

TOWN COUNCIL MEETING NO. 772, JUNE 24, 2009

ROLL CALL

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

Present: Councilmembers Derwin, Merk, Toben, and Mayor Wengert
Absent: Councilmember Driscoll
Others: Town Attorney Sloan, Town Planner Mader, Dep. Town Planner Vlastic, Town Manager Howard, Admin Services Officer Nerdahl, Asst. Town Manager McDougall and Town Clerk Hanlon

ORAL COMMUNICATIONS

Lorna Fear said she was an infrared thermographer and wanted to make her services known. She took infrared photographs inside the home to show how homes could be made more energy efficient without doing a remodel. Mayor Wengert suggested she contact the SuRE Coordinator through the website.

Ms. Howard said ABAG was pleased that the Town Center buildings were no longer on top of the fault and that the facilities were ADA compliant. ABAG awarded the Town \$10,000 towards risk management. Part of that would go to the Ford Field conceptual planning.

Councilmember Toben said an assessment of the Town Manager's performance was scheduled for tonight, but there were some technical problems getting the data compiled. That closed session was postponed to the second meeting in July.

CONSENT AGENDA

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

- (1) Minutes of the Town Council Meeting of June 10, 2009.
- (3) Consultant Services Agreements with Amendments and Entry Into New Agreement Between the Town of Portola Valley and Townsend Management, Inc. (item 3(g)) for Inspection Services, per Asst. Town Manager's memo of 6/24/09
 - (a) Ninth Amendment to Consulting Service Agreement Between the Town and Cotton, Shires & Associates, Inc. for Geologic Services
 - (b) Tenth Amendment to Consulting Service Agreement Between the Town and Spangle Associates for Planning Services
 - (c) Ninth Amendment to Consulting Service Agreement Between the Town and Nolte Associates, Inc. for Engineering Services
 - (d) Second Amendment to Consulting Service Agreement Between the Town and CleanStreet for Street Sweeping Services

- (e) Third Amendment to Consulting Service Agreement Between the Town and CSG Consultants, Inc. for Engineering Services
- (f) Ninth Amendment to Consulting Service Agreement Between the Town and Kutzmann and Associates, Inc. for Plan Review Services
- (g) Entry Into Consulting Service Agreement Between the Town and Townsend Management, Inc. for Inspection Services

REGULAR AGENDA

(2) Warrant List of June 24, 2009 (Removed from Consent Agenda)

Councilmember Merk said the Town paid \$75 for June spam filtering (p. 4). In the last 12 months, he received over 1,300 spam e-mails—all of them with a return address of rmerkportolavalley.net. One way to control spam was by picking out specific words like popular drugs and putting them in the spam filter. Ninety percent of his spam dealt with three different drugs. Ms. Nerdahl said she would follow up.

Responding to Councilmember Merk, Ms. Howard said the check for energy credits (p. 10) was a 1-time offset purchase that was part of the sustainability program.

By motion of Councilmember Merk, seconded by Councilmember Derwin, the warrant list of 6/24/09, in the amount of \$445,775.51 was approved with the following roll call vote:

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

(4) Notice of Completion for Town Center Contractor Grand Central Flooring (Removed from Consent Agenda)

Responding to Councilmember Merk, Ms. Howard said the contract was for carpeting and linoleum. Councilmember Merk moved approval of Resolution No. 2447-2009 Accepting as Complete the Town Center Project Phase 2 Bid Package #12, Floor Coverings, and Authorizing Final Payment and Directing Town Clerk to File a Notice of Completion, per Public Works Director's memo of 6/24/09. Councilmember Toben seconded, and the motion carried 4-0.

(5) First Reading by Title and Introduction of Noise Ordinance and Negative Declaration [8:08 p.m.]

Town Planner Mader reviewed the staff report of 6/17/09 on the latest version of the proposed noise ordinance and his memo of 6/23/09 on the Planning Commission's objection to changes made to the ordinance to allow: a) commercial yard maintenance services on Saturdays; and b) use of chainsaws and mechanical chippers by commercial services on Saturdays. In an e-mail, he said Commissioner Zaffaroni confirmed that she did not object to homeowners doing their own yard maintenance on Saturdays and Sundays as well as Monday through Friday. As set forth in his 6/23/09 memo, he reviewed suggested language for Section 9.10.040B that Commissioner Zaffaroni said would address her concerns. He said Laura Chase also sent an e-mail dated 6/24/09 that supported the addition of the Special Circumstances provision (Section 9.10.050).

