

TOWN COUNCIL MEETING NO. 780, NOVEMBER 11, 2009

ROLL CALL

Mayor Wengert called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Derwin, Driscoll, Merk and Toben, and Mayor Wengert  
Absent: None  
Others: Town Planner Mader, Town Manager Howard, Town Attorney Sloan, Asst. Town Manager McDougall and Town Clerk Hanlon

ORAL COMMUNICATIONS

Councilmember Toben said he wanted to recognize the individuals in the community who worked very hard to bring about the passage of the ballot measures last Tuesday. In particular, he thanked Jon Silver, Gary Nielsen and Ed Davis along with Councilmember Derwin, Mayor Wengert, Bev Lipman, Ron Walters, Kirke Comstock, and others. The Town was the better for the result, and he was pleased that the Council didn't have to face the task of making hard decisions about reduced revenues that would have been necessary had there been a "no" vote on the measures.

(1) PROCLAMATION: In Honor of Laurence William "Bill" Lane, Jr. on His 90<sup>th</sup> Birthday

Mayor Wengert said every resident and the staff joined the Council in wishing Mr. Lane the best for his 90<sup>th</sup> birthday. She read the proclamation honoring Mr. Lane, noting that there would be a community-wide birthday celebration on November 22 at the Community Hall. Mr. Lane thanked the Council for the proclamation. Having served at every level of government, he enjoyed this community, which offered so much to the residents and to the whole area. He hoped to continue to attend meetings and help in any way he could. He thanked outgoing Councilmember Merk for his service to the Town and welcomed John Richards to the Council.

URGENCY ADDITIONS TO AGENDA

Ms. Sloan requested two urgency items be added as a closed session to the agenda in accordance with Govt. Code §54956.9. The first related to the lawsuit filed in federal court, Douglas v. Town of Portola et al. The second pertained to facts and circumstances that had arisen that gave the Town significant exposure to litigation regarding a request for an encroachment permit on Alpine Road. By motion of Councilmember Toben, seconded by Councilmember Driscoll, the two items were added to the agenda for a closed session by a vote of 5-0.

CONSENT AGENDA [7:41 p.m.]

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

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

(3) Warrant List of November 11, 2009, in the amount \$117,779.76.

REGULAR AGENDA

(2) Minutes of the Town Council Meeting of 10/28/09 (Removed from Consent Agenda)

Councilmembers Merk and Driscoll submitted changes to the minutes of the 10/28/09 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(4) Proposed Policy on Open Space [7:45 p.m.]

Town Planner Mader reviewed his memo of 11/4/09 on the proposed policy defining open space and permitted uses. He discussed the background, provisions of the General Plan, the term "open space preserve," precedents, uses allowed in open space preserves, recommendations, Committee memoranda on the definition of open space and next steps.

Councilmember Merk said the Kersten property was acquired by the Town and named the Dengler Preserve without the words "open space." Responding, Town Planner Mader said "open space preserve" was defined in the General Plan, and he preferred to see that term used. The Dengler Preserve could be renamed the Dengler Open Space Preserve at the Council's discretion.

With respect to the concept of leaving land in its undeveloped state, Councilmember Driscoll said the Town was heavily logged at one point and heavily grazed at another point. In many cases, there were large numbers of invasive plants. He asked whether leaving land in its undeveloped state would preclude restoration to natives or reasonable fuel management. Responding, Town Planner Mader said he did not think the phrase precluded ways to take care of the land in order to continue/maintain an open space feeling. Councilmember Merk added that MROSD did a lot to control non-native species, so there was precedent for that.

Responding to Councilmember Derwin, Town Planner Mader said examples of specifically permitted uses (recommendation #3, memo, p. 5) might be trails and paths, a bench, or a use that didn't require any change to the site. As these came up, the Town could address how much flexibility in permitted uses was wanted. It could be parcel specific and should be a low-intensity use that didn't change the site. He felt it should be done through a public hearing process and involve the neighbors. Responding to Councilmember Derwin, he felt a community garden would change the site. The ground was plowed, a fence and shed were put up, etc. But, a community garden could be in a park. Additionally, it didn't have to be based on a parcel boundary; you could have half a community garden and half an open space preserve. If a parcel was named a park, it treated the open space the same as a baseball field in terms of uses.

