

TOWN COUNCIL MEETING NO. 785, FEBRUARY 24, 2010

ROLL CALL

Mayor Toben 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, Richards and Wengert, and Mayor Toben
Absent: None
Others: Town Planner Mader, Public Works Director Young, Leigh Prince (Town Attorney's office), Town Manager Howard, Asst. Town Manager McDougall, SuRE Coordinator de Garreaux and Town Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane thanked Mr. Young and everyone involved in the decision to put in double yellow striping and reflectors on Westridge Drive. Because it was a very pretty drive, it was a bicyclist's haven and could be very dangerous. The work done made it much safer.

CONSENT AGENDA

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

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

(2) Warrant List of February 24, 2010, in the amount \$61,051.46.

REGULAR AGENDA

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

Councilmember Richards submitted changes to the minutes of the 2/10/10 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(3) Agreement Between the Town and Stanford University for the Alpine C-1 Trail Project [7:35 p.m.]

Councilmember Wengert said it had been a pleasure to work with Stanford on this project. She introduced Stanford representatives present: 1) Larry Horton, Director of Community Relations, 2) Charles Carter, Director of Land Use and Environmental Planning; 3) Maria Cacho, Sr. Environmental Planner; and 4) Jim Inglis, Director of Design & Construction.

Mr. Young reviewed the staff report of 2/24/10 on the C-1 Trail Agreement. He said staff would start on the permits right away in hopes that the construction could start this year. He reviewed cost estimates (Exhibit G) and the payment method. Responding to Councilmember Richards, he said the projected construction time was 4 months. He noted that Town Planner Mader was present to answer any questions on the CEQA documents.

Councilmember Driscoll said his wife is a current employee of Stanford, and he recused himself from the discussion.

Referring to Exhibit B, Mitigation Measures (p. 1), Mr. Young confirmed for Councilmember Derwin that: a) the cost of the biological/environmental monitoring was covered by the contract; and b) the environmental consultant would determine what would be planted on the creek bank. Responding to Councilmember Derwin, Town Planner Mader said it was his understanding that in the long run, there would not be a significant impact to steelhead, but there might be some disturbance during construction. He added that as part of the site development permit for this project, planting along the creek would be addressed. Responding to Councilmember Derwin, Mr. Young said a contractor would maintain the revegetated sites for at least three years; that was also included in the cost.

Larry Horton said this project started with a letter to the Mayor in February of 2006. Since that time, the Stanford team had enjoyed a truly satisfactory relationship with two Town Committees and Town representatives. He felt the agreement met the objectives of both sides. It had been a pleasure working with the staff.

Mayor Toben asked for public comment, and there was none.

Councilmember Wengert moved approval of Resolution No. 2477-2010 Approving the Proposed Mitigated Negative Declaration for the Alpine C-1 Trail Project and Approving and Authorizing Execution of an Agreement Between the Town and Stanford University for the Alpine Road C-1 Trail Project. Councilmember Derwin seconded the motion. Mayor Toben said he was impressed by the attention given to every detail of this project. He felt this would be a terrific new amenity for the Town. He was grateful to Stanford for their commitment to this project. He called for the vote, and the motion carried 4-0.

(4) Proposed Tennis and Sport Court Rules and Instruction Program [7:48 p.m.]

Ms. McDougall reviewed the staff report of 2/24/10 on the proposed tennis/sport court rules and instruction program. Responding to Councilmember Derwin, she said classes were limited to four adults or six youth so that there could be one-on-one instruction. Kathy Feldman (Parks and Rec) added that it depended on what you were trying to teach. If the emphasis was on doubles strategy, four was the perfect number. Six adults would also work if the focus was on a particular stroke. It depended on what the people wanted to do during that hour. Responding to questions, Ms. McDougall said the pro would be under the same instruction services agreement used for the other classes. The Town would retain 20%, and the pro would get 80%. Classes would be advertised in the same manner with the quarterly schedule. With respect to choosing the pro, staff and the subcommittee would come up with some criteria. A flyer would be mailed out to interested parties and those with tennis instructional programs such as Stanford. It might also be advertised in *The Almanac* and posted on the PV forum. The process would be open and inclusive.