Mayor Wengert said she was perplexed that the Planning Commission took this item up for discussion at their last meeting. Mr. Vlasic said Commissioner Zaffaroni forwarded an e-mail to Commissioner Von Feldt who brought up the e-mail under "Reports." The Chair requested responses from other Commissioners and wanted those comments relayed to the Council. Responding to Mayor Wengert, he said Commissioners

received, electronically, a copy of the 6/17/09 memo to the Council and a copy of the red-lined ordinance. Commissioner Zaffaroni expressed her concerns to Commissioner Von Feldt, and that e-mail was shared with the Commission. Mayor Wengert said there was a distinction between an official review by a committee, commission or the Council versus the opinions of individuals. That had to be weighed against all the public opinion heard on the ordinance over time.

Councilmember Merk said the Planning Commission reviewed the ordinance prior to it coming to the Council, and Commissioners were surprised at how it had been changed.

Councilmember Derwin said she had an extensive conversation with Commissioner Von Feldt by telephone. She [*Von Feldt*] indicated that the Commission was unanimous in concurring with Commissioner Zaffaroni. She [*Derwin*] understood that the Commission preferred that there be no commercial gardening on Saturdays.

Responding to Councilmember Merk, Town Planner Mader said the definition of domestic garden tools included leaf blowers, weed whackers, lawnmowers, chippers, chainsaws, and any other lawn or garden powered tool. Councilmember Merk said Virginia Bacon's request to extend the hours for weed whacking for fire protection had grown into people having chainsaws and chippers going until 8:00 p.m. Responding to Councilmember Merk, Town Planner Mader confirmed that was for property owners only.

Mayor Wengert opened the public hearing.

Pierre Fischer, Valley Oak, said the noise made by commercial gardeners on Saturdays with chippers and chainsaws was a regular occurrence in the Westridge area. He spoke with a neighbor who indicated that he asked his commercial gardeners to come on Saturday so he could supervise the work.

Clair Jernick said she agreed with Commissioner Zaffaroni that the noise level from domestic garden tools on Saturdays was a real nuisance. Her neighbor's gardener came at 8:00 a.m. on Saturday and used their leaf blowers. She supported allowing the homeowner to do the work themselves and limiting commercial gardening to Monday through Friday. She also supported the addition of the qualitative provision for Special Circumstances when the noise level did not violate the decibel level but the sound disturbed neighbors. That would give the Town greater flexibility and power when dealing with these situations.

Joan Leyton, Willowbrook Drive, said she supported Chair McKitterick's memo. She had gone to a number of the public sessions on this ordinance and was distressed that no one was speaking up who was not in favor of commercial activity on the weekend. She spoke up at least once on every occasion she could come, and there had been others. She supported the Planning Commission and its opinions and hoped that the Council would hear those who were quieter in their wishes for quiet.

There were no additional comments, and the hearing was closed.

Councilmember Toben said Commissioner Zaffaroni was concerned about permitting the operation of chainsaws and chippers by commercial operators on Saturdays; currently, they were already banned for everyone on Sundays. In addition to chainsaws and chippers, he understood that she wanted to: a) prohibit the use of leaf blowers by commercial operators on Saturdays; b) allow private residents to continue to use chainsaws and chippers on Saturdays and leaf blowers on Sundays but not Saturdays. He was not unsympathetic to the argument that chainsaws and chippers being used on Saturdays by commercial operators was of a different character than all the other noise-making activities that the Town had wrestled with for many months. His mind was not closed to creating a slightly more stringent prohibition on that activity. He said Councilmember Derwin introduced the notion of expanding the definition to recognize the need to be more aggressive about fire fuel management. He supported that point of view. What the Council was now being asked to do was to close down somewhat the ability to do fire fuel management by

narrowing the permissible scope of this activity. The fire argument was one that the Council had been wrestling with up close for many months; the Council was sensitized to the fire fuel issue in a way that the Planning Commission was not. He was uncomfortable that the Council was being presented with what had been described as a strong consensus of the Planning Commission when this was not an agenda item before the Planning Commission. If the Town denied Commissioner Zaffaroni's request for an amendment, and there was a problem with the commercial operation of chainsaws and chippers, a subsequent amendment could be adopted. He felt the fire fuel argument was the trump card and that the Town should be doing everything possible to maximize the opportunity for fire fuel management—particularly during fire season. But, he could be persuaded that commercial chipper and chainsaw operation should be limited with respect to Saturday.

