

TOWN COUNCIL SPECIAL MEETING NO. 786, MARCH 10, 2010

Residents joined Councilmembers, staff and members of the project team for a reception to celebrate the LEED platinum award for the Town Center project

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: Dep. Town Planner Vlastic, Public Works Director Young, Town Attorney Sloan, Town Manager Howard, Planning Manager Lambert, SuRE Coordinator de Garneau, and Asst. Town Manager McDougall

PRESENTATION: Leadership in Energy and Environmental Design (LEED) Platinum Award

Councilmember Driscoll gave a presentation on how the Town Center project was able to achieve the points necessary for LEED platinum certification. He discussed the mission of the U.S. Building Council, number of LEED accredited professionals, and number/size of projects participating in LEED. Using slides, he discussed points earned under each of the LEED major categories: 1) site selection; 2) water efficiency; 3) energy and atmosphere; 4) materials and resources; 5) indoor environmental quality; and 6) innovation and design process. He said the citizens gave \$17 million to the project, noting that the donations increased as the project became greener and greener. He described the fundraising efforts, volunteers involved in the project since 1998, Town staff efforts, the design team, and the budget. He introduced project team members and gave special thanks to C.R. Hodgson.

Larry Strain, lead architect, said when his firm was hired, it was clear that the Town wanted a really green, low-impact Town Center. There had been some objections to using LEED because the Council thought it would be a distraction to go after LEED points; they wanted every dollar to go into green features. But, LEED was not the goal; the goal was the green building. After a lot of discussion, he recommended that the Town pursue LEED because of the rigorous process to make sure all the features were implemented and built. It was a way of organizing the project, following through, and making you look at a wide variety of green goals. Contractors also had a clear idea of what was expected. It had been a bit of a shock to learn that the Town wanted to go for LEED platinum, but it was great. Most of the points to obtain LEED platinum started out in the "maybe" category, and then turned into "yeses." The best thing about this project was that it brought the Town together as a community. He thanked the project team, the construction team, and the Town representatives for making the project turn out so well.

Dan Geiger (Executive Director, Northern California Chapter, U.S. Green Building Council) said the world was in some serious trouble right now with some serious crisis including the economic crisis, energy crisis, and a multifaceted environmental crisis. This was a deeply transformative period. The problems could be tackled and solved or not. One of the things that could be done was green building. Buildings were responsible for about 40% of carbon emissions in the United States and 70% of energy use. Green building was something that had been done at the Town Center. He discussed the reduced operating costs of green buildings, use of local materials, water and energy conservation, reduction of waste and benefits to the economy. The points were a tool to help you get where you wanted to go and make sure you did it right. The first letter in LEED was leadership. What this project represented fit the standard for leadership that was needed everywhere to transcend the crisis the world faced. These kinds of projects were a metaphor for how things needed to be changed as a society. This project worked because there was an integrated

team, and in this case, the whole community was part of the team. Many people would come to use and enjoy this healthy space over the years. He commended everyone involved for making this happen. He presented the Mayor with the LEED platinum award.

Mayor Toben asked that a group photo be taken of everyone present who had anything to do with this project as well as those who enjoyed it.

ADDITION OF URGENCY ITEM [8:15 p.m.]

Ms. Howard asked that a storm drain pipe replacement at Golden Oak Drive/Alpine Road be added to the agenda as an urgency item. By motion and second, the item was added to the agenda by a vote of 5-0.

ORAL COMMUNICATIONS

Bill Lane, Westridge, said he wanted to recognize Councilmember Driscoll for his role in the Town Center project. Councilmember Driscoll did something every day to move the project ahead. To see this lovely site developed had been a very rewarding experience.

Mark Pham, Census Bureau, said he wanted to raise awareness about the importance of the census. Temporary jobs would be available, and he would forward more details.

CONSENT AGENDA [8:20 p.m.]

By motion of Councilmember Derwin, seconded by Councilmember Wengert, the items listed below were approved with the following roll call vote:

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

- (2) Warrant List of March 10, 2010, in the amount \$312,859.99.
- (3a) Second Reading by Title, Waive Further Reading, and Adoption of Ordinance No. 2010-383 Adding Chapter 15.32 [Water Conservation in Landscaping] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code.
- (3b) Second Reading by Title, Waive Further Reading, and Adoption of Ordinance No. 2010-384 Adding Chapter 15.30 [Indoor Water Conservation] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code.
- (4) Change to Emergency Preparedness Committee Charter.
- (5) Resolution No. 2482-2010 Denying the Claim of Devin Kruse.

