

TOWN COUNCIL MEETING NO. 798, AUGUST 25, 2010

ROLL CALL

Mayor Toben called the meeting to order at 7:30 p.m. and Ms. Howard called the roll.

Present: Councilmembers Maryann Derwin, John Richards and Ann Wengert, Vice Mayor Ted Driscoll and Mayor Steve Toben

Absent: None

Others: Angela Howard, Town Manager
Janet McDougall, Assistant Town Manager
Howard Young, Public Works Director
Tom Vlastic, Town Planner
Sandy Sloan, Town Attorney

TRIBUTE TO BILL LANE

Mayor Toben announced that tonight's meeting is dedicated to the memory of Bill Lane. He recognized Mr. Lane's widow, Jean; their son, Bob; their daughter and son-in-law Brenda and Greg Munks and grandson Riley in the audience, paid tribute to Mr. Lane and his countless contributions to the community, and led the Pledge of Allegiance, a ritual that Mr. Lane held sacrosanct.

Councilmembers Wengert and Richards, Vice Mayor Driscoll and Mayor Toben all shared personal reflections on Mr. Lane's tremendous impact on the community, as did Mr. Vlastic and Ms. Howard, who spoke on the staff's behalf. Among members of the audience to share their fond memories were Jon Silver, Bill Phillips, Phyllis Quilter, and Bernie Bayuk. The Lanes' daughter, Brenda, and son, Bob, also talked about their father's positive nature, his generous spirit and his influence on so many lives. Mayor Toben concluded the tribute by calling for a moment of silence in gratitude to Mr. Lane for his life in Portola Valley and dedication to the Town, and to his family for sharing him with us.

ORAL COMMUNICATIONS [8:12 p.m.]

None

CONSENT AGENDA [8:12 p.m.]

By motion of Councilmember Derwin, seconded by Councilmember Wengert, Items 2-6 were approved with the following roll call vote:

Aye: Councilmembers Maryann Derwin, John Richards and Ann Wengert, Vice Mayor Ted Driscoll and Mayor Steve Toben

No: None

(2) Ratification of Warrant List of August 11, 2010 in the amount of \$395,860.25

(3) Ratification of Warrant List of August 25, 2010 in the amount of \$68,293.26

(4) Recommendation by Town Attorney – Accept the Grant of Pathway Easement from the Portola Glen Estates Homeowner's Association

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing the Execution of the Grant of Pathway Easement from the Portola Glen Estates Homeowner's Association to the Town of Portola Valley (Resolution No. 2502-2010)
- (5) Recommendation by Public Works Director – Notice of Completion for the 2009/2010 Street Resurfacing Project #2010-PW01
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley to Accept the Completed 2009/2010 Resurfacing Project #2010-PW01 and Authorizing Final Payment to G. Bortolatto & Co., Inc. Concerning Such Work and Directing the Town Clerk to File a Notice of Completion (Resolution No. 2503-2010)
- (6) Recommendation by Assistant Town Manager – Agreement Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Flegel, LLP for Provision of Legal Services

REGULAR AGENDA [8:13 p.m.]

- (1) Minutes of Regular Town Council Meeting of July 28, 2010 [*Removed from Consent Agenda*]

By motion of Vice Mayor Driscoll, seconded by Councilmember Derwin, the minutes were approved as amended 4-0-1 [*Richards abstained*]

- (7) Recommendation by Public Works Director – Agreement with Bob Wire Electric to provide additional Lighting at Town Center

Mr. Young reported that the subgroup established by the Town Council in May (Vice Mayor Driscoll, Councilmember Richards and Mr. Young) evaluated IDEAS Lighting's proposed plan for Town Center and determined steps necessary to rectify problems with lighting in the area. The group agreed on a phased approach, adding three porch pendulum lights, five bollards through the Redwood Grove, and two solar seat wall lights close to the Town Hall. They decided to change the diffusers on eight existing bollard fixtures to clear lenses with reflectors inside. They will monitor the effectiveness of these changes and then recommend additional changes as appropriate. In response to Councilmember Wengert, Mr. Young said that two bollards have been modified already; and together with the additional fixtures and modifications planned, they will correct the problem.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [8:21 p.m.]

- (8) Appointment by Mayor – Request for Appointment of Member to the Conservation Committee

Mayor Toben asked for a motion if the Town Council concurs with the appointment of Judith Murphy to the Conservation Committee. The motion by Vice Mayor Ted Driscoll, seconded by Councilmember Derwin, passed 5-0.

- (9) Recommendation by the Nature and Science Committee – Proposed Change to Committee Charter

Councilmember Derwin expressed some concern that the Nature and Science Committee will be requesting more space. Vice Mayor Driscoll reported an inquiry about a special session for people interested in radio-controlled airplanes and flying them inside the Community Hall. He discouraged the idea, suggesting that the considerable downside risk, in terms of damage and injury, outweighed the upside benefit.

