegetation types that were not clear on the aerial photos. Soil maps would also be used with field checking, and water features would be checked as well. On the planning side, there might be times when the fire and biological issues came head to head; those would be looked at to weigh environmental and fire issues. Town Planner Mader noted that in some cases it might be a policy question that the Planning Commission should look at.

Responding to Councilmember Davis, Ms. Peterson said you could not get a perfect map because the environment was always changing and new endangered species were identified over time. Site-specific mapping for endangered species would not be done. If you had a development proposal in a sensitive habitat, that developer would need to do a more in-depth survey of that site. During meetings with the Town staff, environmentally sensitive areas would be identified and mapped.

Responding to Mayor Driscoll, Ms. Peterson said with GIS, TRA would be mapping in more detail than 10 years ago. It would also be a map that could be updated.

Responding to Ms. Enea, Ms. Peterson said identifying stands of bays trees, etc., subject to sudden oak death was not in the budget. Ms. Enea said Woodside and Portola Valley were just starting to become more knowledgeable about sudden oak death, which was prevalent here now. Ms. Peterson said this was something that could be updated on this map. Ms. Enea offered the Fire District's aerial map, which was done about 5 years ago, to help with mapping sudden oak death or other items in the study.

Ray Moritz, fire consultant, used maps to illustrate fire hazard mapping. He said GIS fuel-type mapping had been done in the past for the area including Portola Valley, but it was not of a resolution that would be useful to the Town. It might be useful over a broad area like the peninsula, but it was not useful for fine delineations that were necessary to really understand the plant community/fuel types of the area and how to treat it. Additionally, the old mapping used national fuel types, such as oak forest throughout the United States; it was not the coast live oak forest with dense understory that existed in this area. Using fuel mapping done for a campus in Marin, he said the fuel types were defined with much finer resolution. A similar type of mapping would be done for the Town. The Town would end up with a fuel type/plant community map that also had attached to it a description of those fuel type/plant communities that people could identify. Each of those fuel types would be ground-proofed and digital photography would be provided. People could actually identify what particular fuel type they were dealing with on their property or an adjacent property. Specific treatments for each fuel type would also be included, so people knew what needed to be done to mitigate that fuel. For example, coast live oak forest happened to be a forest type that

had many variations such as crowning fire, which was quite a serious threat. With good management, that coast live oak forest could be managed down to one of the more fire resistant plant communities. Specific instructions would be provided on how to manipulate those particular fuel types to maximize fire hazard mitigation. Descriptions would be written that addressed the specific architecture and species flammability that TRA would look at when they were out in the field or using aerial photography to identify fuel types as well as biological plant communities. Transition fuels would also be looked at, where one fuel type transitioned to another. TRA would be attaching all the information to the biological plant community type.

Councilmember Davis said there was no one on the staff who was an expert in fire management. He found it strange that the Fire District wasn't the responsible entity for fire hazard mapping. Ms. Enea said it was her understanding that the proposal was for a fire severity map as opposed to a fire management plan. Mr. Moritz reiterated that with the fire severity map, he would also provide for each of those fuel types recommendations for mitigation. There would also be a description of that fuel type that the average citizen could identify. With respect to sudden oak death, he said he was one of the original people to identify the epidemic that first hit California in Marin County. He also served on the California Oak Mortality Task Force for many years. He would be looking at that issue when he looked at fuel types. In addition, the presence of pine pitch canker would also be looked for, because it became vascular and increased the plants' flammability. Ms. Enea said both Woodside and Portola Valley Conservation Committees were interested in that. She added that the Fire District would be going through a new code adoption process, which was based on international codes. The Town would be adopting the international Building Code and the Fire Department would be adopting international Fire Code and international Urban Wildland Interface Code. The State of California, in reaction to wildland fires in the last two years, was dictating that the legislative bodies in those areas that were high fire severity do high fire severity mapping. That mapping was filed with the clerk. The mapping was not really a tool that the Fire District used to fight fire or for operational tactics. The District understood where the high fire severity areas were, and there was pre-planning for each of those. The map would be a tool for the Building and Planning Dept. to dictate what codes were utilized when new projects came forward. It would be fire-resistant construction, placement on the property, defensible space, etc. Without the maps, you could not enforce the code. The State was coming out with maps—an SRA map and an LRA map. SRA stood for State responsibility area and LRA was local responsibility area. She would rather see the Town utilize a consultant and do its own maps, which would be much more accurate. She had only worked with the State for an hour to give them information on Woodside and Portola Valley, and that wasn't enough. She did not want to see the Town utilize a map that was inaccurate. It would change the way houses in the area were built.

