

TOWN COUNCIL MEETING NO. 687 FEBRUARY 8, 2006

ROLL CALL

Mayor Toben called the meeting to order at 8:02 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin and Merk, and Mayor Toben
Absent: Councilmember Driscoll
Others: Town Administrator Howard, Asst. Town Administrator Powell, Town Attorney Sloan, Planning Manager Lambert

ORAL COMMUNICATIONS

Bill Henderson, Brookside Dr., noted that he was the publisher of the pvtrojanhorse.com website. He said the Council had decided to forego making any decision with regard to the \$915,000 received from the County because of legal considerations. Some options had been written on the board during the last meeting for using the money, but suspending the UUT was not on the list. That was a deliberate slap in the face to 40% of the voters who opposed the UUT in the November election. Suspending the UUT was an option whether the Council considered it or not. He said only Ms. Derwin acknowledged this fact and had the political courtesy and savvy to recognize this was serious issue. The majority of the Council did not do the right thing in an effort to heal some of the wounds resulting from the recent election in November when the UUT barely passed. Everyone prided themselves about the closeness of the community, the openness, acceptance of diversity, etc. But, many of the Council's actions did not reflect that idea. There was a gap between theory and practice that many people had observed in the governance of this Town in the past few years. It was evident in Nathorst and in the UUT election. It was evident in the way the UUT issue was being handled. This was an issue that he and others would speak out on and one that would not go away. It would be on the table until it was resolved one way or another. Mayor Toben said a public meeting on this topic would be held on February 22 and the issue resolved no later than April 12.

Jon Maroney, Woodside, introduced Bonnie Sterngold and Karen Rago. He said he served on the Board of the Woodside High School Foundation. The Foundation was formed to fund programs at the school that State funding could not support and to enhance the educational experience for the children. The funds were typically spent on tangible assets—books, computers, etc.—as opposed to long-term expenses like salaries. The Foundation had formed an endowment with the goal of raising a substantial amount of money to fund programs of an ongoing nature, such as special education for non-English speakers. The first fundraiser would be a bike-athon in the fall of this year tentatively scheduled for September 23. About 500 bikers would be invited and encouraged to ride in Woodside, Portola Valley, and parts of Atherton and Menlo Park. The goal was to raise another \$100,000. This event was in the early planning stage, and he asked for the Town's support and endorsement. Mayor Toben said the Foundation could count on the Town's enthusiastic support and the assistance of Town staff.

Mayor Toben said Barbara Powell had resigned to take the position of Asst. City Manager in Saratoga. Councilmembers and staff commended Ms. Powell on her work and wished her well in her new position.

(1) Presentation: Report on Success of Blues and Barbecue

Sharon Driscoll said almost \$80,000 had been raised for the Open Space Fund. She described the importance of the direct mailing and matching by an anonymous donor. Normally the event raised \$40,000. She asked that the funds be moved to the Open Space Fund. Council directed staff to make the transfer.

Councilmember Merk thanked the co-chairs and the entire committee for the endless number of hours put into the event. He said the organizational skills were very impressive. Mayor Toben said the balance in the Open Space Fund was \$878,000. With this one event, an additional 10% had been raised, which was extraordinary. He discussed the community's on-going commitment to the preservation of open space and the efforts required to make that happen. He said the volunteers on this Committee had been part of an effort that represented the best of Portola Valley.

(2) Presentation: Greenwaste Recovery Status Report

Frank Weigel, General Manager, said he was interested in opening up communication with the Town and offered to visit annually or bi-annually to see if there were any concerns or comments. Additionally, comment cards would be distributed to customers in May to see how services could be improved. Greenwaste would also like to assist the Town with any of its special events. Ms. Powell noted that since the franchise agreement with Greenwaste was adopted, the Town had moved out of the position of not meeting diversion goals to exceeding them. She said Greenwaste had instituted a lot of innovative programs in the Town that were being copied in other communities. Mr. Weigel said research continued on new technology for recycling.

Councilmember Davis said people in Town often complimented the service provided by Greenwaste. Councilmember Merk added that the collectors were friendly and helpful. Litter was no longer left on the street, which was a big change. Mr. Weigel said a lot of effort was put into hiring and training the right people. Mayor Toben said the Town was delighted with the service and thanked Mr. Weigel for coming.

CONSENT AGENDA

By motion of Councilmember Davis, seconded by Councilmember Driscoll, the item listed below was approved with the following roll call vote:

Ayes: Councilmembers Davis, Derwin and Merk, and Mayor Toben
Noes: None

(3) Warrant List of February 28, 2006, in the amount of \$198,091.57.

