

TOWN COUNCIL MEETING NO. 789, APRIL 28, 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, Town Manager Howard, Town Attorney Sloan, Public Works Director Young, Planning Manager Lambert, SuRE Coordinator de Garneau, Asst. Town Manager McDougall, and Town Clerk Hanlon

ORAL COMMUNICATIONS

Councilmember Driscoll and Mayor Toben thanked Lynn Noble for preparing the Town Council meeting minutes for the last seventeen years.

CONSENT AGENDA

By motion of Councilmember Wengert, seconded by Councilmember Driscoll, 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 4/28/10 in the amount of \$127,169.98.
- (3) Second Reading of Title, Waive Further Reading, and Adoption of Ordinance 2010-385 Amending Chapter 5.40 [Peddlers and Solicitors] of Title 5 [Business Taxes, Licenses and Regulations] of the Portola Valley Municipal Code.

REGULAR AGENDA

- (1) Minutes of Town Council Meeting of 4/14/10 (Removed from Consent Agenda)

Councilmember Driscoll and Mayor Toben submitted changes to the minutes of the 4/14/10 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0, with Councilmember Driscoll abstaining

- (4) FY 2009/2010 Annual Street Resurfacing Project [7:39 p.m.]

Mr. Young reviewed the staff report of 4/28/10 on the FY 2009/2010 street resurfacing project. Responding to Councilmember Derwin, he said the funding would come from Measure A funds and road impact fees.

Councilmember Driscoll moved approval of Resolution No. 2487-2010 Approving Plans and Specifications and Calling for Bids for the 2009/2010 Resurfacing Project No. 2010-PW01. Councilmember Wengert seconded, and the motion carried 5-0.

Councilmember Driscoll moved to authorize the Town Manager to expend up to \$25,000 for construction testing and inspection related to the project. Councilmember Richards seconded, and the motion carried 5-0.

(5) Report on Definition of Open Space [7:41 p.m.]

Town Planner Mader reviewed his memo of 4/21/10 on the definition of open space preserve. Since the staff report was prepared, Marianne Plunder from the Conservation Committee submitted additional comments; her suggestions were incorporated in a tracked version of page 2 attached to his email of 4/28/10.

Responding to Mayor Toben, Ms. Sloan said new buildings and sidewalks had to be ADA compliant, but trails and paths was a gray area. Towns that had trails and paths that were rural in nature didn't necessarily need to be accessible—especially if they were steep. If a new trail was flat, she recommended it be considered. Additionally, she felt the language pertaining to access by disabled persons that Ms. Plunder recommended be deleted from item #5 should remain. It was general and didn't mean the Town would have to do it. But, it could be considered. Referring to Ms. Plunder's email of 4/27/10, Councilmember Driscoll said the Conservation Committee was not opposed to access for disabled persons. They were more concerned about the blurring of the terms "trails" and "paths." He did not think they would object to keeping access for disabled persons in item #5.

Responding to Councilmember Derwin, Town Planner Mader said he suggested the Council wait to add the definition to the General Plan until the Town named an additional preserve simply to defer some of the process of amending the General Plan. Ms. Sloan noted that amending the General Plan required hearings at the Planning Commission and Town Council. It could remain as a policy adopted by resolution. At some point, it should be added to the General Plan.

Councilmember Wengert asked: a) what the definition would be used for; b) how it would apply to what was looked at in Town in terms of open space; and c) whether it would replace the general and broader definition of open space in the General Plan. Responding, Town Planner Mader said there was a definition of open space preserve in the General Plan, and some preserves were named. If the new definition of open space preserve was adopted, some places that were already acquired for open space purposes might be called an "open space preserve." For example, it could be the Shady Lane Trail Open Space Preserve. What was proposed was consistent with the definition of open space preserve in the General Plan, but it went further in defining it. The term "open space preserve" in the Plan was applied to large areas; this would allow it to be applied to smaller areas. Adopting the new definition did not change anything in the General Plan. If it was added to the Plan, it would bring greater clarity to "open space preserve." Where that term was used, this definition would need to be adhered to. If the Council moved ahead with this definition, the General Plan would need to be looked at in that context to see if other tweaking needed to be done.