Responding to Mr. Young, Ms. Enea described the work done with Woodside. She said they had an old map that was adopted in their general plan that was outdated. An emergency map had been done that utilized the Urban Wildland Interface Code, which was a numerical scoring system. Each address had been given a score. They were either in a high fire severity zone or a moderate zone. In Town, an area like Alpine Hills would probably be in a high fire severity zone; Blue Oaks might not. The code also used some mileage criteria for service. It could be as flexible as the Council would like.

Commissioner Wengert said the discussion had clarified some questions at the Planning Commission level. She said this issue had moved up dramatically in terms of priority. She said the map would be very helpful to the Commission in making decisions about development of properties.

Responding to Town Planner Mader, Ms. Enea confirmed that the State would issue a map that included the Town. The Town could adopt its own map, and whatever map was adopted had to utilize the new codes. Town Planner Mader said this was a propitious time to be doing this mapping because of that law coming down. Responding to Commissioner Wengert, he said it was his understanding that if the Town had mapping that was of greater resolution and detail with respect to fire hazard, that would prevail over the State's more generalized map. The Town could adopt its own map. In the high fire hazard areas, the Town had to comply with State regulations in those areas. The Town could be more controlling, but not less. Ms.

Enea said there was no doubt that the new code would affect the Town because it was identified on the federal register as being at risk. She said the whole intent was to build safer communities in areas where houses were never meant to be. It was very difficult for fire fighters to go in and save these houses. She discussed the diversion of resources to the recent Tahoe fire.

Councilmember Merk said the Town had had problems with the Blue Oaks vegetation management for years. There was a lot of *Dirka occidentalis*, which was a threatened species of plant. It thrived in an area where there was lots of broom and other undesirable species. The homeowners' association hired people who didn't know the difference and had the tendency to kill everything. He was worried where this might lead in terms of what it might do to the community environmentally. He didn't want to get back to a situation of having to clear all the brush because of fire and kill all the native plants in doing so.

Town Planner Mader said there would be competition between sensitive plant materials and fire hazards. Policy decisions might need to be made. The policies that were put forth must comply with State law, and that would be looked at very carefully in terms of adverse impacts and how those could be minimized. That could be complicated. Since the Town adopted the maps, the Town could modify the maps if there was good reason. Blue Oaks, from an architectural point of view, was very good. But, there were issues there and he felt issues would come up on individual properties as well as they came along. The Town would have to use the best guidance available from the experts. Having the Fire Marshal assist was important. The Conservation Committee might need to be more involved in some cases.

Councilmember Merk said the Town would get a map from the State and from the consultants; he preferred a local map. Mayor Driscoll agreed noting that it needed to be based not only on fuel loads but also biological considerations.

By motion of Councilmember Merk, seconded by Councilmember Davis, Resolution No. 2346-2007 Approving and Authorizing Execution of an Agreement Between the Town and TRA Environmental Sciences, Inc. for Biological Survey and Fire Hazard Assessment was adopted by a vote of 4-0.

