

TOWN COUNCIL MEETING NO. 800, SEPTEMBER 22, 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 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  
Sharon Hanlon, Town Clerk  
Sandy Sloan, Town Attorney  
Howard Young, Public Works Director  
Tom Vlastic, Town Planner  
George Mader, Town Planning Consultant  
Brandi de Garneau, Sustainability and Resource Efficiency Coordinator  
Ted Sayre, Town Geologist

ORAL COMMUNICATIONS [7:31 p.m.]

Sofie Vandeputte, Cervantes and Shawnee, voiced her concern for the safety of children biking and walking to and from Corte Madera School.

CONSENT AGENDA [7:32 p.m.]

By motion of Vice Mayor Driscoll, seconded by Councilmember Derwin, Items 2 and 3 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 September 22, 2010 in the amount of \$137,787.56

(3) Recommendation by Mayor – Town Manager Employment Agreement

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Amendment No. 9 to the Town Manager Employment Agreement Between the Town of Portola Valley and Angela Howard (Resolution No. 2505-2010)

REGULAR AGENDA [7:35 p.m.]

(1) Minutes of Regular Town Council Meeting of September 8, 2010 [*Removed from Consent Agenda*]

By motion of Councilmember Richards, seconded by Vice Mayor Driscoll, the minutes were approved as amended 5-0.

- (4) Public Hearing – Modifications to Resolution 2279-2006; Amendments to the Zoning Ordinance relating to Geologic Provisions; Proposed Negative Declaration pursuant to CEQA
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Adopting “Geologic Map” and “Ground Movement Potential Map” and Establishing Land Use Policies for Lands Shown on Said Maps (Resolution No. 2506-2010)

By way of background, Mr. Mader said that Portola Valley adopted the Geologic Map in 1974, which dictated the General Plan because the Town chose to control distribution and density of development based largely on geology and slope. Guidelines for the maps provided a solid basis for most of the Town's major land use decisions over the past 36 years, during which time the Town Geologist has maintained and updated the maps. With the advent of GIS technology, the maps have been converted to provide more detail and to ease updating, a process that prompted review of the original resolution and related zoning provisions. New mapping in some areas, plus the discovery of an en echelon pattern of ground breakage along parts of the San Andreas Fault, have introduced some significant modifications.

To emphasize the fact that the public has had considerable opportunities for input, Mr. Mader noted that the Town Council first considered these topics at its October 28, 2009 meeting, after which the Planning Commission considered the matters at 10 noticed public hearings between November 2009 and June 2010. The Geologic Safety Committee endorsed the concept at its March 2009. According to Mr. Mader, a significant number of those who own properties along the several faults attended special meetings to which they were invited. Vice Mayor Driscoll and Mr. Sayre as well as the Town Planner, also participated in those meetings.

Mr. Sayre pointed out that conversion of the maps to digital format in AutoCAD files will not only make them easier to modify but also easier to use, in that color-coding facilitates identification of different geologic categories. The maps reflect various subdivision studies, such as the detailed geologic findings in the Blue Oaks Subdivision, and incorporate findings on other maps published since the original town mapping, including some developed by Stanford Professor Ben Page and the U.S. Geological Survey (USGS). Additional data has come in over the past several months as well, which Mr. Sayre said were used to tweak fault traces, primarily through the Westridge Hill area. A recent letter detailing those specific fault changes has been added as a recommendation for further modifications to the final maps.

The magenta zone is the PF Zone (potential fault rupture hazard zone around the San Andreas Fault). The zone has been changed from an arbitrary width of 200 feet to a zone reflecting recommended setbacks from fault traces in Town ordinances. These zones pinch and swell based on whether a fault trace is known, versus inferred or en echelon, which demands wider setbacks. As a result of the work done for the Blue Oaks Subdivision, the new maps also include an additional movement potential category. This is the PDF Zone, potential debris flow zone.

He explained that the old hand-painted maps, on which dotted or solid lines defined the boundaries of various movement potential categories, some areas – primarily in the region of the western hillsides – had some gaps in the boundary lines. That has been corrected, so that those areas are now enclosed.

Although printed versions of the map can be difficult to read, Mr. Mader indicated that large versions are available at Town Hall, and those with computers can enlarge the image to see details such as property boundaries. He explained six categories of changes in the regulations:

1. Until now, setbacks from faults have been shown on a separate zoning map. Now with more highly detailed mapping of faults on the Geologic and Ground Movement Potential Maps, it makes sense to show the setbacks directly on these maps instead, not only simplifying the process for users but avoiding any potential inconsistencies.