Responding to Mayor Toben, Town Planner Mader said establishing a new open space preserve was a significant action and affected other properties. Amending the General Plan was a public hearing process before the Planning Commission and the Council. People with property near a proposed open space preserve would want to be informed and be heard. The General Plan was a good vehicle for the identification and description of an open space preserve.

Mayor Toben said this issue came up about a year ago when the Council was looking at the UUT renewal. There had been some concern about what was being represented to the community in terms of permissible uses for the open space acquisition fund. If the Town acquired a parcel where there was an existing active use, which was more intense and didn't comport with the definition of open space preserve, he did not think the definition would preclude the use of open space funds for that kind of parcel. Responding, Ms. Sloan said the UUT terminology used "open space purposes." Town Planner Mader said the question was the clarity of that to the voter. With respect to purchasing a property that had a use on it, there was language in the proposed definition that indicated buildings that added to the open space quality and feeling could remain. That was intended for minor type structures. A baseball field wasn't consistent with that. If funds were collected for open space preserve purposes, you would be constrained by the definition. The concern

was what the voter believed they were voting for. The term "open space" had various meanings. The Council might be able to tweak the definition to allow for some interim permissible use on property purchased that would more fully comply at a later date. Responding to Councilmember Wengert, he said if the Town wanted to use the UUT for open space preserve, it would need to say that on the ballot. Ms. Sloan said there was an ordinance about the basic UUT and the 2% UUT. The ordinance could be amended.

Mayor Toben asked for public comment.

Marilyn Walter said item #8 of the definition indicated that you could buy a baseball field with open space funds if it was going to be returned to a more natural state. Town Planner Mader said item #8 was intended to address any grading or disturbance of the land that would be returned to a more natural state if possible. There had not been any discussion of a use such as a baseball field.

Gary Nielsen, Open Space Acquisition Committee, said the Committee had looked at a parcel with an historic house on it that was adjacent to another large open area. Town Planner Mader said item #6 of the definition addressed that situation, and purchasing the parcel would be consistent. Mr. Nielsen said when people voted for the open space portion of the UUT or donated money, 80% of them were thinking about open space preserves. Maybe 20% would consider slight alterations or some other uses. How the next UUT renewal was worded would be important.

Ms. Sloan said if the proposed definition was approved, staff would draft a policy for approval on the consent agenda.

Councilmember Driscoll moved approval of the definition, as amended and shown in Town Planner Mader's e-mail of 4/28/10 and asked staff to return with policy. Councilmember Richards seconded the motion.

Referring to item #5, Councilmember Wengert felt it might be useful to provide for some handicap access. Councilmember Derwin concurred. Responding to Councilmember Driscoll, Ms. Sloan said if new trails or paths were going to be established in Town, it would be a good idea for the Council to think about whether one or some of those new trails could be accessible. For example, there were some trails in MIDPEN that were accessible. Item #4 allowed for board walkways in marshy areas. That would probably be accessible, but it might be difficult to get there on a permeable trail. Including the phrase "and paths designed for disabled persons" would allow for a little more flexibility to look at a specific situation. Councilmember Driscoll amended his motion to include "and paths designed for disabled persons where appropriate" in item #5. Councilmember Richards amended his second.

Responding to Councilmember Derwin, Town Planner Mader said if the Council wanted to allow for a bike rack or hitching rack, it could be mentioned in the definition to make it clear. However, item #9 allowed for "uses in addition to those specified" provided certain conditions were met. Paths for disabled persons could also be allowed under item #9. Councilmember Driscoll said he didn't want to create a lot of categories. He felt item #9 provided flexibility.

Mayor Toben called for a vote, and the motion passed by a vote of 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(6) Report from Sub-committee on Placement of Tiles at Town Center [8:10 p.m.]