Mayor Wengert said some properties were no longer in their natural state and had been impacted by a variety of uses. She suggested that the policy state that it needed to be returned to its natural state—whatever that was. Town Planner Mader said if there were activities on the parcel that did not fit the definition of open space preserve, the Town might decide not to name it an open space preserve. Or, you could say that the land had to be returned to a semblance of a natural condition. He agreed that taking care of impediments to the definition needed to be addressed somewhere in the policy.

Responding to Mayor Wengert, Town Planner Mader said a dog park would mean a parking lot for cars, etc. He did not think it fell into the category of open space preserve but did fall into the definition of community park. If a donor wanted that use for the land, it could be just a parcel of land given to the Town. If you wanted to allow some slight variation when a preserve was established, the Council could decide exactly what the limitations would be. However, if you strayed too far, you weren't really serving the purpose of what was intended as open space.

Councilmember Driscoll asked if open space acquisition funds were limited to purchase open space

preserves. Ms. Sloan pointed out that this was the Council's policy. Referring to Town Planner Mader's memo (p. 1), she noted that "open space," as defined in the Government Code, covered different categories. That provided wide latitude. When you looked at a particular property, the Council could decide what was appropriate for that property. The assignment to staff was to come up with a policy that fit some of the Committees' suggestions. The one that fit with the Committees' suggestions was "open space preserve." Responding to Councilmember Driscoll, Town Planner Mader said he assumed that funds that were donated for open space could be used for any of the four purposes set forth in the Government Code and the General Plan.

Responding to Councilmember Toben, Town Planner Mader said the zoning allowed parks and open spaces in all residential areas. It was not allowed in commercial districts. Ms. Sloan added that most of the open space was publicly owned, and the zoning didn't apply once it was the Town's property. Town Planner Mader added that if there was a change in the uses permitted--even if it was public property--the best course was to go through a public hearing process to make that decision.

Councilmember Toben said if someone decided they wanted to donate their vineyard on a condition that the historic vineyard operation be kept in production, the proposed policy would not allow it to be designated as an open space preserve because of the presence of significant agricultural activity. Town Planner Mader said it could just be accepted as a vineyard with that designated use.

Mayor Wengert asked for public comment.

Responding to Bill Lane, Town Planner Mader said the conservation easement for Mr. Lane in Westridge was privately owned open space and would not be affected by the policy, which was for Town-owned open spaces. Ms. Sloan added that the conservation easement was very specific as to what was allowed. The Lanes and the Town looked at it together and decided what uses were appropriate.

Gary Nielsen, Open Space Acquisition Committee, said Town Planner Mader had done a masterful job in making the connection between donor intent and the lands that were actually purchased with those funds. What was proposed was very consistent with the Open Space Acquisition Committee's definition of open space. With respect to comments about returning the land to the natural state, the Committee discussed the Spring Down property, which was basically a big pond that had been scooped out about 30 years ago to control drainage on the property. How that would be handled was a question. Town Planner Mader noted that when open space preserves were established, any specific things on the properties should be noted; some judgment would have to be made. Mr. Nielsen felt that what was proposed had some wiggle room for particular sites to go a little further outside the realm of a "natural state." He suggested giving his and the other Committees a chance to look over what was proposed.

Danna Breen, ASCC, wanted to make sure that some kind of land management was provided for. The land was becoming so "treed." You couldn't see the meadow or the Jelich Ranch any more. If the Woods property ever became open space, you couldn't see it any more. Vistas were being lost, and there needed to be some type of provision for the management of the land—especially since there was no more grazing or fires. Responding to Councilmember Toben, she felt that funds from the open space acquisition fund reserve for maintenance of these public properties should be looked at. There was a huge row of eucalyptus at Spring Down along the front. If they weren't there, there would be a wonderful vista across the property into the western hills. Similarly, you couldn't see Windy Hill any more as you drove down Alpine Road into the community.

Councilmember Merk said it should be recognized that nature took a lot longer for natural succession than most human memories could experience. A field might have been something quite different 500 or 1,000 years ago. A pond that was dug out 35-40 years ago might now be the home for ducks, different kinds of birds, salamanders, etc. Those biotic resources should be preserved rather than try to preserve this

nebulous thing called the “natural condition.” The natural condition was always changing.

Jeanie Treichel, Fawn Lane, said people kept talking about putting a dog park in open space. That should only be done if it was established when the open space was initially received. When talking about open space and keeping things in the natural state, a dog park was something else. It was like the baseball park. You had to have clean up, etc.