REGULAR AGENDA

- (1) Minutes of the Town Council Meeting of 2/24/10 (Removed from Consent Agenda)

Councilmember Driscoll submitted changes to the minutes of the 2/24/10 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

- (6) Proposed "Green Building" System for Portola Valley [8:25 p.m.]

Mr. Vlastic reviewed the staff report of 3/4/10 and recommendations from the Planning Commission and ASCC subgroup for a green building system for the Town. With this proposal, the Town would encourage people in a very specific and organized way to look at their own projects the way the Town had looked at the Town Center. Using slides, he discussed: 1) key objectives of a green building system; 2) makeup of the subgroup; 3) Town actions to date in support of sustainability and a reduction in GGE; 4) experience with BIG checklists; 5) reasons for using the BIG checklist system for residential projects; 6) point thresholds; 7) certification process; 8) cost; 9) new residence projects and residential additions tracked since 4/1/09 (Table 1, staff report); 10) educational component; and 11) the Town's leadership in sustainable and green building. He said this system was not static; there would be changes at the State level and changes within BIG and LEED. He showed examples of projects with green exterior and interior elements. He discussed the GreenPoint Rated Checklist attached to the staff report.

Mayor Toben acknowledged the work of the subgroup to develop this recommendation, and introduced members present. He said this was the product of a great deal of thought and care in order to make serious headway on the Town's commitment for achieving AB 32 goals. The recommendation was to have an ordinance with accompanying resolutions that would implement green design standards for the community. A system such as this could be done cost effectively with an array of options and choices that owners could mix and match to achieve their own synergies.

Councilmember Driscoll said the difference between BIG and LEED was that LEED had a certification structure similar to a referee who decided whether you received points or not. He was somewhat concerned about the burden it would place on staff who would have to decide whether to accept the points that people could get. He asked if there had been any discussion about producing the guidelines for the staff so they could make judgments. Responding, Mr. Vlastic said the subgroup discussed the issue. The recommendation for new houses and major remodels and additions was to use the certified raters so that it wouldn't put a burden on staff. Staff would do the normal building inspections. When Cal Green came in in January of 2011, there would be new burdens for building inspection for minimal code requirements. The building officials in various counties and cities were trying to work with the California Energy Commission to understand exactly how they would be doing the inspections to accomplish those things. In terms of BIG and the rating system for a new house or major remodel, there had been some initial discussion about getting staff trained to do that and charge a fee, but the concern was that the staff in Town was just not big enough to handle that. Ms. Lambert added that staff had been using the checklist for over a year and everyone felt comfortable with it. People who came in also understood it quite well.

Referring to Table 1, Councilmember Wengert said the majority of current projects listed met the proposed threshold. She asked what had been gleaned from those projects that didn't meet the threshold. Responding, Mr. Vlastic said in those instances, the desire to have a sustainable, energy efficient environment was something that people resonated with when they found out more about it. When homeowners started a project, they looked at the cost and the ability to accomplish a lot of these things at a fair cost tradeoff. Now, the architects were telling them that this was better in the long term because of energy savings. Most clients responded to that.

Councilmember Derwin felt the homeowners might have thought differently if the system had been mandatory. Mr. Vlastic agreed, noting that when a number of the projects were built, the audit would probably result in higher points; architects were somewhat conservative up front. Budgeting was a factor, but architects were trying to do more. Responding to Councilmember Derwin, he said the total floor area of the projects had been looked at. In terms of the points, all of the numbers shown reflected the basement as well. If you wanted a big basement that pushed to the maximum allowed possible floor area, you would have to be more aggressive in terms of the sustainable design of the project.

Responding to Ed Wells, Naranja Way, Mayor Toben said there was a separate program underway to support and encourage homeowners to undertake energy audits of their existing houses. A series of

programs would be offered to encourage homeowners to undertake green-ups of their homes. There would be a variety of measures—some were expensive and would take a long time to pay back in energy offsets, and others could allow a fairly quick recapture of energy savings. He noted that the Town had just enrolled in a program that would provide financial incentives to enable very cost effective selection of, for example, photovoltaics.