Councilmember Driscoll noted that he and Councilmember Derwin met with the Cultural Arts Committee and a number of interested citizens and looked at all the possible sites for the tiles. Using photos, he described the four panels of tiles. He said there was not a consensus, but the majority of the Committee would like to see them on the outside of the Community Hall walls. They agreed that they might clutter up the wall that

faced onto the performance lawn. They proposed the two big panels be located next to the doors on the baseball side of the Community Hall, which was the entry to the nature/science room and art room. Since these were children's projects, that made some sense. There was resistance to putting them outside the Community Hall from a number of citizens who were present. The alternative location for the two large panels was the back wall of the Schoolhouse facing onto the playground. There was also a ramp going down that might accommodate the different sizes of those two big panels. Everyone seemed comfortable with the idea that one of the panels worked well on the fence. The small panel might be placed over the water fountain by the Community Hall as a single ornament that was appropriate for a family entrance to the Community Hall and the restrooms. The Committee was still interested in having at least three of them mounted on the Community Hall walls. Additionally, documents had been received from the architects who preferred they were not on the outside of the walls. The Committee also suggested affixing the panels on the Community Hall as a trial, but he was concerned about permanently changing the weathering of the redwood siding if part of it was covered. He personally preferred trying out the Schoolhouse back wall, one on the fence, and one at the Community Hall.

Mayor Toben asked for public comment.

Steve Marra, Cultural Arts Committee, said the Committee felt these were wonderful tiles with an historic tie to the Town. He felt what Councilmember Driscoll suggested made sense. He shared the concern about the siding. He also was not sure what was meant by "trial." Mimi Breiner, Cultural Arts Committee, said the Committee suggested a trial so that residents could comment. Responding to Councilmember Driscoll, Mr. Marra said part of the determination of how the panels would be mounted was where they would be mounted. The physical issues would need some thought.

Councilmember Wengert said it sounded like there was unanimity that these panels should be displayed somewhere on campus. Responding to Councilmember Wengert, Mr. Marra said wherever the tiles were, you could direct attention to them.

Councilmember Derwin said the real split seemed to be the location of the two large panels and whether they should go on the outside of the Community Hall or the backside of the Schoolhouse. Most people seemed okay with the one panel on the fence and the little panel over the water fountain.

Referring to her correspondence to the Council, Marilyn Walter said a lot of people had donated a lot of money to have a wonderful new community center. Even though the panels were historical, there were other things that were historical in the Town. There were other committees who might want to adorn the walls. When you drove by and looked at the complex, if there was one bit of color on one wall, it distracted from the whole integrity of the architecture. She hoped that the Council didn't start decorating the walls of the new community center because one committee was talking to the Council without the whole Town having input.

Bev Lipman referred to her letter of 4/22/10. She agreed with Ms. Walter that the panels did not belong on the outside walls of the Town Center. She showed photos of how they might look over by the playground. Councilmember Driscoll said one characteristic of the tiles was that the children molded in messages, words and identification of some of the animals and flowers. You needed to be relatively close to them to see that. Ms. Lipman said if they were on the fence, it would be an invitation to come and play.

Councilmember Driscoll moved to approve the installation of the two large panels in appropriate locations on the back wall of the Schoolhouse, the medium sized panel on the fence at the corner, and the smallest panel centered over the top of the water fountain at the Community Hall.

Councilmember Derwin said a lot of bicyclists stopped and used the bathroom, and she felt people would see the tile there. She noted that the Committee felt it was slightly disrespectful to put one next to the bathroom; she didn't agree. Councilmember Driscoll said the Committee wanted to personalize the

buildings with the panels. He felt the one panel was a small concession to that personalization request. Additionally, the buildings would be personalized by the activities that went on in them over the years.

Councilmember Wengert said she was respectful of the amount of time that went into the design of the Town Center, the architectural integrity of the project, and how fabulous it looked. The tiles were terrific, and she supported mounting the two big ones on the back of the Schoolhouse. They were about children and history, and the Schoolhouse was the oldest building. She favored congregating the panels in this area and on the fence with the one panel by the bathroom.

Councilmember Richards concurred. He was also concerned about the weathering on the siding and the fact that it could be impacted within weeks. He also identified with the architectural integrity and felt it should be respected.

Councilmember Derwin agreed. She loved the tiles and wanted to make sure something was on the website about them. There might be a map of the campus showing where the panels were. She agreed the two panels should be on the back wall of the Schoolhouse, one on the fence, and the little one by the water fountain.

Mayor Toben concurred. He said the Committee found this precious cultural artifact, which would now be displayed for the community. He thanked the Committee for their initiative. He said the new buildings would be cared for; at the same time, full expression was being given to this important artifact.