Marge DeStaebler agreed with Town Planner Mader’s definition of open space. “Open space preserve” fit completely with the Conservation Committee’s deliberation and what they had been working on for a year or so. She also agreed that when new land came in as a donation, that was the time to set the potential uses instead of confusing people who had donated to open space as it had been defined and then changing the use after their donations.

Lindsay Bowen, Portola Rd., said he did not think everyone agreed on what open space was. Many members of Parks and Rec had their own definitions. The State had a definition, which he felt should be kept. On a case-by-case basis, the Town could decide what the land should be and talk to the people who wanted to donate the land.

Gary Nielsen agreed that the open space acquisition fund should be used for maintenance of open spaces. Ms. Breen added that if it wasn’t maintained, you lost the ability to utilize it. The broom and thistle had to be kept out in order to use and enjoy the land. The Town was low on maintenance funds, and she felt open space funds should be utilized to maintain the open space.

Councilmember Driscoll said the Town had talked about finding a home for the Chilean Woodchopper’s Cottage, which was currently on private property. The property owner wanted to donate it to the Town if there was a place to put it. There had been some discussion about moving it down the street to the Goodstein property with roughly the same vista on land that was similar to the way it was when it was built. That would be putting a structure on land that people didn’t want a structure on. He felt the Town should maintain some flexibility to allow something like that if everyone agreed it was a good idea. He did not want the policy to preclude something like that. Finding a home for that historic building might be a public good in itself. Overall, he felt what was proposed was moving in the right direction. He also supported sending it back to the Committees after it had been fine-tuned to reflect tonight’s discussion.

Councilmember Merk said trends came and went, but something that was in its natural condition meant that it was essentially undeveloped. If it was left too open, some trend later on would come along. At one time everyone wanted a tennis court and pool on a 1-acre parcel. The Town had to put controls on them. Now, there weren’t any tennis courts coming to the ASCC. The problem with letting a future Council make the decision for a particular property was that you would be stuck with whatever the current trend was rather than the basic principle of preserving the property in perpetuity. Referring to recommendation #3, he was concerned about the term “allowing some slight flexibility.” Under the suggested definition #4, he questioned what “minor” meant in “descriptions may include minor variations.” He was concerned that with the political winds of the time, “slight” or “minor” might be considered very large ten years before or after. Those terms should be clarified to indicate that it was not a more intensive use. In terms of restoration, he felt a semblance of the natural condition was appropriate. The idea was to preserve the biotic resources of the land. That might mean making changes to the land. Incredible changes had already been made to the Goodstein property just by dumping thousands of cubic yards of dirt on it. It was all smoothed out, planted with wildflowers and looked beautiful. With respect to donors, they could donate property with whatever strings they wanted. If they wanted to donate it but have the Town buy it at reduced price, it could be problematic. He did not know if it should be bought with open space funds or some other funds. In terms of the specifics of the recommendations, he liked the idea of trails but thought paved trails were a contradiction for an open space preserve; the surface needed to be fully porous and nothing more than crushed rock, decomposed granite or something like that. On the other hand, no structures except trails, signs and

benches, meant you couldn't build a bridge over a waterway or a wooden walkway next to the pond. There needed to be some flexibility in terms of providing access to the resources. He agree that sending it back to the Committees was a good idea even if what came back was not a lot different than what had already been forwarded.

Councilmember Toben said when public resources were made available, there was an opportunity to select the uses that would nurture the development of social capital in the community. For example, a decision to prohibit any kind of significant use on Spring Down might foreclose the opportunity for neighbors to discover each other's common interest in working on a garden plot. The Town Center was an example of something that engendered social capital formation in the community as opposed to the centrifugal force that so often drove neighbors apart. He had a little hesitation about a fairly prohibitive definition of what might be possible on a given parcel. If a group of residents came in and said they wanted to convert 5% of the Goodstein parcel into a community garden with some fencing, this definition wouldn't permit that even though there was no evidence that the Goodsteins would object to that. It was not a use that was inconsistent with the enjoyment of the outdoors. His bias was always towards appropriate uses that would promote the formation of social capital in the community, which was sorely lacking in almost any community. Any chance to foster the opportunity for people to be outside together in a wholesome activity and meeting one another was good and should be advanced. Having said that, he could support some version of what was proposed.