Virginia Bacon, Golden Oak Dr., said she just had a home performance audit that raised a lot of issues that she hadn't been prepared to deal with. It was important to make homeowners understand where they might have an opportunity to do something. It was also important to consider earthquake safety when you remodeled. Often, the home could be strengthened. She would like to see something like that added as a component of how existing homes were dealt with. She suggested there be a roundtable where people could share their experiences about how to solve some of these problems. There should be a way to keep up because the technology was changing so dramatically. With respect to the point system, she asked how remodels were handled when you already had a certain amount of points. Responding, Mr. Vlasic said the points would be related to the specific project that you requested a permit for. With an existing house with a very small addition, it would likely be identified as an "elements" project. The subgroup recommended using the checklist for the specific changes that you would be making, and you would get points associated with that. You wouldn't get points associated with the existing house if there were no changes associated with it. If a whole heating system was changed within the house, it might be considered a whole house project. It would depend on the nature of the project itself. Under the BIG program, a whole house project would go through the GreenPoint Rated process. You could also get an elements certification that was not mandated. If you wanted the BIG brand that some people used to market the house, you could elect to do a kitchen remodel or bath remodel and get the brand for it. Ms. Bacon said a lot of people felt strongly about this but at the same time, there was an equal reaction to the amount of regulation that homeowners were put through today. There should be some way to make small changes to existing residences. Mr. Vlasic said for smaller projects such as an addition under 400 sf, use of the checklist was voluntary and there was self-certification. The Town wanted to encourage people to do more but not to make it a burden at the smaller level. Responding to Ms. Bacon, he said if a building permit for a project went through and it had BIG certification, that would show up in the Residential Data Report.

Responding to Craig Breon, Mayor Toben said the former Climate Protection Task Force was being reconstituted into a standing committee. As the new functions of that committee were discussed, there was some talk about recruiting people in Town who could help with the measurement question to determine whether the Town was heading towards its goals. There were all kinds of tools the Town was considering that could track progress. The Town needed to hold itself accountable for the progress made or not made. If things weren't working, they needed to be changed. Mr. Breon said how the metrics were done and how they were publicized to other communities had the potential for much larger impacts. Mr. Vlasic added that for BIG certified projects, BIG was putting together their climate calculator. When they certified the project, they would give you data on projected cost savings for that level of Build It Green. Whether that would be perfectly meshed with what the Town was doing was a question. But, at least there would be data that would be generated on the project.

Linda Yates said this could be agenda item number one for the Sustainability Committee. Rocky Mountain Institute was very interested in what the Town was doing. They had a green cities group. There were a lot of resources you could use to look at the total package. It was important to continuously tell people that the Town had a Sustainability Element and underneath that were various programs. People needed to be reminded that this was a total package in order to add credibility to what the Town was trying to do.

Councilmember Richards said he was totally behind the concept and the approach that the subgroup had taken. He felt cost to the homeowners was a valid concern. He thought this process had some flexibility and could be adapted as the green building industry changed. One of the most difficult things would be the validation of everything from new homes to remodels. He had seen some projects that were not done well

or correctly. It would be important that the BIG raters really did their jobs and did not just pass off their brand. Other than that, he wanted to move ahead with what was proposed.

Councilmember Wengert agreed that this was a part of a very large package that the Town needed to put forward as quickly and impressively as possible. The subgroup had done a terrific job getting to this point. She was very much in favor of the approach. Relative to the cost issue, she felt that if someone could afford to remodel, there was an obligation to do it in a way that was responsible and sustainable. Smaller projects fell outside of that and were much more manageable. This community should take a leadership role in figuring this out. With respect to the longer term, the BIG checklist needed to be evolutionary enough to make sure the Town was requiring enough points. New technology could be worth "x" points and be an easy improvement to make. The committee overseeing this would need to be very alert to what changes were happening and how the Town could adapt and continue to push forward in a very responsible way. Otherwise, she felt this was a terrific first start.

Councilmember Derwin thanked everyone who had been working on this set of recommendations since 2006. She agreed that the Town needed to hold itself accountable to what was being proposed and that progress had to be measured. More importantly, the Town had to remain true to its values and committed to the goals even when the political winds were blowing in the opposite direction. There was a movement right now in the State to suspend AB 32 and SB 375. The Town had to remain very strong in these times to reach the goals.

Councilmember Driscoll said systems like what was proposed were a work in progress that would need to be refined as the Town moved forward. It seemed to hit some kinds of designs more than others. It appeared to be tough on basements. On the other hand, a few years ago the Town learned that the FAR had somewhat of a hole on the subject of basements; this system was a patch for that. He was very comfortable with what was proposed. He was a little concerned that the self-certification aspect might put the staff in an uncomfortable position; good guidelines would need to be developed. If there were flaws after the system was implemented, it could be fine-tuned. Additionally, he thought this could be paired with a reduction of FARs across the board. The more points the project received over the threshold, they could receive some FAR back. That would make it a positive encouragement as opposed to a negative encouragement. People could be given back larger homes if they did them greener. He agreed that what was proposed was a very good first step.