Councilmember Derwin said it was difficult to dismiss the opinion of five Planning Commissioners even though it did not follow recommended procedures. In talking with Commissioner Von Feldt, she was reminded that the Town should never make decisions for economic reasons. One of her triggers for allowing commercial gardeners on Saturday was because it was cheaper. She wanted to give people every opportunity to do their clearing. She agreed with Commissioner Zaffaroni's edit. She was also reconsidering whether to allow commercial gardening on Saturday, which could lead to requests to allow commercial construction on Saturday. As far as giving people more options for fire management, they were allowed to work from 8 a.m. to 8 p.m. from April 15 to June 15, and they were allowed to use chainsaws and chippers. She did not think a lot of residents had chippers or would use them. She was also a "yes" on the Special Circumstances provision.

Councilmember Merk said he also supported the Special Circumstances provision and the proposed additional language set forth in the 6/23/09 memo under #2. Chippers were by far the noisiest equipment of all the tools being discussed. Brush could be put in a pile and chipped the next Monday or Tuesday. Brush did not need to be chipped at 8 p.m. or chipped on weekends. He was particularly concerned about the noise from those. He did not think the Planning Commission violated the Brown Act. They did not take an action but collectively wrote a memo. He had always supported not allowing commercial activities on the weekends. It was okay to continue to allow residents to use tools. But, chippers should be restricted to weekdays; they were by far the most obnoxious. Some leaf blowers were quiet. The technology was changing but not for chainsaws and chippers. Additionally, a homeowner could show a gardener what he wanted done on a weekend and have him come back during the week to do the work. He preferred there were no commercial activities on weekends as suggested by Commissioner Zaffaroni.

Councilmember Toben said the Council tried to address the leaf blower issue by setting a decibel maximum. He questioned whether commercial leaf blowing should be prohibited on Saturday when residents were allowed to use leaf blowers on Saturday and Sunday; it was the same leaf blower. Councilmember Merk said the issue was the number of people doing it.

Mayor Wengert said this ordinance had a long history—including the workshops run by Councilmember Toben. The report from those workshops indicated that there was a large concern on the part of the residents due to the difficulties it would impose on them not to be able to use commercial operators on weekends. The ordinance had been drafted with that input in mind. There had been many voices heard, and now there was a whole different set of those who had not been here until this point. On top of that were the priorities the Town was trying to accomplish. Fire had moved way up on the radar, which was a reasonable place for it to be. The number one issue the Council should address was public safety—whether it was police or fire. This was not the same community it was 45 years ago. The issues and challenges were different. In looking at the ordinance, she placed the highest priority on fire. If any of the changes now being debated affected the ability to clear on a weekend, she felt safety was the trump card. She supported the changes recommended in the latest version. She did not support adding any additional language that would further limit commercial activities on Saturdays.

Town Planner Mader noted that blowers had been discussed at some length, and he thought that had been addressed. Chippers and chainsaws were added to the definition. People didn't realize what that did in terms of allowing commercial operators on Saturdays. In trying to achieve one objective, something else happened in the process. Mayor Wengert said she still believed there should be an allowable period of time for residents to use commercial operators on Saturday—especially if that was the best time for them to oversee the work.

Councilmember Merk said by thinking of this only in terms of fire safety, it would also allow people to trim their trees, etc., on Saturday. Normal yard-type maintenance would be done that didn't necessarily have anything to do with fire pruning. That would disturb the tranquility and peace of the neighborhood. He felt it was much too big of an opening. In terms of Commissioner Zaffaroni's wording, he could support allowing blowers, but chippers and chainsaws should not be allowed on Saturday. Councilmember Derwin concurred. Residents would still be able to do the clearing on the weekends, but not commercial gardeners. Mayor Wengert questioned if that could be practically enforced. Councilmember Merk said it would give a neighbor the opportunity to approach another neighbor or the foreman of the job and inform them of the rules.