Responding to Councilmember Richards, Wendi Haskell (Parks and Rec) said the intent was to keep the courts open in the morning when local residents typically used the courts for drop-in free play. Around 11 a.m. and beyond, the courts were empty. Councilmember Richards noted that noon to 2 p.m. was a hot part of the day in summer. Mayor Toben said this was an experiment that was likely to be refined over time. If there was no interest in a class that met at 1:00 p.m., adjustments would be made.

Responding to Councilmember Driscoll, Ms. McDougall said with the Town keeping 20% of the fees collected, it was consistent with the other instructional opportunities in the Community Hall. Councilmember Driscoll suggested that number should be looked at at some point in the future to see how it fit with the cost of court maintenance and upkeep. Ms. McDougall added that this was a demonstration program, and staff would be learning a lot in the next six months about how it worked.

Mayor Toben asked for public comment, and there was none.

Councilmember Wengert said working with Ms. McDougall and the subcommittee had been a terrific

process. This was a great first step, and she felt there would be other programs added. If people didn't use the courts on a walk-in basis in the summer and there was demand for classes, that could be taken into consideration going forward. She moved to adopt the court rules and authorize staff to proceed with the instruction program implementation, including selection of a tennis pro. Councilmember Richards seconded, and the motion carried 5-0. Ms. Feldman said Parks and Rec wanted to acknowledge and thank Ms. McDougall for her guidance and patience. This project would not be in front of the Town Council without her assistance.

(5) Public Hearing: Consider Joining CaliforniaFIRST Program for the Financing of Water and Energy Efficiency and Renewable Energy Retrofit Projects and Approval of ABAG to Apply for State Energy Program Grant Funds [8:00 p.m.]

Mayor Toben said this item represented an opportunity for the Town to join an effort that would yield some excellent opportunities for Town residents to improve the efficiency of their homes. Ms. de Garmeaux introduced Peggy Jensen and Douglas Alfaro from the San Mateo County Manager's office. Douglas Alfaro gave a presentation on ABAG's Retrofit Bay Area program and CaliforniaFIRST program described in the staff report of 2/24/10.

Responding to Councilmember Wengert, Ms. Jensen said the available funding would be spent at a Countywide level and would be primarily for marketing efforts. The City-Countywide Committee referenced in the staff report had been working for 8-9 months on this project, and Ms. de Garmeaux was a member of that group. It was not anticipated that funds would specifically go to the cities, but there would be a lot of resources that would be available to them. Countywide resources and training programs would be created that could be brought to the city in whatever venue the city chose. Responding to Councilmember Wengert, Mr. Alfaro said there was no limit to the number of property owners who could apply for financing. It was a pilot program run through the County, but there were no allocated slots for it. Homeowners could apply from any of the participating counties and cities. If there was over-subscription, that showed that there was a lot of demand for this. Responding to Councilmember Richard's question on upfront costs to the homeowner, he said the cities and County would be working on figuring out exactly how that process would work. The details on how long it would be from the time a homeowner applied to the time it was reimbursed hadn't been revealed yet. Ms. Jensen added that there would be a meeting on March 2 of the funding staff to get an understanding of how the program would work.

Responding to Councilmember Derwin, Ms. de Garmeaux said there were several programs going on at the same time. In addition to the Retrofit Bay Area program and CaliforniaFIRST, Acterra's High Energy Assessment program had just been approved by the California Energy Commission. Agenda item #7 was a proposal to reorganize the Climate Protection Task Force. Hopefully, that committee could be used to learn about all of these programs and assess how they could be successfully marketed to the Portola Valley community. Her job would be to ensure that it was marketed as effectively as possible to get as many of those slots as possible.