Mayor Wengert said she had huge confidence in what the Town had done and huge confidence in what would be done going forward. On a case-specific basis, the Town had not made any big mistakes. But, she recognized the fact that people wanted greater clarity on this issue. She had a very strong sense of unease about limiting something so severely and strictly that it would prohibit things that had not been thought of yet or things that might be a strong desire in the community. If 500 people went on the forum indicating that they wanted a dog park on 250 sf on the back part of Spring Down, the Council would be obligated to consider that very seriously as something that was desired by the community. Additionally, she hesitated to send it back to the Committees only because she thought what came back would be very similar to what had been heard before. It might make sense to limit it to the Open Space Acquisition Committee and perhaps 1-2 others. She felt open space preserve was a rational path to pursue, but she was concerned about the limitation it would impose on the Town by adopting it.

Town Planner Mader said people were voting for open space funds. The question was what was open space. If you used open space preserve, that was defined. If you said open space in general, that was what they were voting for. The question was: what was the message people were getting that these funds would be used for. He felt it needed to be clear.

Councilmember Derwin recalled a conversation she had with a resident this week about neighbors up-lighting their trees. He had been working with the Town on this, but the neighbors continued. Another neighbor was now up-lighting their trees. The new people that were coming to Town were not the same as people who had lived in the Town for a long time. The Council had to be sensitive to the political winds and sensitive to the fact that in 10 or 20 years from now, there might be a completely different culture in Town. The Town didn't look as it did from doing nothing. The reason that the Town was inundated with bicyclists every weekend was because of what people had done all these years to hold the line. What Town Planner Mader had produced was holding the line. Even though she would like to see a community garden on Spring Down, she understood why the Town had to be more restrictive in the policy and definitions. She supported what was proposed. If the Committees wanted to work on it, they should be given a strict timeline.

Councilmember Driscoll said he thought it would be a mistake to send it back to just the Open Space Acquisition Committee. A lot of the issues raised tonight about "natural," "restoring," "fuel management" and "native versus natural" were issues that were of interest to the Conservation Committee as well. After discussion, Councilmembers agreed to send the proposed policy with a copy of the minutes of tonight's

discussion back to the Committees who submitted comments on the definition of open space.

Responding to Ms. Breen, Mr. Nielsen noted that at the last Open Space Acquisition Committee meeting, the Committee discussed a particular parcel that might be appropriate for a dog run and vegetable garden. The proposal did not preclude the Town from buying open space to do other things on. It might not be paid for entirely or at all by open space funds.

(5) Review of Amended Field User Fee Policy [9:00 p.m.]

Ms. McDougall reviewed the staff memo of 11/11/09 on increases to athletic field user fees. She noted that a separate sheet showing maintenance expenses and revenue generation had been distributed to Councilmembers. She said Parks and Rec had worked very hard for a long time on this issue, and she specifically wanted to thank Jon Myers.

Responding to Councilmember Derwin, Mr. Myers said the primary reason the 2010 number of players in the Alpine FC decreased was because there was a major shift between Alpine FC and AYSO. Woodside opened their field across from 280, and it was agreed that Alpine FC would have most of their games there; AYSO would have most of their games and practices in Portola Valley. The Alpine FC players came from a broader area while a lot of AYSO players were from Portola Valley. That reduced the number of Alpine FC players in Town. The Portola Valley Soccer Club men's league decreased because the way they counted their players changed. They used to count the opposing players. They would now be counting their own players, which was the same way everyone else did.

Responding to Councilmember Driscoll, Mr. Myers said originally the plan was to define it as competitive versus recreational. In talking to the co-ed soccer and softball users, both teams that were on the field paid Portola Valley to use that field. They were both within the league and everyone in the league paid. For the competitive clubs, people were playing on the field who were not actually paying for the field—only the home team paid. That was the justification for them to pay more. It was decided that the clubs would pay 50% more than leagues to compensate for the fact that there were other people using the fields who weren't paying. Clubs played other clubs; in general, leagues played within the league. Councilmember Driscoll said years from now there might be new leagues and new clubs. The clubs might choose to use the name "league." He suggested indicating that the higher fee rate was for groups that had the majority of out-of-town players; the lower fee rate was for groups whose majority were in-town players. There should be a quantitative description of why there were two fees so that it did not appear arbitrary. Councilmember Toben said it was not a small task to create a club or a group of clubs. He felt the Town would be able to detect that eventuality in plenty of time to respond. Lindsay Bowen added that it was a Town policy that any club/organization that wanted to use the field had to come to Parks and Rec and say who they were. They couldn't just show up, pay a fee and say they were a new league in Town.