Councilmember Driscoll said the Committee had also discussed modifying the backboard, and he asked staff to ensure the mountings were adequate.

Councilmember Derwin seconded the motion, and it carried 5-0.

(7) Installation of New Hitching Post at Town Center [8:30 p.m.]

Councilmember Driscoll said the Trails Committee indicated that the hitching post by the tennis courts had rotted and was not in good location. They would like to see a new hitching post behind Town Hall in the small area in front of the oak trees. If this location was approved, he suggested that the exact location be determined after the oak trees had been pruned or, in 1-2 cases, taken out. That would put the post adjoining the trail that would be constructed. Mary Hufty had suggested a second hitching post by the restroom building, but he was not proposing that at this time.

Mary Hufty, Trails Committee, said she understood that a hitching rack was part of the original Town Center plan and would be behind the redwoods. The original plan showed trails and paths going through the redwoods. It was felt that the redwoods should be kept as a cathedral and that the activities there should be stopped. A hitching rack was symbolic of telling people where to stop. It was respectful of the site and useful. Councilmember Driscoll noted that he looked at the drawings and did not find a hitching post in the construction drawings; it might have been in the conceptual drawings.

Ms. Howard said the proposed hitching post was right outside some of the staff's windows. If it was used as much as the Committee indicated, staff thought it would make it unpleasant to open the windows. Responding to Councilmember Derwin, she said there was no air conditioning and the windows needed to be opened. Ms. de Garreaux said even with the windows closed, the fresh air intake system allowed odors to come in. Odors were noticeable from Spring Down when there was activity going on.

Responding to Councilmember Driscoll, Ms. Hufty said the hitching post was mostly an aesthetic issue and a cultural statement. She would use the hitching post, and there were maybe 20 people who would use it. Manure, odors or flies would not be issues. The onus would be on the user to make sure that didn't happen.

Councilmember Wengert asked if an alternative location had been discussed. Councilmember Driscoll said initially there was discussion about it being inside the redwood grove. There had been some objection that it would compromise a special spot on the property. Responding to Councilmember Wengert, he said there wasn't room on the other side of the redwood grove. There was still a problem getting the trail through the area. This was the only area that was large enough for a couple of horses. The hitching post next to the tennis courts could also be rebuilt there. The riders would have to walk across the campus to get to the buildings.

Councilmember Wengert suggested delaying the decision on the hitching post until the trail was in. There might be unknown impacts from the trail. Councilmember Driscoll said he would like to help the Trails Committee move forward with their request. Councilmember Derwin noted that this had been on the Trails Committee's agenda for over a year. Councilmember Wengert said this was one of the tightest parts of the campus in terms of space for the trail and the hitching post. She appreciated the Committee's patience.

Mayor Toben said the perimeter trail would be a multi-use trail. Having a horse tied up with a child on a bicycle coming by could be a problem. Designing the trail and then locating the hitching post to complement the trail might make more sense. Councilmember Wengert suggested finding an alternate place for a hitching post in the interim.

Mayor Toben said Ms. Hufty indicated the hitching post was largely a symbolic element and not a practical or functional element in a dramatic way. He felt most equestrians who rode their horse to Town Center could walk 100 yards from the hitching post that was there to the Town Hall.

Ms. Hufty said horses were a reality in Town and not just symbolic. She rode her horse to vote every year for twenty-five years. Riding horses gave people a wonderful sense of a totally unique community. While she appreciated the fact that the staff was concerned about odors, etc., she would have liked to have heard that a little sooner in the discussion that had gone on for over a year. The characteristics that would make a difference in the location included: 1) being able to keep an eye on the horse; and 2) utility in terms of quickly coming in and out of the buildings. The horses could not be left alone for a long time.