Councilmember Toben said he could support amending the proposed ordinance to prohibit the use of chippers and chainsaws by commercial operators on Saturdays. Residents could still rent a chipper or chainsaw and do their clearing on Saturday. He could go that far but did not want to prohibit all commercial gardening activities on Saturdays.

Councilmember Toben moved to amend the draft ordinance to prohibit the use of chippers and chainsaws by commercial operators on weekends and to allow residents to use chippers and chainsaws on Saturdays and not Sundays. Councilmember Merk said the first part of Section 9.10.040B would then read: "Domestic garden tools may be used by commercial companies only Monday through Friday between 8:00 a.m. and 5:30 pm and Saturday between 10:00 am and 5:00 pm provided that chippers and chainsaws may not be used on Saturday...." Ms. Sloan said since the language was before Councilmembers, and if there were three votes, the ordinance could be introduced with a second reading at the next meeting. Councilmember Derwin seconded the motion.

Councilmember Merk said he would like this to go farther in the direction of quiet, but would support the motion. Mayor Wengert said she felt the change made the ordinance overly complex, and she would not support the motion. She called for a vote, and the motion carried 3-1 (Wengert).

(6) Introduction of Proposed Ordinance Amending Sign Provisions for Service Stations [8:50 p.m.]

Mr. Vlasic reviewed the staff report of 6/8/09 on the proposed ordinance amending the service station sign provisions of the municipal code. He noted that the issue applied only to the one service station in Town.

Mayor Wengert opened the public hearing, there were no comments, and the hearing was closed.

Councilmember Merk said he did not support the ordinance. He said: a) this entire process was an unconscionable waste of staff time and public funds; b) the owner of the facility generated a lot of sympathy by putting a lot of information out on the PV forum; there were veiled threats of closing; c) the owner took down his old sign and put up a new sign without consulting the Town; d) the old sign was approved by the ASCC and gave the necessary information; it was unobtrusive and effective; and e) the new sign had so much information you couldn't read it driving at 25-30 mph; the old sign was much simpler and easier to read. Whether the sign was there or not, it was not pertinent to whether or not someone in Portola Valley was going to stop and get gas at that gas station. If you needed gas, you would stop at the gas station because it was the only one in Town beside the Shell Station in Ladera. Everyone in Town knew the gas station was there. The idea of needing a bigger sign was specious. He was quite annoyed by this entire

process—in particular, the way it was started by the owner of the facility taking down the approved sign and putting up a sign without coming to the Town. This change would not have any material effect on the business that was done at the facility because it was the only facility in Town. People who used it would continue to use it; people who didn't normally use it would use it when they needed gas because it was the only facility that was there. He would not support this change.

Councilmember Toben said he was comfortable with the change, which he did not think would compromise the Town in any way in terms of design standards or the scenic corridor. He supported the ordinance.

Mayor Wengert said she looked into the State regulations related to signage. The requirements that they put on gas stations relative to advertising all the specific grades created a rather Byzantine and very busy-looking sign. She supported the ordinance.

Councilmember Toben moved introduction and first reading by title, waive further reading, of an Ordinance Deleting Chapter 5.52 [Motor Vehicle Fuel Price Signs] of Title 5 [Business Taxes, Licenses and Regulations] and Adding Section 18.40.041 [Exemption From State Law for Motor Vehicle Fuel Price Sign; Control by Use Permit] to Chapter 18.40 [Signs] of Title 18 [Zoning] of the Portola Valley Municipal Code. Councilmember Derwin seconded, and the motion carried 3-1 (Merk).

(7) Adoption of Fiscal Year 2009-2010 Budget [9:00 p.m.]

Ms. Howard reviewed the staff report of 6/24/09 on the proposed budget and potential further budget cuts. She said if the State made additional cuts, she would bring back an amended budget. It now appeared that the property tax would not be "borrowed," but the State gas tax would be taken.

Mayor Wengert opened the public hearing, there were no comments, and the hearing was closed.