Town Manager Howard suggested a minor change in terminology in the revised charter the Nature and Science Committee submitted for approval (from "Town Administrator" to "Town Manager" under the "Coordination" heading). Vice Mayor Driscoll moved to approve the revised charter, with the modification suggested. Councilmember Richards seconded and the motion carried 5-0.

(10) Recommendation by Assistant Town Manager – Proposed Policy relating to Donations of Art to the Town

Ms. McDougall indicated that the Cultural Arts Committee endorsed the policy that has been submitted for the Town Council's approval. Councilmember Wengert, who concurred with Mayor Toben that the policy and process were laid out very well, asked about possible situations in which gifts are declined. In response to a question from Councilmember Wengert, Ms. Howard said that because the numbers of potential donors have increased since the development of the Town Center, a group process is appropriate to ensure fair treatment for each offer in preparing recommendations for the Town Council. Councilmember Wengert suggested that for space reasons, the Town should reserve the right to rotate contributions. Provision C, Acceptance Procedures, item 6 indicates "That in the event the Town determines that continued display of the artwork does not serve a public purpose, the Town may dispose of the item in any manner it deems appropriate..." Vice Mayor Driscoll said as far as rotation goes, he has some concern about it resulting in more items to keep in storage and loss of a reason to decline an offer of artwork. Councilmember Wengert said it might be appropriate to accept an item on a temporary basis and then return the artwork to the original owner, but we would want to avoid accepting loans of art because of the caretaking responsibilities that implies and leaving donors with the impression that their gifts ultimately will be returned to them. Town Attorney Sloan said that when the Town accepts a gift, a contract that spells out such details with the donor could be prepared, and that C-6 could be modified to say, "...in the event the Town chooses not to display the artwork..." Vice Mayor Driscoll moved to approve the proposal, with the "chooses not to" modification suggested. Councilmember Wengert seconded and the motion carried 5-0.

(11) Reports from Commission and Committee Liaisons

(a) (C/CAG) City/County Association of Governments

Councilmember Wengert, substituting for Councilmember Derwin at the August 12 C/CAG meeting, said that the high-speed rail presentation generated the most discussion. The presenter was there to talk about engineering alternatives, and Councilmember Wengert said it was fascinating to hear about platform options (center, outside, stacked, underground), hybrid solutions and various other things. The Public Employee Retirement System (PERS) benefits issue also came up, clearly signaling changes afoot in a number of communities relative to their ability to fund those benefits. C/CAG members also heard a Peninsula Traffic Congestion Relief Alliance report on the Countywide Voluntary Trip Reduction Program.

(b) Parks & Recreation Committee

The Ford Field renovation was the primary topic at the August 16 Parks & Recreation Committee meeting. Councilmember Wengert reported that \$220,000 in grant money may be available for the scaled-back refurbishment that the Committee agreed upon, but to secure the grant the project must move forward. Thus, the Committee must prioritize the items to be completed. Ms. McDougall and Mr. Young are working with Committee members to kick-start the project, including attaching dollar amounts to specific projects and helping finalize a proposal to bring back to the Town Council.

(c) Community Events Committee

Although the Community Events Committee did not have a meeting, Councilmember Wengert indicated that this year's Blues & Barbecue had to be canceled because there wasn't enough time to mobilize a sufficient number of volunteers. The Committee needs more people and more community involvement going forward.

(d) Cultural Arts Committee

Councilmember Derwin reported on the Cultural Arts Committee meeting of August 19, indicating that the latest movie night was a success, and a concert is scheduled for Friday, August 27. She said that no vandalism had been involved in tile damage and that once the large tile is restored and reframed, the Committee will discuss relocating tiles and possibly come to the Town Council with a recommendation. The Committee reviewed the proposed policy and procedure regarding donations of artwork. The possibility of a combined effort that brings together Cultural Arts, Parks & Recreation and Community Events Committees for Blues & Barbecue also was discussed.

(e) Resource Management and Climate Protection (RMCP) Task Force

The C/CAG's RMCP Task Force heard an excellent presentation by a representative from BAWSCA (Bay Area Water Supply and Conservation Agency), Councilmember Derwin said. The speaker noted that BAWSCA will be posting its Long-Term Reliable Water Supply Strategy, and that that communities should adopt model water ordinances and ensure they are being implemented.

(f) Firewise Advisory Committee

Councilmember Derwin reported that she, Mayor Toben and Ms. Howard attended the Firewise Advisory Committee meeting, during which the Committee established a workshop date on October 8 and guest speaker Charlie Krenz from the Los Trancos County Water District discussed the district's incentive program to help residents create and maintain defensible spaces. Funding a similar program in Portola Valley would be challenging.

(g) Sustainability Committee

Councilmember Derwin said that the Sustainability Committee met on August 16 and again on August 23. At the August 16 meeting, Douglas Alfaro talked about the San Mateo County program. With the county program in partnership with the stalled PACE financing and CaliforniaFIRST program as well as elements the Acterra Green@Home High Energy audits, the sustainability effort is complicated. This slows development. Frustrated and anxious to get moving, Sustainability Committee members discussed having to wait on the other programs at the August 23 meeting.