REGULAR AGENDA

(4) Minutes of the Town Council Meeting on December 14, 2005.

Councilmember Merk submitted changes to the minutes of the 12/14/05 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

(5) Results of Investigation of Recurring Noise in Town

Ms. Lambert reviewed her memo of 1/31/06 on the investigation of the intermittent, low frequency noise heard by some residents. At this point, it did not appear that any Town facility or any regulated conditional use--including The Sequoias--was the source of the noise. She did not feel that the Town should incur any additional expense on this matter. She noted that the consultant felt further testing needed to be done at the Nickum and the Dunne residences to isolate the noise source. She said Mr. Dunne would be working with the consultant at his property and would report back. If further analysis indicated the noise was from a regulated use, the Town could work with that source to bring it into compliance. She noted that Michael Reich had e-mailed to say they had not experienced a noise problem in a number of months; they had worked with The Sequoias to resolve an earlier problem. In terms of the Noise Element, she said it

contained a provision to address excessive noise/vibration that came from anything other than construction activities. The noise had to be confined to that person's property. The Planning Commission would be updating the Noise Element this year. Councilmember Davis noted that the decibel levels in the report indicated that the Town environment was very quiet.

Annaloy Nickum thanked the Town for the time and effort investigating the problem. But, she felt it should be considered as a first step. She said the noise was not intermittent but constant, which was the irritation. While walking to the meeting tonight, she passed two areas where there were constant drones. One appeared to be coming from a private residence; the other could be coming from the pump station on the corner of Westridge. Now that she was sensitized, it was very easy to pick up these noises. She could hear drones from residences which might be due to pool pumps. She had also heard equipment noise walking through the school grounds to return books to the library at night. This mix of droning noise also had health implications in terms of not being able to sleep, etc. She hoped that when the Noise Element was reviewed, these things would be looked at more closely. Just having a certain decibel level was only part of the problem. Pool pumps and pump stations could be better muffled. She was disappointed that the report did not do some daytime measurements. There was some daytime generator noise coming from The Sequoias, and that generator was supposed to be turned off at 8 p.m. Something happened in August that made the residents involved aware of this noise. She said the report indicated that power line transformers could be a possible source of the noise, and she asked that PG&E check the transformers in Town. Responding, Ms. Lambert confirmed that the consultant indicated that the noise could be coming from a 3-phase transformer or power line; the Town had a couple of 3-phase lines that ran along Portola and Alpine Roads.

Mayor Toben said the Town was on notice about the issue of background noise in the community at a time when the Noise Element would be reviewed. Council agreed with the recommendations set forth in the staff report.

(6) Fifth Amendment to Architectural Services Agreement

Ms. Howard reviewed the staff report of 2/2/06 on the fifth amendment to the professional services agreement with Siegel & Strain that would cover time for the additional meetings required during the design and development phase. She said major design changes had been required as a result of input received since approval of the schematic drawing.

Councilmember Davis said the design was getting better and better. The money had been well spent. Councilmember Merk agreed. He was still concerned about where the money was coming from. But, there were positive changes in the design, and the architects should be paid for the work they had done.

By motion of Councilmember Davis, seconded by Councilmember Derwin, Resolution No. 2228-2006 Approving and Authorizing the Fifth Amendment to Professional Services Agreement Between the Town and Siegel & Strain Architects was adopted by a vote of 4-0.

(7) Approval of Job Description and Salary Range for Deputy Town Clerk

Ms. Powell reviewed the staff report of 1/25/06 on the new job description and salary range for Deputy Town Clerk. Responding to Mayor Toben, she confirmed that the current Administrative Assistant was paid at the top of that salary range; the new salary would be towards the bottom of the Deputy Town Clerk salary range. Responding to Mayor Toben, she said when the new job description for Deputy Town Clerk was adopted, the job description of Administrative Assistant would be revised to reflect the functions of that position; the classification would remain even if not filled.

Responding to Bill Henderson, Brookside Dr., Mayor Toben read the ranges for the current and proposed position. He said those had been derived from a salary analysis done of six surrounding jurisdictions. Responding to Mr. Henderson, Councilmember Davis explained that the person in the administrative assistant position had advanced to a higher level of responsibility that was beyond that job's description. With a small staff, it was very difficult to characterize the positions. This was an attempt to characterize a person who had gone through the appropriate schooling, had crossed trained and was now engaged in activities that were beyond the job description. Mr. Henderson said this job could be done at the administrative level at which it was being done now. The Council was in the process of escalating the salary with more benefits and more cost to the city. Mayor Toben said staff was knowledgeable about the level of skills required to deliver the kind of service that the public expected from the Town staff.