Referring to the budget and training for Town staff. Councilmember Merk said he thought there should be something included so that the Director of Emergency Services could take CSTI training so that the Town could handle an emergency event if the Town could not depend on outside services to help out. Additionally, there was nothing for outreach for the Emergency Preparedness Committee. Even though the budget was constrained, he thought there should be something in the budget to give the Committee the ability to do some outreach to the community in terms of education. Hopefully, CERPP would be able to take up a lot of that, but the responsibility fell to the Town as well. Councilmember Toben agreed that would be money well spent. Ms. Howard said there was \$22,000 in Town Publications, which was sufficient to do 6-8 postcards. In terms of CSTI training, Ms. McDougall said there was a good possibility that the Town could participate in San Jose's training at no cost, and she was pursuing that.

Councilmembers thanked staff for their efforts on a very difficult budget. Mayor Wengert said if the potential budget cuts occurred, there might be some revenue areas to consider. She preferred it not all come from the expense side.

Councilmember Merk moved approval of Resolution No. 2448-2009 Adopting the Operating and Capital Budgets for Fiscal Year 2009-2010. Councilmember Derwin seconded, and the motion carried 4-0.

(8) San Mateo County Law Enforcement Services Agreement [9:07 p.m.]

Ms. Howard reviewed the staff report of 6/24/09 on the first amendments to two agreements for law enforcement services for FY 2009-2012. She said meetings had been held with representatives of the Sheriff's Dept. and Ed Davis to negotiate changes to the agreement. A meeting had also been held with the Town Manager of Woodside, who shared both contracts with the Sheriff's Dept., to see if the numbers could be improved. The agreement had been modified so that the increase was spread out over three years.

Councilmember Toben said he spoke with the Sheriff today who indicated the department was holding down costs for the next three years but beyond that, it looked ominous if the situation didn't improve in terms of personnel costs.

Referring to the staff memo and Supplemental Traffic Enforcement Services, Councilmember Merk asked if the Town could back out of these numbers if the COPS funding was cut off by the State. Responding, Ms. Howard said the supplemental contract could be terminated every year whether the COPS money was funded completely or cut back. Responding to Councilmember Merk, Undersheriff Carlos Bolanos said the Sheriff's department contracted for the unincorporated area, which the Towns of Woodside and Portola Valley did not pay for. It was referenced to make it clear that that was an area that had to be covered in any event, but the Towns were not paying for the entire area. The same officers were covering 100% of the area, but 30% of the cost was backed out.

Responding to Councilmember Derwin, Undersheriff Bolanos said the Town had always paid for emergency dispatch service; it was lumped in with the basic service in the past; it was not an additional cost. Responding to Councilmember Derwin, Ms. Howard confirmed that the Town paid for the D.A.R.E. programs in the schools and that those programs were part of the agreement. Referring to Exhibit B, Payments and Rates (p. 2), Councilmember Derwin asked under what scenario the Town would have to pay booking/jail access/forensic laboratory fees. Allena Portis, Deputy Director Finance, said booking fees were currently paid by the State. If the State did not appropriate a certain level of money, the Sheriff's department had the ability to charge a pro rated fee to cities. Jail Access Fees were equivalent to the total cost of a booking, but it was only for certain misdemeanors over a city's 3-year average. The legislation exempted certain cities the Sheriff's Dept. contracted with, and she did not think the Town was charged anything for jail access fees. Ms. Howard said this was new verbiage. Woodside's contract already included the language. Once again, the towns were at the mercy of the State.

Mayor Wengert asked what the difference between "designate" and "assign" was in terms of having someone assigned to the Town in an emergency. Responding, Ms. Howard said she wanted to ensure that there would be someone present in Town. In discussions, it was agreed that would be done, and it would be put in the contract. Mayor Wengert suggested changing the language from "designate" to "assign." Undersheriff Bolanos said part of the difficulty of "designating" as opposed to "assigning" was that personnel changed. The commitment was to ensure that emergency services personnel were sent to the Town in the event of an emergency. Whatever the language, the Town could be assured that the Sheriff's Dept. would be there in an emergency. Ms. Sloan added that she didn't see a difference between assign and designate. You could assign someone to do something, but that didn't mean they would show up. Once they were designated or assigned, someone would show up to help the Town. Mayor Wengert said she was looking for a verb that had the strongest execution component.