Mayor Toben said he liked the suggestion to have a base ordinance referencing schedules or attachments that would enable adjustment over time. Several comments had been made about the rapid change that was taking place in the industry and in the understanding of energy systems, water systems, materials, etc. The Council had made a firm commitment with respect to conservation and had an energy agenda. Everyone who voted for that expected it to have some real muscle behind it. What was proposed made good on the commitment. Good data had been collected over the last couple of years to show that the direction that the residents were moving was very consummate to the Town's direction. The Council was responding to the best instincts of the citizens and taking it one step further down that road and getting it codified.

Referring to the staff report (p. 4), Mayor Toben asked about the distinction between new construction and remodels. The new home construction program set the floor area at 3,000 sf. There was a reference to Chapter 7A for the definition of "new building." But, he didn't know what to do with a situation where there was a 5,000 sf home in Town that the owners wanted to tear down and rebuild at 4,000 sf. It would be new construction but was essentially a major remodel. The definition didn't indicate whether he was looking at a 50-point project or a 180-point project. The application of Chapter 7A needed to be clarified when a fairly substantial project was not technically a new home construction. Responding, Mr. Vlasic said the definition talked about the walls that were touched and the percentage of the walls. In the scenario Mayor Toben outlined, it would be a new house. Mayor Toben said the language should be clarified. A new building was

defined in Chapter 7A as a new structure or a substantial addition/remodel. Mr. Vlastic said he would review it.

Mayor Toben confirmed that it was the sense of the Council to proceed with an ordinance with an accompanying schedule or resolution.

(7) FY 2009-2010 Street Resurfacing Project [9:15 p.m.]

Mr. Young reviewed the staff report on the street resurfacing project for FY 2009/10. Responding to Mayor Toben, he confirmed that the design work would take place prior to 7/1/10. Responding to Ms. Bacon, he described the Pavement Management System where the Town went out every four years and ranked every street. That was entered into the computer along with data on the age of the street, last resurfacing treatment, etc. That was how the current list of streets was selected.

Councilmember Driscoll moved approval of Resolution No. 2483-2010 Authorizing the Town Manager to Enter Into a Letter Agreement with Nichols Consulting, CHTD., for FY 2009/2010 Street Resurfacing Design. Councilmember Richards seconded, and the motion carried 5-0.

(7a) Storm Drain Pipe Replacement [Added to agenda as urgency item] [9:20 p.m.]

Mr. Young reviewed his memo of 3/10/10 on the urgent storm drain pipe replacement at Golden Oak Drive and Alpine Road. Responding to Councilmember Driscoll, he said the pipe was inspected because tree rounds had been dumped in a ditch, which clogged the center of the drain under the street. Corrosion was found, and the pipe was at the end of its life. The road needed to be closed for public safety.

Councilmember Wengert moved to authorize the Town Manager to execute the Town's standard short form agreement with Casey Construction, Inc., with a contract amount not to exceed \$22,714 with a 15% contingency. Councilmember Derwin seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Appointment to Conservation Committee [9:25 p.m.]

Referring to the Chair's email, Mayor Toben appointed Ann Kearney to the Conservation Committee. By motion and second, Council unanimously concurred. Councilmembers discussed the on-line application form.

(9) Approval of Charter and Appointment of Members to the Portola Valley Sustainability Committee

Ms. de Garneau reviewed the staff report of 3/10/10 on the charter and appointment of Sustainability Committee members and Council liaison. Ms. Yates said Virginia Bacon would also like to serve on the Committee.

Councilmember Driscoll moved to: 1) approve the charter; 2) appoint members listed in the memo with the addition of Virginia Bacon; 3) appoint Councilmember Derwin as the Council Liaison; and 4) assign the Council liaison as Chair of the Committee. Councilmember Richards seconded, and the motion carried 5-0.

(10) Reports from Commission and Committee Liaisons [9:30 p.m.]

(a) Trails Committee

Councilmember Driscoll said the Committee discussed who would serve as Chair. The Committee would

like the Council to agendize the location of the hitching post at the Town Center.