Mayor Toben said he did not know how many people used their horses as the means for getting to and from Town Center to do other things here. Responding, Ms. Hufty said right now, it was not a horse-friendly environment, and people were not riding to Town Hall. If you didn't provide the facility, it couldn't happen. From the tooth marks on the existing post, she felt hundreds of horses had been by there in the last five years. It was not a logical place, it was near traffic, it was far away from everything, and it couldn't be used in its present condition. She noted that in the past, the Town staff liked to come out and visit the horses. Ms. Lambert agreed that when staff was in the trailer, a number of riders stopped by and staff visited the horses. When the Town Center opened, Ms. Hufty said she tied her horse to the oak tree in the corner of the parking lot. A lot of riders tied their horses to the oak tree. She agreed that the hitching post could go there. Councilmember Driscoll said it should be looked at. He noted that the Church daycare center was quite close; it was also very close to the parking lot.

Councilmember Driscoll said he was persuaded to wait until the trail was designed, which should happen in a couple of months. In the meantime, he suggested repairing the existing post. Councilmember Wengert asked that the Trails Committee discuss an alternate location by the oak. Ms. Hufty said the Committee would also discuss the repair of the existing hitching post. She added that there was supposed to be a plaque for Adm. Quilter at the hitching post, which had never been put up. Mayor Toben asked the Committee to provide some details.

(8) Consideration of Paperless Agenda Packet for Town Council [9:00 p.m.]

Ms. de Garmeaux reviewed the proposal for implementing a paperless packet for Town Council meetings. She said this was a real opportunity for the Town to show leadership and motivate other cities to do the

same thing. Using slides, she discussed: 1) the packet with bookmarks currently on the website; and 2) adding/viewing comments. Responding to Councilmember Wengert, she said flash drives would be used to move comments from home computers to the laptops on the dais. Responding to Councilmember Wengert, she said what was proposed was the simplest and most fail-proof system. If the flash drive was too cumbersome, there were other options. Responding to Councilmember Wengert, she said the weekly digests were a challenge right now—especially for some of the larger publications. When the publishers made them available electronically, they could be integrated. Responding to Councilmember Derwin, she said Councilmembers could use their own laptops. Responding to Councilmember Derwin, she said there would be one paper copy at Town Hall and one for the library.

Mayor Toben said he had reassured Bill Lane that there would be paper copies of packets available at Town Hall. There might be many in the community who preferred paper copies.

Councilmember Wengert said Councilmembers would be constantly looking at their screens. That could change the interaction. It was a terrific idea, but she felt it would change the dynamics to some degree.

Councilmember Driscoll said ten years ago, some cities had CRT monitors built into the table with computers under the desk. Today, it was laptops. Maybe the Town should be looking at iPads, which were a lot cheaper and displayed documents in a flat, paper-like way. He sensed another paradigm shift coming. In 2-3 years, the laptop might be a dinosaur. He thought it made sense to address this issue on an individual, voluntarily basis. You could bring your own laptop if you wanted and request staff not to provide paper copies. He described the iPad reading experience.

Councilmember Richards said he had used computers for his work since 1985. Reading a lot of material on the screen was difficult. Additionally, you missed things when you read from a computer screen. That was very obvious when you were reading big plans. The minute he printed a plan out, he saw things he missed. Hopefully, tablets would move closer to the same experience as paper. He was concerned about having less quality review of things. Councilmember Derwin said you would always have the option of printing out the material.

Councilmember Driscoll said it was an individual preference. Councilmembers could do this voluntarily and test-drive it while the tablet world sorted itself out. He would like to see the Town move forward with Wi-Fi access for the room.

Ms. Sloan noted that in cities where Councilmembers used their laptops, they had to have policies about receiving email during a public hearing. Some problems had arisen in larger cities when a contentious public hearing was going on.

Mayor Toben said Councilmembers appeared open to the concept but wanted to engage in a period of experimentation. He suggested picking a date when all Councilmembers agreed to use paperless packets. Councilmember Driscoll said the emphasis needed to be on functionality and that the Town government continued to work well. He wanted the Town to lead, but nothing should be given up on function.

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

(a) Conservation Committee

Councilmember Driscoll said the Committee discussed the slender false brome, which had established itself in Town.

(b) Trails Committee

Councilmember Driscoll said the Committee had three vacancies, and there were three applicants.

(c) Cultural Arts Committee

Councilmember Derwin said the Committee discussed their budget. The first movie night was planned for May 14 or 21. They had a number of events planned.