By motion of Councilmember Davis, seconded by Councilmember Merk, Council approved the new position classification and salary range by a vote of 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Request for Sewer Line Easement on Open Space Parcel off Los Trancos Road (Preliminary review)

Ms. Lambert reviewed the staff report of 1/31/06 on the request from West Bay Sanitary District for a sewer line easement through an open space parcel off Los Trancos Road. She said Bill Kitajima, project manager, and Rich Laureta, engineer, were present to answer questions.

Mr. Kitajima said the project started in 2001, and the environmental review had been done. One of the conditions was that an easement be obtained from the Town if that alternative was chosen. The project would serve the lower Los Transco area with a gravity sewer system without the need for any pump stations. Responding to Councilmember Davis, he said the District wanted to know if the Town would entertain the idea of having an easement across open space. If the Council was not supportive, then the District would have to find an alternate method of sewerage. Responding to Councilmember Davis, he said this project would serve 60 homes.

Responding to Mayor Toben, Chris Buja, said the problem was not with failing septic systems up in that area; but problems came downhill. Councilmember Davis agreed there were a number of failing and potentially failing septic systems in the hills which was a potential health problem over time. Some people were concerned about the growth enablement that occurred with sewers. He was willing to fight those arguments using the tools the Town had always used in terms of the ASCC. As indicated in the staff report, he agreed a number of details still needed to be worked out. As a quid pro quo, it would be nice to tie in the equivalent worth of the land easement with some reduction in the attachment fee for the Town's facilities. He would like the Town to get off the septic system.

Councilmember Merk said the proposal was to bore across this land rather than dig a trench. His concern was what would happen in thirty years when there was some problem in the middle of the bore and equipment would be needed on the easement to do the repair. Equipment left things behind like star thistle seeds and other exotics that were carried around on construction equipment. He would want to see something written into the agreement to ensure there was an assessment made of what plant species were there followed by assessments for the next few years to see whether exotics had been introduced into that open space easement as a result of the construction. If so, the West Bay Sanitary District would be responsible for controlling/removing them.

Councilmember Derwin said Linda Drey-Nightingale had noted that the area was designated as a riparian zone with special restrictions; CA Fish and Game would also need to be consulted. She also talked about controlling contaminated runoff due to high sediment content. She recommended the Conservation Committee be consulted.

Paul Heiple, Conservation Committee, said that area had a lot of broom and a number of other weeds. He suggested the District look at controlling some of the broom, which would get on the equipment. The riparian corridor was a concern. Responding to Mayor Toben, Ms. Lambert said the proximity to the riparian corridor was not known at this time.

Mayor Toben said unmanaged septic systems up above would be falling in the direction of the creek, which was a far more severe problem. Councilmember Merk discussed the advantages of gravity flow systems, noting that pump stations could fail as they had done in Town in the past.

Mayor Toben said the Council had general support for the concept with significant questions as to details. He thanked the District for coming. He added that the Town's interactions with West Bay had not always been as satisfactory as he wanted to see. As a resident of Woodside Highlands, there had been a lot of conversation back and forth about the proper way of serving that hillside. He hoped that West Bay would bring more attention to bear in finding a positive solution to serving the 80 households in that area, which had a significant number of septic systems in dire trouble. Council directed staff to continue working with the District on the project.

(9) Request to Allow Hidden Valley Residents Access to Town's Cable System

Mayor Toben reviewed John Bulkeley's e-mail dated 2/2/06 requesting "crossover" cable service from the Portola Valley system to the Woodside residents of Hidden Valley. As indicated, the Town would need to write a letter to Comcast consenting to hookups from residents of Woodside to the Portola Valley system. Chris Buja, Cable Committee, described the current cable systems. Often, he said the companies needed to use one town's right-of-way to serve another town, and franchise fees could be complicated. The Town was undergoing a franchise renewal, and Woodside was looking at how residents could be better served by their system. The Cable Committee supported the request.