Councilmember Driscoll said there were homeowners in Town who had already gone through this process and, in some cases, spent considerable sums of money for improvements. Responding, Ms. Jensen said she had not heard that there was any component of the program that would be retroactive, but she would ask the renewable funding staff during the meeting on March 2.

Mayor Toben opened the public hearing.

Bill Lane, Westridge Dr., said the programs sounded very good. ABAG served a valuable purpose and was a benefit to the communities it related to. The discussion tonight seemed to be an example of very good coordination, cooperation and communication. This was a complicated project that was being handled democratically. To make it work, it would take patience, understanding different positions, and a lot of effort

in looking at the bigger picture of how Portola Valley fit into the whole scheme of things.

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

Councilmember Derwin said she was very excited about this and very happy to see all of it coming together. She was proud to be working with ABAG and the County on this significant issue.

Councilmember Richards said it was a great program, and he was happy that the Town was involved in it. He hoped that the expenditures would lead to actual progress. Describing a project he toured in Burlingame, he thought there needed to be controls in place to ensure that the people recommending and doing retrofits really knew what they were doing. Other than that, he supported the Town's participation in the program.

Councilmember Wengert said there would be challenges, but she thought it would be a terrific program. She felt it would have great popularity. The issues would be ones of democratization and making sure that everyone who wanted to participate was able to at some level. That was a challenge she looked forward to.

Councilmember Driscoll said in the last couple of years, his concern was the State taking money away. This was a great opportunity for the State to help to do something good.

(a) By motion of Councilmember Derwin, seconded by Councilmember Richards, Council adopted Resolution 2478-2010 Authorizing the Town to Join the CaliforniaFIRST Program, Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the Town, and Authorizing Related Actions by a vote of 5-0.

(b) By motion of Councilmember Driscoll, seconded by Councilmember Wengert, Council adopted Resolution No. 2479-2010 Authorizing Sacramento County as the Lead Collaborative Applicant to Apply for State Energy Program Grant Funds Available from the California Energy Commission on Behalf of the Town of Portola Valley by a vote of 5-0.

(c) By motion of Councilmember Wengert, seconded by Councilmember Derwin, Council adopted Resolution No. 2480-2010 Approving, Authorizing and Directing Execution of California Communities Joint Powers Agreement by a vote of 5-0.

(d) By motion of Councilmember Richards, seconded by Councilmember Driscoll, Council adopted Resolution No. 2481-2010 Approving and Authorizing the Association of Bay Area Governments to Apply for State Energy Program Grant Funds Available from the California Energy Commission on Behalf of the Town of Portola Valley by a vote of 5-0.

(6) Introduction of Ordinances on Indoor Water Conservation and Water Conservation in Landscaping
[8:20 p.m.]

Ms. Lambert reviewed the staff memo of 2/24/10 on the water conservation ordinances. She said Cal Water forwarded a letter dated 2/24/10 supporting both the indoor and outdoor ordinances with minor changes. She thanked members of the Water Conservation working group. Staff looked forward to bringing to the Council additional programs that were not State mandated and focused more on the Town.

Planning Commissioner Von Feldt said as a member of the working group, she was pleased to see a model ordinance that codified water conservation. As projects came in, the ASCC tried to explain to people why they needed to reduce their lawn size and use native plants. The ordinance did a lot of that work before a project came before the ASCC and Planning Commission and would be very helpful. The ordinance from

the State was quite complicated, and the working group simplified it. The Town's ordinance basically used the Blue Oaks' standards, which had worked well over the years. Ms. Lambert added that most landscape architects that worked in Town thought Blue Oaks was the standard for the whole Town.

Councilmember Derwin said what was allowed in the landscape ordinance was doable and flexible. Commissioner Von Feldt added that doing a test strip at the Town Center had been discussed to show native grass sod as an alternative. Mayor Toben felt a demonstration plot was a great idea.