(9) Agreement with Summit Springs Design for Construction of Playground Fencing

Mr. Young reviewed his memo of 6/27/07 and recommendation to enter into an agreement with Summit Springs Design for the fabrication and installation of a custom fence for the playground in the amount of \$38,000 plus an 8% contingency. Responding to Mayor Driscoll, he said the original budget amount was close to \$30,000. The budget was developed when the fence was being designed and did not include the welded wire, which was added later. He noted that the playground equipment came in under budget. Mayor Driscoll asked that originally budgeted amounts be shown in the staff reports in the future.

Councilmember Merk moved approval of Resolution No. 2347-2007 Approving and Authorizing Execution of an Agreement Between the Town and Summit Springs Design. Councilmember Davis seconded, and the motion carried 4-0.

(11) Agreement Regarding Approval for Line of Credit with San Mateo County for the New Town Center

Ms. Howard reviewed her memo of 6/27/07 and recommendation to enter into an agreement with the County for a line of credit in an amount not to exceed \$4 million.

Councilmember Davis thanked Mayor Driscoll and Ms. Howard for their work on this agreement. He moved approval of Resolution No. 2348-2007 Approving and Authorizing Execution of an Agreement Providing for Advancement of Funds to the Town to Assist in the Completion of a New Town Center That Will House a Branch of the County Library System. Councilmember Derwin seconded, and the motion carried 4-0.

(12) Set Salary Schedule

Ms. Howard reviewed her memo of 6/27/07 and recommendation for adjusted staff salary ranges for 2007-2008. She noted that an offer had been made for the position of Engineering Technician. Councilmember Davis noted there was quite a contrast between staff's increase of 2% and the consultants' increases. Responding, Ms Howard said she felt the salary ranges were current because the survey had just been done. It also did not mean that everyone would get only a 2% salary increase. Mayor Driscoll noted that these positions included a lot of benefits that a number of other jobs in the area didn't include.

Councilmember Davis moved adoption of Resolution No. 2349-2007 Modifying the Salary Schedule for FY 2007-2008. Councilmember Derwin seconded, and the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(13) Suggested Pedestrian Crosswalk Signage by Traffic Committee

Councilmember Derwin reviewed the memo from the Traffic Committee recommending: 1) crosswalks at Los Trancos and at Indian Crossing; 2) crosswalk markers (Safe Route signs) at Alpine & Golden Oak, Westridge & Cervantes, and Grove at Portola Road; and 3) certain trail improvements.

She said Shelly Sweeny had been working on the Safe Routes to School program, which was also part of the Climate Task Force work. She said Ms. Sweeney hoped the improvements would be in place by the end of August before school started.

Referring to the memo section on trails, Councilmember Merk said the trail along Westridge between Possum and Cervantes was a Town trail. A big pile of gravel had been dumped in the middle by construction workers, and it wasn't usable.

Councilmember Davis questioned whether the Town wanted to put these kinds of signs in the scenic corridor. Councilmember Merk noted that the signs in Menlo Park were not that big. Ms. Howard said staff would check on regulation heights of the signs.

Mayor Driscoll said there had been a spate of bicycle fatalities recently. Every time he came down Alpine and saw people attempting to cross to Alpine Hills Swim and Tennis Club, he felt it was dangerous. He did not like to see signs, but on the other hand, there was a risk associated with not doing it. He supported placing the markers at all three crosswalks.

Councilmember Derwin moved to approve the recommended crosswalks at Los Trancos Road and Indian Crossing entrance, and the three crosswalk markers (State Law Pedestrian Crossing) at Alpine & Golden Oaks, Westridge & Cervantes, and Grove at Portola Road. Councilmember Davis seconded.

Councilmember Merk said if one of these signs was installed at the crosswalk at the bottom of Grove, it would be very interesting turning left off of Grove onto Portola Road. Councilmember Derwin amended her motion to ask the Public Works Director to ensure a suitable location could be found at that intersection. Councilmember Davis amended his second. Mayor Driscoll called for the question, and the motion carried 4-0. Councilmember Davis requested that a copy of the Traffic Committee's memo be sent to the Trails Committee.