Police Commissioner Davis said he researched what other communities were paying. It was difficult to abstract because many communities also had fire departments. The Town's budget was about 15% for police services; Menlo Park spent 37%; Redwood City was 36%; So. San Francisco was 31%; Atherton was 47%; and San Carlos was 30%. He felt the Town's and Woodside's costs were reasonable. The Town was also a community that didn't have the urban difficulties. All in all, he felt it was a good ratio.

Councilmembers thanked the Sheriff's representatives for the service they provided to the Town. Councilmember Merk said he had been attending Emergency Services Council meetings for quite a few years. The professionalism and leadership that was demonstrated in the Bay Area in terms of emergency preparedness was very important.

Councilmember Merk moved approval of Resolution No. 2449-2009 Approving and Authorizing a First Amendment to the Agreement for Basic Law Enforcement Services for Fiscal Years 2009-10 through 2011-12 Between the Town of Portola Valley and the County of San Mateo Sheriff's Office. Councilmember

Derwin seconded, and the motion carried 4-0.

Councilmember Derwin moved approval of Resolution No. 2450-2009 Approving and Authorizing a First Amendment to the Agreement for Supplemental Traffic Enforcement Services for Fiscal Year 2009-10 Through 2011-12 Between the Town of Portola Valley and the County of San Mateo Sheriff's Office. Councilmember Toben seconded, and the motion carried 4-0.

- (9) Resolution Giving Notice of an Election to Extend the Current Reduction of the Utility Users Tax
[9:25 p.m.]
- (10) Resolution Giving Notice of an Election to Authorize the Appropriations Limit for the Utility Users Tax
- (11) Resolution Giving Notice of an Election to Authorize the Appropriations Limit for the Utility Users Tax for Open Space Purposes Only

Ms. Sloan reviewed her memo of 6/18/09 on the UUT. She said the first resolution and ballot language had been drafted to state the reduction in the UUT would be continued another four years. If nothing was done, the rate would go back to 5.5%. Or, the Council could choose to reduce it permanently. The other two resolutions addressed the appropriations limits for the general UUT and the open space UUT. The voters didn't need to approve the tax itself; they needed to approve the appropriations limit, which gave the Town the authority to spend the money that it raised through the taxes. All three ballot measures required only a majority vote.

Ms. Howard reviewed her memo of 6/24/09 and her strong recommendation to continue the UUT for budget purposes. She said the process at the State was chaotic. The Town had no idea which funds were safe other than those that the Town imposed such as the UUT. To try to balance a budget with \$500,000 less in revenue would mean a great reduction in services and the ability to provide residents with what they had come to expect from the Town.

Councilmember Merk said the recommendation was to leave the UUT at 4.5%. If in two years, the economy dramatically changed for the better or worse and the Town wanted to change this number, he asked if the four-year time frame in the resolution precluded the Town from lowering or raising this number. Responding, Ms. Sloan said the resolution didn't preclude a change as long as it went back to the voters. If the Town wanted to lower it in two years, a measure would be put on the ballot, and it would require only a majority vote. If the Town wanted to raise it in two years, it would require a two-thirds vote. As drafted, it would remain at 4.5% for another four years. If the State's finances continued to deteriorate, Mayor Wengert asked if it made sense to have a different time frame. Ms. Sloan said that was up to the Council. It had been drafted for four years because it matched with the other votes, and the Council would only have to think about it every four years. Councilmember Merk said it was more attractive politically to have it every four years and leave it at the lower rate.

Mayor Wengert asked for public comments, and there were none.

Councilmember Toben said he supported sending a message to the residents that the Council was steadfast in preserving the tax cut that the voters approved in 2006—despite the fact that the Town was under great pressure. He thought that message would be appreciated. Additionally, Ms. Howard indicated that this was the only major source of income that was untouchable by the State.

Responding to Councilmember Derwin, Ms. Howard said there was a little over \$2 million in the open space fund. Councilmember Toben said the Town would need to convey to residents what had been accomplished in the last four years in terms of the protection of open space. Beyond that, patience would be required until a real prized property became available.