Councilmember Richards said large water retention systems could serve as irrigation sources. He asked if there was a mechanism to include those. Ms. Lambert confirmed that water retention systems could be indicated on the checklist and factored in. Councilmember Richards suggested putting another water meter at the Town Center to determine water use for landscaping. Ms. Lambert said the Town recently entered into a contract with Water Wise and Cal Water to conduct water audits for the Town Center, Ford Field, Rossotti Field, and Triangle Park. The results of that study would be presented at the March 24 Council meeting.

Responding to Councilmember Wengert, Ms. Lambert confirmed that the language in the Blue Oaks PUD relating to planting was included in the ordinance. Responding to Councilmember Wengert, Ms. de Garreaux said Attachment C included a chart that showed local agencies that had adopted or planned to adopt the BAWSCA or State ordinances. Ms. Lambert added that the Cal Water website indicated that those adopting the State ordinance were larger jurisdictions.

Councilmember Driscoll said a few years ago, he embarked on a water conservation effort with low flow toilets, reduced faucet flow, etc. He was now having sewer problems because the ejector pump was being forced to pump material of a less fluid consistency. Embarking on this could potentially complicate some people's sewer problems. The ordinances were a good idea and might become almost economically necessary in the next 10-15 years. But, the Town should keep an eye on unforeseen consequences. Ms. Lambert noted that the Building Official agreed that lessening the amount of water flow through some systems—especially with a flat lot—could create problems in the house. Councilmembers and staff discussed ejector pumps, flow rates and septic/sewer design.

Mayor Toben opened the public hearing.

MJ Lee, Meadowood Dr., asked how much outreach had been done before deciding to limit non-turf landscape to 1,000 sf. Ms. Lambert said there had been outreach to homeowners' associations and committee/commission members and postings on the Town website and PV forum. Commissioner Von Feldt noted that the draft ordinance was received in December and took effect on December 31. There had not been a lot of time for outreach. Mayor Toben added that the Town was being driven to this action by the mandates the Town was now confronting. The Town was taking a course that was more beneficial to the residents than the cumbersome model ordinance that the State promulgated. The mandates were firm, and the amounts of water to conserve were concrete targets that had to be met. The Town had participated in the development of an improved set of regulations, which Cal Water supported and neighboring jurisdictions helped devise. Ms. Lee said she understood the Statewide need for water conservation. But, this would apply to edible landscape. If you had a 44,000 sf or 1-acre lot, you were limiting citizens' ability to grow food. She had ten fruit trees, which was 1,000 sf right there. The State ordinance was meant for someone with a 5,000 or 10,000 sf lot. Ms. Lambert said if someone wanted to go over the allotted square footage, they could use a water budget, which was spelled out in the ordinance. Ms. Lee noted that pool covers were recommended. She was able to reduce evaporation by half by using a pool cover. But, if you really wanted to restrict water use, you should start by preventing the number of pools being built. Mayor Toben said that discussion went beyond the current issue and would involve significant community dialogue. Responding to Mayor Toben, Ms. Lambert said she thought most people were using pool covers and that there was something available for free-form pools. Pool covers could be encouraged at the ASCC level and

incorporated in the checklist. Ms. de Garmeaux added that a list of resources was being put together for residents to encourage water conservation.

Paul Molder said California Water Service fully endorsed the ordinances and would support the Town in any way possible to help the ordinances be successful.

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

Councilmember Driscoll said the observation about pools was a good one. Whenever the Council adopted something, it should be thinking about what the next version should include. In 3-4 years, the Town would probably have to put some restrictions on pools.

Councilmember Wengert agreed. Some of the most hair-raising statistics in the literature about this issue related to the fact that by the year 2015, people would be facing a real crisis. The Town needed to get ahead of some of the issues like pools. She supported the ordinances.

Councilmember Richards said the ordinances were a necessary and good solution to an unfortunate problem. The 2015 date really jumped out at him, and he hoped that could be staved off a little bit by taking some of these measures.

Councilmember Derwin referred to a chart she saw in the past that showed the per capita consumption of water for local communities. The Town was way up there, which was one of the reasons why she put so much money last year into her property. She had fruit trees and a garden and had taken out one of her lawns. If you wanted to have all of that, you needed to put in rain capture systems. Her water use had been cut significantly. She applauded this. It was good to be ahead of the curve, but it would not be easy.