(f) Conservation Committee

Vice Mayor Driscoll reported that the Conservation Committee met on August 24 but he did not attend.

(g) Nature & Science Committee

Mayor Toben indicated that Nature & Science Committee Chair Andy Browne decided to step aside, and Yvonne Tryce is back in the leadership role. The group has many action items and some good results. About 100 people attended the star-gazing event, looking at the night sky through eight telescopes. Mayor Toben said that the event was very well done.

(h) Open Space Committee

Meeting on August 24, the Open Space Committee is brimming with ideas and good energy, according to Mayor Toben. He said that the Committee comprises an excellent team, including Karin Wick, Chip McIntosh, Jeanie Treichel, Ward Paine, Gary Nielsen, Charlene Kabcenell and Chair Ron Walter. They have ideas about putting up sign markers along the Herb Dengler Trail to make it a true educational experience. A question that continues to emerge concerns any opportunity to use Utility Users Tax (UUT) open space funds for maintenance or capital improvements as well as purchasing. Ms. Sloan said that the answer is yes, the language consistently refers to "open space purposes."

(i) Emergency Preparedness Committee

Mayor Toben attended the Emergency Preparedness Committee meeting on August 12 in Vice Mayor Driscoll's absence. Lacking a quorum, there were no action items, just conversation. He observed that the Committee has a capable group with a lot of assets. They talked about Ray Rothrock mobilizing the ham radio operators in the fall, about the agenda for the upcoming Fifth Wednesday meeting to be held September 29th. Councilmember Wengert indicated she plans to attend.

WRITTEN COMMUNICATIONS [9:02 p.m.]

Vice Mayor Driscoll asked whether at least the parts of the Digests that are internally created might be available electronically.

(12) Town Council 7/30/2010 Weekly Digest

- (a) #1 – Letter to Neighbors of The Sequoias from Leslie Lambert regarding the generators at the Sequoias being used on Thursday, August 5, from 7 a.m. to 11 p.m. because of a major shutdown – July 30, 2010

Mayor Toben expressed appreciation for Ms. Lambert's thoughtful notice, indicating that such proactive moves generate goodwill and preempts problems.

- (b) #11 – Action Agenda – Regular Town Council Meeting – Wednesday, July 28, 2010

Mayor Toben noted small typographical errors: "inflect" should be "inflict" and "permit" should be plural.

- (c) Attached Separates #2 – San Mateo County Sheriff's Department Crime Activity Report for April – June 2010

Page 6 was missing from the Councilmembers' packets; the report will be included with the August 27 Digest.

(13) Town Council 8/6/2010 Weekly Digest

- (a) Attached Separates #4 – Estuary News – August 2010

Councilmember Richards said there was an interesting article about parking lot drainage and the use of bioswales. He also mentioned seeing another recent article about a bioswale project for treating stormwater runoff. He indicated that the Springdown property's water feature, somewhere between a marsh and a deep pond, might be a place to try a bioswale demonstration project.

- (b) #1 – Letter to Mayor Toben from Paul Albritton regarding Appeal of Planning Commission Decision on T-Mobile's Application for Conditional Use Permit – August 5, 2010

Ms. Sloan said that the appeal will be heard on October 13, 2010. Town Council will have another closed session on September 22 for any updates.

- (c) #2 – Memorandum to Council from Brandi de Garmeaux regarding Safe Routes to School Trail Walk & Proposed Work – August 5, 2010

Councilmember Derwin said that Ms. De Garmeaux did a perfect memo, and Mayor Toben agreed.

(14) Town Council 8/13/2010 Weekly Digest

- (a) #2 – Notice that Portola Valley Town Hall will be closed on Wednesday, August 18, 2010 from 8:30 a.m. to 1 p.m. for staff to attend First Aid Training

Ms. Howard indicated the entire staff is now certified in First Aid, CPR and AED (Automated External Defibrillator). Ms. McDougall reported that ABAG recommends installing a landline telephone next to the AED in the Community Hall for 9-1-1 calls, because cell signals can be spotty.

(15) Town Council 8/20/2010 Weekly Digest

- (a) #1 – Letter to Leslie Lambert from the California Chapter of the American Planning Association regarding George Mader winning the Distinguished Leadership Award: Professional Planner Award – July 30, 2010

Mayor Toben said it was very nice to see recognition of Mr. Mader, and credited Ms. Lambert with taking the initiative to make that happen.

CLOSED SESSION: [9:10 p.m.]

- (16) Real Estate Negotiations – Conference with Real Property Negotiator
Government Code Section 54956.8
Property: Parcel # 076-261-010, 900 Portola Road
Negotiators: Town Attorney and Town Manager

- (17) Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(b)
Significant Exposure to Litigation: T-Mobile appeal of Planning Commission decision

- (18) Public Employee Performance Evaluation
Government Code Section 54957
Title – Town Manager

REPORT OUT OF CLOSED SESSION

No report

ADJOURNMENT: [10:25 p.m.]

Mayor

Town Clerk