(14) Status of Town Center Project

Ms. Howard said the utilities were completed for the Town Hall building. The footing and steel was in for the library, and the footings and electrical conduits were in place for the Community Hall. The septic system

tank was in the process of being installed. Responding to Mayor Driscoll, she said the concrete would be poured July 3. A report would be coming to the Council on the creek, and it would be agendized for September 12. Mayor Driscoll said the documentary filmmaker hoped to have episode one finished by the end of the first week in July.

SallyAnn Reiss, PVCF, distributed and discussed a handout showing the status of funds for the Town Center project as of June 27 compared with the status on March 28, 2007. She distributed and discussed a handout showing the timeline for fundraising events through December 2007. Mayor Driscoll said as the buildings started to go up, he felt people would get a sense of what the space would be like. He thought that would help with fundraising, along with being able to firm up some of the uncertainties like availability of the playing fields.

(15) Reports from Commission and Committee Liaisons

(a) GreenWaste

Councilmember Merk said a meeting was held about the GreenWaste contract, and it appeared the contract would probably be renewed. He noted that the consultant indicated that Portola Valley and Woodside had the highest recovery rate for plastic bottles of any cities in the State because of GreenWaste's system for recovering them.

(b) Conservations Committee

Councilmember Merk said the Committee discussed the C-1 trail proposal and hoped that Acterra could be funded to start the propagation of some of the plants. The Committee was concerned about sudden oak death and unlicensed tree people cutting down trees, hauling the wood somewhere, or selling it as firewood. They might be coming forward with a request to change the process so that even a dead tree needed to have some kind of permit. Otherwise, this disease could be exported to other areas. There was also discussion about how to protect against sudden oak death.

(c) ASCC

Councilmember Merk said the ASCC approved some house modifications. Additionally, they were in agreement with the Planning Commission's definition for basements and limitations on the sizes.

(d) Community Events

Councilmember Merk said the Committee discussed the picnic, which they felt went well in terms of the budget.

(e) Emergency Preparedness Committee

Councilmember Merk said the Committee was very concerned about water, and they hadn't heard anything about water storage at the Town Center. Mayor Driscoll said the architect had been reminded of the concern. Councilmember Merk said the Committee was not clear on the donation of \$100,000 for emergency services and what that was for; the Committee Chair was researching the documentation.

(f) Emergency Services Council

Councilmember Merk said the ESC announced that in the City of Brisbane, every employee, councilman, and commissioner had done the NIMS training. There was an emergency preparedness day on September 29 at the fairgrounds. There was a new CERT coordinator who would help work with all the cities with CERTs.

(g) Friends of the Library

Councilmember Derwin said the Friends came forward with a slate of new officers, which would be voted on. There were also a number of new members. They were also discussing the donor recognition issue.

(h) Council of Cities Dinner

Councilmember Derwin said the dinner was held at the Folger Stables at Wunderlich Park. The speakers were mainly fundraisers for Folger Stables along with a speaker from Coyote Point.

(i) Green Building Policy Workshop

Councilmember Derwin said the workshop was held at the Adobe complex and was very useful. Speakers from Rhonert Park and Santa Cruz discussed voluntary and mandatory green building; expedited processing was a huge incentive. If another workshop was held, she recommended sending someone from the Planning Commission and Planning Dept.

(j) C/CAG

Mayor Driscoll said he attended a field trip to see the Bay Bridge construction. He discussed the project, cost, and contingency. He said the \$6.4 billion project would not be finished until 2012.

WRITTEN COMMUNICATIONS

(16) Town Council 6/15/07 Weekly Digest

(a) Supervisor Gordon's Response on Ambulance Service

Referring to the letter from Supervisor Gordon of 6/12/07, Mayor Driscoll said he would try to get Supervisor Gordon's support on maintaining local ambulance service.

(17) Town Council 6/22/07 Weekly Digest: None

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Mayor

Town Clerk