Referring to the water conservation in landscaping ordinance (p. 1, 6th WHEREAS, #(2)), Ms. Lambert said it should read "...25% or 1,000 sf..." Additionally, the minor changes recommended by California Water Services to both ordinances were set forth in their letter of 2/24/10.

Councilmember Derwin moved to introduce and read by title, waive further reading, an Ordinance Adding Chapter 15.32 [Water Conservation in Landscaping] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code as amended. Councilmember Driscoll seconded, and the motion carried 5-0.

Councilmember Richards moved to introduce and read by title, waive further reading, an Ordinance Adding Chapter 15.30 [Indoor Water Conservation] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code as amended. Councilmember Wengert seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Proposed Reorganization of the Climate Protection Task Force [8:50 p.m.]

Ms. de Garmeaux reviewed the staff report of 2/24/10 on the reorganization of the Climate Protection Task Force to a Sustainability Committee. Responding to Councilmember Wengert, Ms. Howard said the Climate Protection Task Force had about fifteen members. Mayor Toben said he did not feel size was an issue with this group. The notion was to get very task specific. Recruiting would seek out specific skills such as metrics measurements and social marketing to motivate people to learn the facts about their homes and take steps to retrofit or upgrade. It was more than just meeting in the Schoolhouse and making decisions. There would be interaction with homeowners' associations, institutions in Town, etc. He felt the functions had been defined well in the proposed charter along with the potential outcomes, timeline and roadmap.

Mayor Toben asked for public comment. Ms. Lambert said she sent a note and a copy of the staff report to

the Climate Protection Task Force members. Two had responded and would like to participate.

Bill Lane suggested working with the garden clubs in Town who were committed and knowledgeable. The whole issue of climate change would make this a dicey playing field. Additionally, some properties had wells, which might need some controls over their use. He had two big tanks, one of which had a connection to link up with the fire trucks. Brush/forest fires was an additional issue related to water use since water was a fire retardant. Trying to push conservation at the same time was going in the opposite direction. The Woodside Fire District was very cooperative with pool owners and training them on the use of pumps for fighting fire. Pumps were also being made lighter and more efficient. Things were happening all at once, and it was an exciting time to be involved in this whole era of climate change. Portola Valley could be a wonderful laboratory for innovations and new thinking.

Councilmember Driscoll said he was concerned that “water” did not occur in the proposed charter. Ms. de Garmeaux said the focus for the group would be green-ups and energy and water efficiency. Water efficiency was the focus of the Acterra program, CaliforniaFIRST and Retrofit Bay Area and was closely tied to energy efficiency. “Green-up” was a term used to describe the retrofit of an existing home with an emphasis on green measures, including energy efficiency upgrades. This group would be focusing on water as well. Councilmember Driscoll suggested the charter be modified to indicate that water use was a significant part of the sustainability message.

Commissioner Von Feldt said when the new Sustainability Committee went out to do green-ups, they should be encouraged to look outside the house and improve landscaping.

Councilmember Derwin moved to approve the reorganization of the Climate Protection Task Force to the Portola Valley Sustainability Committee as described in Attachment 1 to the staff report. Councilmember Driscoll seconded, and the motion carried 5-0. Mayor Toben said it might be a good idea to start doing some analysis on the issue of swimming pools and wells in the next few months.

(8) Reports from Commission and Committee Liaisons [9:05 p.m.]

(a) Geologic Safety Committee

Councilmember Driscoll said a number of geologists in Town had been analyzing the photographs taken after the 1906 earthquake in an attempt to determine where the active trace of the San Andreas Fault crossed Alpine Road. He described methods used to analyze the photographs. The Geologic Safety Committee felt that where the fault actually crossed the road was not where it was shown on the maps and was about 150' away. The USGS was involved in the process, and they recommended that further investigation be done to pin this down. It might require a significant change to the geologic maps, but it would probably not affect any more homes. The Committee recommended the Town invest some money and dig a trench to see if their supposition was correct. The USGS had volunteered equipment and scientific analysis. The cost to the Town might be five figures, and he suggested the subject be agendaized.