(b) League of California Cities

Councilmember Derwin said at the last meeting, the group discussed water from Hetch Hetchy to the Bay Area. The League also wanted to suspend AB 32 and SB 375.

(c) Council of Cities

Councilmember Derwin said the meeting was held at the airport, and there was a tour. John Martin gave a presentation on the airport and future plans. They also discussed noise issues. She encouraged Councilmembers to attend Council of Cities meetings.

(d) ASCC

Councilmember Derwin said the ASCC continued its review of the house on Buck Meadow Drive with a great deal of grading; they figured out a way to feather the dirt and off load less. There was also discussion of a request to remove 250 redwood trees from a property up for sale. If the redwoods were removed, the view of a huge house would be opened up, and the neighbors were concerned. There would be a field trip to the site next Friday at 2 p.m.

(e) Ad-hoc Spring Down Master Plan Committee

Councilmember Wengert said the various visions for the property were tabulated, and the consensus was to preserve it in a natural state. The group discussed desirable features, paths and trails, trees and plantings, etc. The pond was manmade, and a hydrologist/biologist would be consulted for options. There was also a consensus that a dog park would probably not be appropriate at this location. There was not much interest among the group in a community garden at Spring Down.

(f) Planning Commission

Councilmember Richards said the Commission discussed the Antonio Court project and tradeoffs of leaving a substantial amount of excavated dirt on site as opposed to trucking it away. In this case, it made sense to leave it on site. There was concern about the large increase in the amount of grading since the Commission's preliminary review of the project. The Commission also discussed the update of the geology maps, what should be allowed in fault setbacks, and the 50% rule.

(g) Emergency Preparedness Committee

Mayor Toben said the Committee discussed the draft Safety Element. He noted that there would be a joint meeting with the Woodside Town Council on March 31, 2010. There would be a report from CERPP and the Woodside Fire Protection District.

WRITTEN COMMUNICATIONS [9:40 p.m.]

(11) Town Council 2/26/10 Weekly Digest

(a) Legal Battle Over Fence in Monte Sereno

Referring to the article in the *San Jose Mercury News* on 2/17/10, Councilmembers discussed how the situation could have been handled more appropriately.

(b) GreenWaste Tour

Referring to Ms. de Garneau's memo of 2/22/10, Councilmembers discussed availability for the tour dates.

(12) Town Council 3/5/10 Weekly Digest

(a) Principal for a Day

Referring to Mr. Burchyns's email of 2/18/10, Mayor Toben said the event at Ormondale School would be rescheduled. He would work with Principal Jennifer Warren on the event.

(b) Town Storm Drain System and Maintenance

Referring to Mr. Young's memo of 2/16/10, Councilmember Driscoll noted that many of the culverts in Town were approaching the end of their life span. He suggested the Town evaluate all the storm drains, rank them, and budget for their repair/replacement. Additionally, some of the storm drains taken over from the County did not have easements. Councilmembers agreed a more pro-active approach was appropriate.

(c) Correspondence About Grove Court Fence

Referring to Jon Silver's letter dated 3/4/10 and attachments, Mayor Toben said the request was to create a committee to examine the fence episode on a Grove Court property. Referring to the special counsel's letter, he said Mr. Anderson's comments were directly responsive to Mr. Silver. He was disinclined to create a committee and do as requested. The matter had been thoroughly addressed by Town staff at substantial expense in attempting to intervene in what was fundamentally a private matter. He did not feel it was an appropriate use of the Town's resources to undertake a process like this. Councilmember Wengert concurred.

Councilmember Driscoll said when something like this was called into question, typically the person calling it into question had standing in the issue. This was a citizen raising a concern about the general behavior of the Town. If the Chair of the Historic Resources Committee or one of the involved landowners had brought this forward, he would be more receptive. Mayor Toben noted that the Town Historian had been on the scene and had not registered any objections to the way the project was being rolled out. He asked staff to draft a response for his signature to Mr. Silver that captured some of these comments.

(d) Nominees for Grand Jury Service

Referring to the invitation from the Grand Jury Judge of 3/1/10 to submit nominees for Grand Jury service, Mayor Toben said this was an opportunity to think about Town residents who might serve well on the Grand Jury. He asked for nominations. Councilmember Wengert said she would draft the letter to the Grand Jury Judge.

(e) Invitation to HIP Housing Annual Luncheon

Responding to Mayor Toben, Councilmember Derwin said she would attend the luncheon.

ADJOURNMENT: 9:50 p.m.

Mayor

Town Clerk