(d) Firewise Advisory Committee

Councilmember Derwin said the Committee reviewed the 2-day workshop. It was unanimous that the workshop was good but could be condensed. The Fire Chief would find out the cost difference, and another workshop would be scheduled. The group also discussed neighborhood fire inspections. To the Mayor's suggestion of jointly hiring a CERPP coordinator, the Fire Chief indicated he would be hiring someone soon who could do part of that job.

(e) Council of Cities

Councilmember Derwin said Robert Doty, Cal Train Director of Peninsula Rail Program, spoke about high-speed rail. Audience members were concerned about funding. The League of California Cities ballot measure prohibiting the State from raiding local government funds received the amount of signatures to qualify for the November ballot. They would be holding a press conference on Friday in San Jose. Additionally, there was a movement in Orange County to get the League to recommend suspension of SB 375 and AB 32. The peninsula contingent of the League fought very hard, and Orange County decided not to move forward with that.

(f) ASCC

Councilmember Derwin said the ASCC discussed a new house on Ash Lane and the project on Golden Oak, which was no longer contentious. They also discussed the joint field trip to the Fogarty Winery, which took place during an event. The neighbors had objected to the request for additional and later events. Noise at that time of day on Skyline was louder than noise from the event. The story pole policy was also discussed.

(g) HEART

Councilmember Richards said firefighters and teachers were receiving money under the Opening Doors program. The Town's fees would not change next year. On May 12, there would be a dinner, and they were looking for donations. There were also opportunities for people to attend for free and learn about the group.

(h) Ad-hoc Spring Down Master Plan Committee

Councilmember Wengert said the group discussed the various features on the site. It fell into the community preserve category in terms of intensity of use. The pond was still an issue. There were questions as to whether it should be classified as a wetland, to what extent it could be altered, etc. There would be some follow-up study. The Committee wanted to move forward on a phased approach. Phase 1 included: 1) coming up with a proposal for the development of a perimeter trail; and 2) planting vegetation for screening. There would be one more Committee meeting when the pond study was complete.

(i) Parks and Rec Committee

Councilmember Wengert said one Committee member felt strongly that Parks and Rec had not been adequately represented on the Ad-hoc Spring Down Committee. Those meetings were open to the public, and 2-3 members of Parks and Rec participated in every meeting. Additionally, a tennis pro had been

chosen to run the new tennis program. With respect to the Ford Field Renovation, the Little League would be coming to the Town with plans for interim improvements. They planned to raise money and do selective pieces of the renovation plan. They were convinced that changing the orientation of the field was not something they could support. Responding to Councilmember Driscoll, she verified that the Little League understood that they would need to come to the Town with a plan and that there should be no fundraising activities until that plan was approved. Additionally, a new subcommittee was formed to act as the liaison to the schools to see what could be done in concert with the schools to support the youth of the Town.

(j) Emergency Preparedness Committee

Mayor Toben said Fire Chief Muela answered a lot of questions about responding to an emergency. He [Toben] said the meeting stressed the importance of continuing with the 5th Wednesday meetings. At the June 30 meeting, a walkthrough was planned for a major earthquake.

WRITTEN COMMUNICATIONS [9:45 p.m.]

(10) Town Council 4/16/10 Weekly Digest

(a) Spring Business Mixer at the Priory

Referring to the staff memo of 4/16/10, Councilmember Derwin supported the event.

(11) Town Council 4/23/10 Weekly Digest

(a) 2010 Census

Councilmembers discussed the email from Matthew Hall and the importance of sending in the census form.

(b) Business Environmental Awards

Referring to Acterra's letter of 4/14/10, Councilmember Richards noted that the Town had received the award in the category of Environmental & Sustainability Education-Small Organization. After discussion, Councilmember Driscoll said he would attend the awards reception. Ms. Howard said she, Ms. Lambert and Ms. de Garmeaux would also be attending.

(c) Slender False Brome

Referring to MIDPEN's letter of 4/12/10, Councilmember Driscoll said the Conservation Committee reviewed the letter yesterday and were very concerned about this invasive plant. At a minimum, it needed to be added to the forbidden plant list. Mayor Toben noted that there was a reimbursement program for removal.

ADJOURNMENT: 9:48 p.m.

Mayor

Town Clerk