A resident of Hidden Valley said the four residences involved would appreciate the Town's support in getting cable service. Responding to Councilmember Davis, he said he understood that Comcast would agree provided it had the Town's permission. Councilmember Davis moved to have the Mayor write a letter to Comcast consenting to "crossover" of cable service from Portola Valley to residents of Hidden Valley. Councilmember Derwin seconded. Responding to Councilmember Merk, Mr. Buja said under current rules, the area was not within the Town's boundaries. The franchise fees would go to Woodside. Councilmember Merk said he would like to see the cable put underground, but that was up to the people in Woodside. Mayor Toben called for the question, and the motion carried 4-0.

(10) Undergrounding Utilities and Survey Results

Mayor Toben referred to the Cable and Utilities Undergrounding Committee's memo of 1/20/06 on the results of the November survey on: 1) satisfaction with Comcast cable services; and 2) interest in undergrounding.

Chris Buja gave a presentation on the survey. He reviewed the survey summary attached to the memo and discussed: 1) number of respondents; 2) level of cable service satisfaction compared to previous years' surveys; 3) use of survey comments in franchise negotiations; 4) breath of comments about undergrounding and interest; 5) undergrounding priority areas; 6) timing of the survey; and 7) lack of knowledge about the

Committee and volunteer opportunities in Town.

Responding to Mayor Toben, Ms. Sloan said the franchise agreement expired March 29. At the next meeting, the Council would be asked to extend it three more months to the end of June.

Responding to Councilmember Davis, Mr. Buja said the Committee felt undergrounding should be on the table with all of the other options being discussed for use of the Tax Equity Allocation funds. Responding to Councilmember Davis, Ken Levine said the Committee's proposal did not recommend using the UUT revenues for undergrounding. The proposal was to use some of the Town's surplus of funds for undergrounding the utilities in high priority areas. Rather than reduce those funds, the survey revealed there was a desire on the part of a large segment of the Town to spend them on undergrounding. The proposal was to start with the Portola/Alpine Road corridors. Responding to Councilmember Derwin, he said if there was a vote taken in the community about what should be done with the excess funds, undergrounding should be an option.

Responding to Councilmember Davis, Ms. Howard said 600 feet was the minimum that PG&E would allow for undergrounding at one time. The quote now was \$1.8 million per mile. Mr. Levine said that number was based on an assumption of so many homes along a mile and the cost for re-doing their electrical boxes, etc. Many of the roads in Town had very few homes, and it would cost less. Councilmember Merk noted that a lot of homes already had underground service. If money was available, Mr. Levine said the Committee would look at what had been done, which areas were a priority, etc.

Councilmember Davis pointed out that the Council was interested in reducing the UUT tax. He agreed the voters should decide if they wanted to spend tax money on undergrounding. Councilmember Merk agreed the residents needed to be asked in a formal way if undergrounding was a priority. That would have to be done before the Council decided how much to reduce or eliminate the UUT. The decision to aggressively address undergrounding needed to be made, if possible, before the decision was made to change the UUT. Councilmember Davis said the question would be whether the residents wanted to sustain the UUT rate, with that money buying ½-mile sections of undergrounding over the years.

Mayor Toben said the Council could proceed on its present course to reduce the UUT rate at some time within the next couple of months but then consider a separate bond issue--if there was sufficient community interest at any point in the future--for the purpose of undergrounding and possibly other infrastructure improvements. The shortcoming to that strategy was that it would require a 2/3^{rds} majority of the vote whereas the status quo was in place.

Ms. Howard noted that Berkeley and Tiburon undertook undergrounding by neighborhood. If a neighborhood wanted to underground, individual assessment districts were created to get the money. For people with \$1 million views, it was very important for them, and they were willing to do it. Councilmember Davis noted that the main scenic corridors in the Town had the least population.

Responding to Councilmember Merk, Ms. Sloan said the Council could reduce the UUT and then later have another vote to increase it; to raise it back up, would require a 2/3rds vote. The Council could also suspend it for a certain amount of time. Traditionally, there would be a sunset provision for the suspension. After that amount of time, you could take away the suspension or suspend it again. That would not require another vote of the residents.

After discussion, Mayor Toben suggested putting the results of the survey in a short article on the Town's website and sending it out in e-mail. The information presented had not been communicated to the entire community. Councilmember Davis agreed, noting that only 11% of the population had responded to the survey. He reiterated that the voters would have to agree that the money that could be returned to them

would be put in another fund for undergrounding. They would see no change in the UUT rate. Whether it was worth the pain and energy to have the community decide that was an issue.