(b) Cultural Arts Committee

Councilmember Derwin said the Committee was pleased with the Council's discussion about the tiles. They also discussed the cost of renting a big tent for the holiday fair, events for the performance lawn and Triangle Park, and holding art shows in the Community Hall.

(c) C/CAG

Councilmember Derwin said three C/CAG members went to Sacramento to propose alternatives to the gas tax swap. The hydrogen shuttle that operated between East Palo Alto and the CalTrain station had been cancelled because there was no fuel. There was \$1.4 million available to any jurisdiction in San Mateo County for Safe Routes to School programs for public education, outreach activities and infrastructure. She would follow up with staff.

(d) ASCC

Councilmember Derwin said the ASCC discussed: 1) a project on Oak Drive; 2) a joint field trip during an event at the Fogarty Winery to review noise impacts on neighbors; 3) a lot line adjustment; and 4) a project on Buck Meadow Drive where fill would be placed in a meadow.

(e) Conservation Committee

Councilmember Derwin said: 1) there was a new applicant for the Committee; 2) the Living with Wildlife workshop would be held on May 8, 2010; and 3) the farewell party for Sue Driscoll was in March. Danna Breen attended the meeting and spoke on tree removal and trimming practices, over-landscaping, loss of views, need to review spacing of trees on landscaping plans, and improper pruning around electrical wires. A landscape architect also attended the meeting and discussed replacement of some of the 287 redwood trees on a property up for sale with live oaks, valley oaks and blue oaks.

(f) Planning Commission

Councilmember Richards said the Commission discussed issues related to the Fogarty Winery CUP amendment and what would be reviewed during the site visit. The discussion of the wireless antenna on Peak Lane was continued.

(g) Public Works Committee

Councilmember Richards said Mr. Young distributed new emergency contact numbers and discussed road resurfacing projects. Mr. Young was following up on an easement issue for the repair of the culvert on Shawnee. The Committee also discussed off-hours access to Town Center for people called in to handle emergencies.

(h) Spring Down Ad-hoc Committee

Councilmember Wengert said the group took a tour of the property. The meeting was productive, and the second meeting would be held tomorrow to discuss uses that might be allowed.

(i) Open Space Acquisition Committee

Mayor Toben said the Committee elected a new Chair and discussed what open space funds could be used for. They also discussed the use of Spring Down and maintaining the current horse operation.

WRITTEN COMMUNICATIONS [9:30 p.m.]

(9) Town Council 2/12/10 Weekly Digest: None

(10) Town Council 2/19/10 Weekly Digest

(a) Historic Allen/Woods House

Referring to Nancy Lund's memo of 2/15/10, Councilmember Driscoll said MROSD would coordinate with the Town on a master plan for the property once they took possession. Ms. Lambert said MROSD was aware of the Town Historian's memo and the historic significance of the property.

(b) Wireless Communication Antenna Facilities

Referring to her memo of 2/19/10, Ms. Lambert said she recommended a working group be established to review existing Town policy, regulations, and the Town's authority in reviewing applications for these facilities. Councilmember Driscoll volunteered to participate for the Council.

(c) Fence on Grove Court

Jon Silver reviewed his e-mail of 2/16/10 and letter of 2/11/10 relating to the fence on Grove Court. He discussed what he considered to be factual errors in Ms. Lambert's and Larry Anderson's memos of 2/18/10. He suggested a subcommittee be formed to discuss how this was handled so that mistakes would not be repeated. He said he would submit his comments in additional correspondence shortly.

CLOSED SESSION [9:43 p.m.]

- (11) CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code § 54956.8
Property: Parcel #076-261-010, 900 Portola Road
Town Negotiators: Town Attorney and Mayor

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT: 10:25 p.m.

Mayor

Town Clerk