Lindsay Bowen said Ford Field had been the ancestral home of Little League baseball in this area for years. If you charged \$40 per player, you couldn't bring a T-ball team in to play Sunday afternoon for one game a season to let them know what it was like to play on a big field. In some ways, it might drive down the number of players and the availability for younger kids who wanted to move up. To put people in different fields, you had to tell people when it was and where it was which could be confusing. He felt charging per player restricted what you could do. Maybe next year, there might be a different way to do this.

Bill Pickering, PV softball, said he didn't want the numbers that had been put together regarding cost to become fact until they could be analyzed. Secondly, if the Town adopted the 2011 rates, the cost to his league approached what other people were paying for the entire year's maintenance of their field. It looked like PV softball was paying twice as much to maintain the softball field at Town Center as other people were paying to maintain their softball fields. He supported the proposal but was concerned about what it would cost.

Councilmember Derwin said she appreciated being educated on how the clubs and leagues differed, etc. If Parks and Rec was onboard with this fee structure, that was good enough for her, and she supported it.

Councilmember Driscoll said he was okay with the fee structure as proposed. He questioned whether the Town should be targeting 50% of the cost rather than trying to lower the cost. Generally seeking to get about half was okay, but he did not want to set a hard number. He wanted the Council to think about fees that would encourage participation and use of the facilities for the benefit of the citizens.

Councilmember Merk said when this was discussed a couple of months ago, the teams had already done their budgeting for the year, and he suggested using the increase that they had budgeted in the interim while it went back to the Committee. This had been through a lot of regurgitation. He did not think the Town would ever come up with the perfect formula that suited everyone. The proposal was a big step in the right direction. He was okay with the rates recommended by the Committee and the proposed 2011 rates as well. He thought there should be a CPI adjustment clause. Five years from now, the Council should look at this just as it looked at the fees for other things in Town. When a person remodeled their house, they paid a fee based on the cost to the Town to do the plan checks, send out the building inspector, etc. The Town asking for 50%--plus or minus--was not unreasonable to ask of the users. He was satisfied with the proposal, including the 2011 rates with the addition of CPI increases.

Councilmember Toben said there was some disadvantage to coming back and doing this all over again a year from now as opposed to doing it as a 2-year program. Mr. Myers said the users felt it was better to do it in two steps to see what happened when the fees were increased this much. Secondly, there was a sentiment that when fees were raised, you should also try to bring the costs down. Parks and Rec felt this was a major increase and that there was no need to commit to the 2011 fees. Mayor Wenger noted that the per player increases were significant. To add a second increase might be too much too soon. The Committee also hoped that there would be some cost savings to be generated by the staff in terms of maintenance. Councilmember Toben said this had been a long process involving careful and thoughtful work. While he could see the point of trying to have a two-year program, he was prepared to let the Committee do a review in a year.

Councilmember Merk said the hope of getting the cost to go down was slim. There would be a 17% increase in water rates next year with a total of 25% over the next three years. Even if there were no salary increases, employee costs were going up every year. He did not think the Town should count on being able to bring the costs down—especially with the increase in field use. The teams needed to steel themselves to what would be higher costs. He said he could support the rates proposed for 2010 only.

After discussion, Councilmember Driscoll moved to set a public hearing for the recommended 2010 rates with the addition of CPI increases for future years. Councilmember Merk seconded, and the motion carried 5-0.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (6) Appointment of Members to the Ad-hoc Spring Down Master Plan Committee [9:35 p.m.]

Ms. Howard reviewed her memo of 11/11/09 on the ad-hoc Spring Down Master Plan Committee members, noting that an updated list had been distributed. There was also a letter from Jon Silver requesting appointment. Responding to Mayor Wengert, she said there were three from Parks and Rec and two from the Conservation Committee; the Planning Commission member had been a long-term Conservation Committee member. Councilmember Toben said Mr. Silver's name should be added. Responding to Councilmember Derwin, Ms. Howard confirmed that meetings would be opened to the public and that anyone could come.

Councilmember Merk said he understood that the formation of this committee would be publicized. That had not been done. At the Council meeting when this was discussed, Mayor Wengert suggested that Ms. Howard come back with a recommendation for participants—not a list of appointments—ground rules, etc. While he didn't object to the proposed members, he felt it was heavily weighted on one side. The community should have an opportunity to know this was happening and to apply. Ms. Howard noted that it was on the Town's website homepage but not on the forum.