Mayor Toben felt the question to the community would be whether they would view a significant set-aside fund for undergrounding as equally important or more important than additional funding for open space. At any rate, he said the survey was a major contribution to the thinking about significant capital improvement projects that the Town had never undertaken. It deserved further thought. He wanted to see what the response would be to a succinct article that invited community comment about undergrounding. He suggested the Committee work with Councilmember Driscoll on the article/response format.

(11) Status of Town Center Project

Ms. Howard said the focus of the work continued to be preparation by the architects for the special March 1 meeting at 8 p.m. It would be the only item on the agenda. Fundraising was continuing, and Bob Zimmerman was still conducting interviews. The feasibility report would tentatively be presented to the Council on April 12 when the full Council would be present. Additionally, some of the Town center teachers were very concerned about when they would be asked to vacate their rooms. She said Councilmember Driscoll had volunteered to work with them to facilitate their moving or give them a sense of when the buildings would be taken down. The new schedule would not be finalized for 3-4 weeks, and the Council would need to decide how it wanted to move forward with some of the major tasks. Mayor Toben said he hoped to have the timing for some of the major decision points settled at the February 22 meeting.

(12) Reports from Commission and Committee Liaisons

(a) Stanford and C1 Trail

Councilmember Davis described conversations he and Mayor Toben had had with Larry Horton regarding the Stanford C1 trail. Mr. Horton indicated that Stanford wanted the Town to build an appropriate trail and then send the bills to Stanford; or, Stanford could build the trail. Whatever was done needed the approval of Santa Clara County; the Parks Dept. would receive the money if the Town didn't spend it. The timeline for constructing the trail was 5 years with a possible 2-year extension. He said more details would be provided in a letter. Mayor Toben noted that drawings had been delivered to his office today.

(b) Schools District Community Partnership Subcommittee

Councilmember Derwin said the subcommittee's task was to come up with 1-2 strategic goals relative to forging a stronger partnership between the schools and the community. A hedgehog statement was being constructed to that effect.

(c) Planning Commission

Councilmember Derwin said the Commission discussed the Borders project on Blue Oaks. Linda Elkind had been very concerned about: 1) protecting existing vegetation during construction; and 2) ensuring that new vegetation survived. The Commission also discussed basements and would be recommending a basement allowance of 20% of the total floor area.

(d) Library JPA

Councilmember Derwin said the JPA wanted the cities to pass a resolution that had to do with a State bond on the June ballot that would benefit all of the libraries. Mayor Toben noted that the next issue of the Town Center newsletter would focus on library services.

(e) Office of Emergency Services Council

Councilmember Merk said the San Mateo County HAZMAT Team was currently housed in the South County Fire District, which was a JPA between Belmont and San Carlos. There were disagreements about how much it was costing each city, and the District might be dissolved and individual fire districts formed. The HAZMAT Team would have to be divided up. Where the HAZMAT team would be housed, who would be doing the work and training, etc., had not been decided. Even if it was not dissolved, the costs would be going up. Additionally, the County would be having a countywide earthquake training exercise on April 20 from 8 a.m. to 12 p.m. in Redwood City; Councilmembers were welcome to attend. Additionally, the County Health Officer, Dr. Scott Morrow, discussed avian flu and the possibility of pandemic. He stressed that risk was relatively low. But, if something were to happen, it could be very bad. In a pandemic situation, he indicated that towns needed to be self-sufficient. Also, the Town currently needs to provide a staff contact person for exchange of information with the County Health Dept.

WRITTEN COMMUNICATIONS

(13) Town Council 1/27/06 Weekly Digest

(a) SF Symphony Request to Include Portola Valley Residential Garden on Tour

Ms. Howard said there had been several telephone conversations followed by the letter dated 1/21/06 about the 17th annual garden tour involving a residential property in Town. The group had already notified the neighbors and provided the information requested by the Town.

(14) Town Council 2/3/06 Weekly Digest

(a) January 23, 2006, ASCC Meeting on Town Center Project

Referring to Mr. Vlastic's memo dated 1/19/06 to the ASCC, Councilmember Merk said there was some discussion of restoring the creek (p. 5). He said the statement that the flow of water through the valley was impacted by the Sausal Pond dam and related to drainage improvements was incorrect. He said the water from Sausal Pond dam flowed into Corte Madera Creek—not Sausal Creek. He said he would speak with Mr. Vlastic. He described what occurred during El Nino and what subsequent trenching revealed.

CLOSED SESSION

- (13) Conference with Real Property Negotiator
Government Code § 54956.9(c)
Possible Initiation of Litigation: one case

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting adjourned at 11:15 p.m.

Mayor

Town Clerk