Councilmember Toben moved adoption of: a) Resolution No. 2451-2009 Giving Notice of the Holding of a General Municipal Election to be Held on November 3, 2009, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Authorizing the Extension of the Reduction in the Utility Users Tax; b) Resolution No. 2452-2009 Giving Notice of the Holding of a General Municipal Election to be Held on November 3, 2009, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Authorizing the Adjustment of the Town of Portola Valley's Appropriations Limit for the Utility User's Tax; and c) Resolution No. 2453-2009 Giving Notice of the Holding of a General Municipal Election to be Held on November 3, 2009, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Authorizing the Adjustment of the Town of Portola Valley's Appropriations Limit for the Utility User's Tax (for Open Space Purposes Only.) Councilmember Derwin seconded, and the motion carried 4-0.

Ms. Sloan said the Town used volunteers to prepare the primary and rebuttal arguments for these ballot measures. The primary arguments were due on 8/14/09. They should be submitted to the Town a couple of days before that. Rebuttal arguments were due 8/24/09. She thanked the volunteers who had come forward so far.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [11:01 p.m.]

(12) Appointment to Emergency Preparedness Committee [9:40 p.m.]

Referring to Craig Taylor's e-mail of 6/18/09. Mayor Wengert appointed Anne R. Kopf-Sill to the Emergency Preparedness Committee. By motion and second, Council unanimously concurred.

(13) Appointment to Historic Resources Committee

Referring to Nancy Lund's e-mail of 4/10/09, Mayor Wengert appointed Jim Lipman to the Historic Resources Committee. By motion and second, Council unanimously concurred.

(14) Appointment to Parks and Rec Committee

Referring to Jon Myers e-mail of 6/11/09, Mayor Wengert appointed Wendi Haskell to the Parks and Rec Committee. By motion and second, Council unanimously concurred.

(15) Reports from Commission and Committee Liaisons [9:41 p.m.]

(a) Green Speakers Series

Councilmember Derwin said the speaker at the last session discussed green interior design.

(b) Conservation Committee

Councilmember Merk said the Committee discussed trees thought to have been killed by SOD, which were now sprouting green, on the Town's Shady Lane parcel. Councilmember Derwin said the Committee also discussed a heritage oak on Sandstone. The landscaping committee at the Ranch hired an arborist who decided that the tree needed to be taken down. Another arborist came out and indicated the tree had oak root fungus and should be removed ASAP. Residents disagreed and hired 4-5 additional arborists who all said the tree could be saved. The Chair of the Conservation Committee would be drafting a letter to the Board, with a copy sent to the landscape committee, clarifying the process/procedure for the removal of heritage oak trees. There was some confusion about who was in charge of the removal of heritage oak trees.

Councilmember Derwin said there was also some confusion over the biological resource map and report in terms of where it came from and what it would be used for. She suggested Ms. Lambert speak with the Committee Chair and provide some guidance. Ms. Howard said this was part of the work being done on the Safety Element and the Moritz report. It was being circulated among some of the committees for feedback.

(c) Planning Commission

Councilmember Merk said the Planning Commission discussed the 229-acre parcel at 555 Portola Road. The applicant wanted: a) to expand their current floor area coverage to 23,000 sf; b) to be permitted an additional 4,000 sf without a definition of what it would be used for or where it would be; c) not to have to return to the Planning Commission each time he wanted to put up an additional structure; d) review by only the ASCC; and e) to avoid a lot of geologic studies now. He alluded to the Williamson Act if given the 23,000 sf, but later said he did not want the application linked to the Act. He said there would be no large buildings in the meadow, but wanted to keep the option open.

(d) Woodside Fire Protection District

Councilmember Merk said the Fire District wanted to expand Station 8 and add a second garage in the back. The architect and the Town Planner's office were working with the District to get the plans approved in order to meet the deadline to receive a grant for the work.

(e) CERPP

Councilmember Merk said four new Board members had been elected so the Board now had nine members. There was also a general discussion about a reorganization. They voted to spend \$6,000 on an initial web design and \$2,500 to stock a container.

(f) Teen Committee

Councilmember Merk said the Committee wanted to start a history project that would include interviewing and filming some of the long-time residents in Town. It would tie in with the Girl Scouts who needed their history badges. The Town Historian attended the meeting and had a lot of helpful ideas. The Committee would also like to give \$900 they earned at their dances to the Open Space Fund. Ms. Howard said it could be included in year-end transfers. Councilmember Merk said the Committee also discussed organization and roles of members of the Committee.