Councilmember Toben said you wanted to have people with knowledge/skills and who represented a diversity of viewpoints, but it needed to be a manageable size. This was not dissimilar to the way the Sausal Creek Committee was set up, but there had been some publicizing on the forum. In that case, several applications had been turned down, and the final committee size was no more than 13 including members at large. For this committee, there were 14. If it was re-advertised and there were an additional 10 people, he questioned what the selection criteria would be. This was an open process where anyone who wanted to come and speak would be permitted to do so.

Mayor Wengert said the ad-hoc Committee Handbook Committee was similar to this as well. She was a little concerned about the overweighting of the one Committee. On the other hand, this was a good group with active and engaged members. The meetings were open, and she recommended proceeding with the list of members and Jon Silver.

Gary Nielsen said he was hoping that the Open Space Acquisition Committee would have a little heavier weighting. At the last Council meeting, two from Open Space, two from Conservation and two from Parks and Rec were suggested. He didn't want to add more people but would lobby for one more from Open Space. Mayor Wengert said one Parks and Rec member might be eliminated. Councilmember Toben noted that this would be a consensus process rather than "majority rules" process. Mayor Wengert said she had no problem adding another member from Open Space as well as Conservation. Councilmember Toben reiterated that any one could attend. Responding to Councilmember Derwin, Mayor Wengert said there would probably be three meetings no more than a month apart. Councilmember Merk said with adding an additional member from the two Committees, he could vote for the appointments.

Councilmember Driscoll said these appointments could be made. If more people applied, they could be appointed later. Responding to Councilmember Driscoll, Ms. Howard said the Goodsteins and Whites would be notified of the meetings. Councilmember Driscoll said they might wish to be members at large. Ms. Howard suggested bringing a revised list back.

(7) Request for Use of Schoolhouse for Local Artists' Holiday Arts & Crafts Fair [9:45 p.m.]

Ms. Howard reviewed the e-mail dated 11/3/09 from Jane Wilson requesting use of the Schoolhouse on 12/5/09 for a Holiday Fair with local craftspeople. She noted that the request did not fall within the allowed use policy for the Schoolhouse, but staff was supportive of the idea.

Councilmember Merk said this was worth a try. When the policy had been adopted, the Council had spent a huge amount of money to have the Schoolhouse renovated, and it was brand new. Ten years had passed, and the building had served the Town well. If this event worked well, it would provide a useful alternative to the limitations of the Community Hall. The policy might be revisited so that things like this wouldn't have to come to the Council.

Councilmember Derwin concurred. She added that she would sponsor the event and would be helping Ms. Wilson. Ms. Wilson said the fair was Steve York's idea, and he was still very much in favor. The Cultural Arts Committee was happy to take it on as well.

Councilmember Driscoll said he supported the request completely and concurred with Councilmember



Merk's comments. Additionally, he volunteered to meet with Ms. Howard and the auditors about the use of the Community Hall to see if some flexibility could be found. Councilmembers and Ms. Sloan discussed restrictions on the use of the Community Hall for "commercial" events. After discussion, Council granted the request.

(8) Reports from Commission and Committee Liaisons [9:50 p.m.]

(a) Library JPA Meeting

Councilmember Derwin described special programs given through the libraries. She felt the libraries had great programs for the communities.

(b) Portola Valley Green Home Tour

Councilmember Derwin said she and Councilmember Toben participated in the tour. She described the house she toured, which had very detailed, fine building work. The designer, architect and builder attended, and there was a narrative on the Town website.

(c) Trails Committee

Councilmember Derwin said the Committee discussed the accounting for the Dengler Trail. Mr. Young brought back a detailed accounting, but they still wanted a separate line item on the 2009/10 budget for the donated amounts remaining and the work to be done. Additionally, Mr. Young would look into: 1) the crosswalk in front of Town Center, which was apparently slippery and difficult for horses to cross; and 2) a driveway on Westridge that wasn't scored. There was also a discussion of the Town Center trail. The Committee did not want to wait to put in the trail from Portola Road to the hitching post until the back portion of the trail was resolved. Mr. Young would come back with a rough estimate as well as an estimate of how many parking places would be lost if the trail was built. The Council might need to assist. Mr. Young also explained to the Committee about the denial of the encroachment permit that would be discussed during the closed session. The Committee supported staff's position and was prepared to write a letter. At the request of one of the members, the next three meetings would be designated as special meetings and would start at 7:00 p.m. If that worked out, they would request a permanent change to the meeting start time.