(g) Parks and Rec Committee

Councilmember Merk said the Committee discussed field use fees. They reviewed the picnic and Zots to Tots Run. Parking apparently conflicted with race participants at both Rossotti's and at Town Center. The Committee also discussed signage and use of the tennis courts and Ford Field.

(h) Office of Emergency Services

Councilmember Merk said the County Health Officer discussed the H1N1 flu pandemic. It was not as virulent or deadly as it could be, and a lot had been learned. The emergency pandemic flu supply kit should include two weeks to two months supply of nonperishable food, 1-2 weeks of water including 1 gallon of water per person per day, jarred or canned baby food or formula, etc. If a pandemic hit, people would be required to stay at home to stop the spread. A plan would also be sent to the cities in July. It was predicted that the flu would come back in the fall and that there would not be enough vaccine for this strain. Water supply was also discussed.

(i) Ford Field Enhancement Committee

Councilmember Merk said he attended the site visit at Ford Field. Little League and 10-15 attended the meeting at Town Center. The consultants were very good and well prepared.

(j) ASCC

Councilmember Toben said the ASCC discussed the proposal for 555 Portola Road. They did not object to any aspects of the design as proposed; only three members participated. There was also a preliminary review of a residential project that had significant resistance from neighbors over the building form and light spill. The three members were comfortable with it providing that the landscaping was done well. With respect to the fire station project, they did not have any design issues.

(k) Airport Noise

Councilmember Toben said he would be meeting with staff from the San Francisco Airport and FAA on 7/20/09 to try to get some clarity on the new technology and overflights. There was a very energetic resident of Woodside who had contacted elected officials. Representatives from Woodside, Atherton, and Menlo Park would also be attending the July meeting. He welcomed comments from residents on noise impacts.

(l) Mayor's Items

Mayor Wengert said a check had been received for monies owed the Town for the Stanford C1 Trail. The next steps would be to bring back the plans that had been shelved two years ago and make sure the committees had a chance to review/update them. Stanford was optimistic that the lawsuit would be resolved in their favor. Councilmember Merk said the consultant on Ford Field should be made aware of the C1 trail.

Mayor Wengert said The Sequoias meeting would be held on October 14 or 28.

WRITTEN COMMUNICATIONS

(16) Town Council 6/12/09 Weekly Digest [10:12 p.m.]

(a) Report to Grand Jury

Referring to the Grand Jury report on employee costs in the cities in San Mateo County, Ms. Howard said the County managers' group had been working on this issue for 7-8 months. It was well understood that costs had to be controlled because it was not sustainable. A number of options were being discussed.

(b) Ordinance 2009-3777

Referring to Dan Sobek's e-mail of 6/9/09, Ms. Howard confirmed for Councilmember Derwin that Ms. Lambert and Mr. Fitzer set up a meeting with the homeowners' association at the Ranch for tomorrow morning. Information on the ordinance was on the website and people could ask questions. A letter-postcard had also been sent out to residents and was included as item #4 in the digest.

(c) Douglas Sewer Hookup

Referring to Ms. Lambert's letter of 6/9/09, Ms. Howard said discussions with the parties involved were ongoing. Mayor Wengert said there was little the Town could do until the Douglases resolved their differences with West Bay.

(17) Town Council 6/19/09 Weekly Digest [10:17 p.m.]

(a) League of California Cities Voting Delegate Form

Mayor Wengert said she would be attending the annual conference in San Jose. Responding to Ms. Howard, Councilmember Derwin said she would be the alternate voting delegate if Mayor Wengert could not attend.

(b) Request for Committee Input on Open Space

Referring to her e-mail of 6/15/09, Ms. Hanlon confirmed for Councilmember Toben that a copy of the Conservation Committee's report and recommendations on defining open space was attached. Councilmember Toben said the committees would need some direction on what their assignment was and what input was being requested from the Council.

CLOSED SESSION [10:20 p.m.]

(18) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code § 54956.8

Town Property on Wayside Road (APN: 076-244-020)

Town Negotiators: Town Attorney and Town Manager

Negotiating Party: Randall and Terry Dwight

Under Negotiations: Price and terms of payment

REPORT OUT OF CLOSED SESSION: None to Report.

ADJOURNMENT: 10:40 p.m.

Mayor

Town Clerk