(c) Geologic Safety Committee

Councilmember Driscoll said two 2-hour meetings were held on 10/31/09 with two different groups of citizens on the updates to the geology maps. The first group was for the residents in the Westridge/Palmer/Sausal area where there were thrust faults. The second group was for residents within or near the San Andreas Fault itself. Town Planner Mader identified a slight reduction in the number of houses that were impacted by the Ground Movement Potential Map. Some residents were surprised that there were setbacks, etc. Both the meetings went very well, and he thought the maps could be brought through the hearing process.

(d) Emergency Preparedness Committee

Councilmember Driscoll said the Committee discussed the recent Statewide exercise. They also discussed acquisitions for the EOC. The Fire Department and Sheriff's office were sending representatives to the meetings.

(e) Planning Commission

Councilmember Merk said the Commission held a preliminary review of re-development of a property on

Cherokee; a field meeting was scheduled for November 9. They also discussed the annual review of the Priory School. The Priory discussed reasons why the enrollment exceeded the maximum and demonstrated that daily attendance was below the maximum. By the end of the year, attendance would be in compliance. The Commission also held a preliminary review of a CUP amendment for the Verizon facility at the Priory. They would be replacing two antennas with one 50' antenna. Verizon had been asked to provide simulations of what a fake tree and monopole would look like at the site. The Commission also discussed additional battery backup and co-location.

Councilmember Merk voiced concerns about the striping of the left lane turn in front of Town Center. Ms. Howard said staff would follow up.

(f) ASCC

Councilmember Toben said the ASCC discussed a two-story and one-story version of a proposed home on Golden Oak. The one-story version took full advantage of the 5% additional floor area allowed. There was a large turnout of neighbors who were concerned that they hadn't had much opportunity to view the plans in detail. While the consensus was that one-story was preferable, the ASCC was interested in making the home smaller. This was the classic problem where the ASCC wanted less than the allowable floor area under the regulations. Ms. Sloan noted that the ASCC chapter in the zoning code stated that they could reduce the numbers based on aesthetics. Councilmember Toben asked Ms. Sloan to write a memo.

(g) Parks and Rec

Mayor Wengert said the Committee discussed the field user fees. She would be meeting tomorrow with Ms. McDougall and Jon Myers to go over goals and objectives.

(h) Community Events Committee

Mayor Wengert said the group discussed Bill Lane's party on 11/22/09 and the Holiday Party. Councilmember Toben suggested publicizing Bill Lane's party time and date in *The Almanac*. Ms. Howard noted that there was a flyer in Town Hall.

WRITTEN COMMUNICATIONS [10:20 p.m.]

(9) Town Council 10/30/09 Weekly Digest

(a) Occupancy of Apartment at 888 Portola Road

Ms. Sloan said Ms. Lambert's memo of 10/30/09 clarified the occupancy of the apartment as it related to the revocation of the CUP.

(b) Policy on Town Officials and Staff Response to PV Forum Listing

Referring to the policy, Councilmember Merk said the policy had not been followed for the Holiday Fair event.

(10) Town Council 11/6/09 Weekly Digest

(a) White House Energy Forum

Referring to the e-mail from Councilmember Toben dated 11/2/09, Councilmember Derwin thanked Councilmember Toben for the information.

(b) Model Efficient Landscape Ordinance

Referring to Ms. Lambert's memo of 11/6/09, Councilmember Derwin volunteered to assist in the review of materials provided by DWR and BAWSCA. Councilmember Merk suggested other committee members who might be interested in participating.

(c) Dates for Community Events Functions

Referring to the Chair's memo of 11/3/09, Ms. Howard said the Committee would like Council's approval of the proposed dates for the events for 2010. Councilmembers concurred with proposed dates.

CLOSED SESSION – Added to Agenda as Urgency Item [10:24 p.m.]

(11) CONFERENCE WITH LEGAL COUNSEL

Government Code § 54956.9

- (a) Existing Litigation: Douglas v. Town of Portola Valley et al.
- (b) Significant Exposure to Litigation: Request for encroachment permit on Alpine Road.

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT: 10:58 p.m.

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Mayor

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Town Clerk