2. At this time, regulations relating to fault setbacks are divided between Resolution 1974 as amended and the Zoning Ordinance. Changes would consolidate all the regulations in the Zoning Ordinance.
3. Changes to the Zoning Ordinance incorporate recognition of en echelon ground breakage patterns discovered during geologic investigations made for the Town Center. These patterns also exist beyond the Town Center.
4. The Planning Commission considered at great length how to deal with existing nonconforming buildings within fault setbacks. The proposed revisions address buildings on a) fault traces, b) within fault setbacks, and c) across fault setback lines. Regulations have normally provided that the ability to remodel or replace a nonconforming building is determined by the percentage of damage or changes to the building's appraised value – typically 50%. To encourage owners to make buildings in earthquake fault setbacks safer, the Planning Commission has recommended excluding the cost of seismic upgrades from that calculation.
5. To address buildings in the vicinity of faults other than the San Andreas Fault, particularly parts of Westridge and an area northwest of the Alpine Tennis and Swimming Club, the regulations are essentially those that the Town Geologist follows when reviewing development. While these other faults appear inactive, Mr. Mader said, movement along the San Andreas Fault could trigger movement along these faults as well.
6. A significant change would reduce setback requirements for buildings other than single-family, single-story wood frame homes. To date, a setback of 125 feet from the fault has been required of buildings of two stories or for special uses other than single-family residences. Building code and construction standards have improved to the point that the Geologic Safety Committee is now convinced that such deep setbacks are no longer uniformly needed. Going forward, requirements will call for setbacks of 100 feet from the center line of the fault trace in both inferred fault and en echelon fault locations, while a properly designed structure in other areas may be approved for 50 feet from a known fault.

Vice Mayor Driscoll said that being in such close proximity to the USGS Western Headquarters and thus having many good geologists in the community proved helpful to the Geologic Safety Committee as well as in terms of public outreach efforts.

Councilmember Wengert asked about the extent to which other communities' standards incorporate inferred traces and en echelon patterns, assuming that data about these has emerged fairly recently. Mr. Sayre said wider setbacks in areas of inferred faults versus known faults are typical, but recognizing the existence of en echelon patterns is on the cutting edge. Mr. Mader pointed out that the larger areas of disruption associated with en echelon patterns dictate wider setbacks in those areas also.

Mayor Toben opened the public hearing.

Sheldon Breiner, Buckeye Court, chairs the Geologic Safety Committee. He asked whether there is an established procedure for handling any corrections or modifications to these maps once they have been adopted. Mr. Mader indicated that the Planning Commission has a procedure wherein a party can bring in a study that would typically be reviewed by the Town Geologist, oftentimes in concert with another geologist. This review may lead to a suggested change in the map, which the Planning Commission then considers and approves or denies. This procedure has been in effect for many years.

Robert Jack, Westridge Drive, said he wants to go on record as challenging the proposed resolution and regulations at this meeting and intends to contest it in the future. He said that instead of adding restrictions, the Town should focus on education. He said that he is concerned about the so-called potentially active fault traces. While they are present, the locations are not well-understood. In fact, they are not verified but inferred. Mr. Jack said that there has been no trenching on or near his property to determine where to place the abstract line. He said that with 42 question marks on the map, it is an inadequate basis to justify reducing buildable areas and reducing property values. He also is concerned

that in the event of a burn-to-the-ground fire at his home (as opposed to ground movement damage), that Section 8 of this resolution would require him to pay for extensive and expensive geological testing plus seismic retrofitting. In addition, he considers 100-foot setbacks from potential traces to be arbitrary.

In response to Mayor Toben's request for clarification, Mr. Mader said that there is no requirement for the 100-foot setbacks from the faults that Mr. Jack referred to in the Westridge area. He said they don't show on the maps unless they are there for certain. The maps use the best information the Town has. Further, Mr. Mader explained that when a proposal comes in for something on or adjacent to one of those faults, often with minimal drilling, studies are made to verify the location. These are not new procedures. In terms of Mr. Jack's issue with Section 8 of the resolution, Mr. Mader said that there is no earthquake fault setback zone in the Westridge area.

Kirk Neely and Holly Myers, Portola Road, who also own the Spring Ridge property, submitted a letter that Mayor Toben summarized. They expressed concerns that the Town is taking steps that go well beyond the requirements of State law. They question the validity of the setback requirement with respect to the Trancos Trace, contending that they've found no evidence either of that fault trace or ground movement after trenching on their property, including the meadow. They also argue that the proposal to limit the size of non-habitable buildings within the fault zone to a maximum of 120 square feet is too severe.

Addressing some of the points raised by Mr. Neely and Ms. Myers, Mr. Mader indicated that State law establishes a minimum standard only, and that the Planning Commission wrestled with the issue of non-habitable buildings. Whatever the building – a workshop, garden shed, handcrafts studio, etc. – they concluded that people might be in it part of the time. Because most of the parcels along the San Andreas Fault in and around Portola Valley encompass an acre or more, the Planning Commission reasoned, most of them have places for such small buildings outside of the fault setback. It may be more difficult in the Wyndham area, where the lots are smaller.

Mayor Toben pointed out that the Trancos Trace and the Woodside Trace run parallel, generally southeast to northwest. The westerly trace is the Woodside Trace and the one on east is the Trancos Trace. Mr. Sayre explained the importance of the traces paralleling one another and how ground movement propagates to the surface. With two closely spaced traces, it is difficult to say which trace ruptures at the surface – as in the case of the 1906 earthquake, which was six miles deep. He said that there is evidence that both Woodside and Trancos traces have ruptured in the time period that the State defines for an active fault, which is the last 10,000-11,000 years.

Mr. Sayre said that as he understands it, after a fault investigation in the Neely/Myers meadow across the Trancos Trace found the ground unbroken for 5,000 years, it was recommended that the Trancos Trace be removed from the Town map. Soon thereafter, however, he said that the Trancos Trace was trenched in a fault investigation conducted at The Sequoias, where they found earth materials less than 10,000 years old. The consultant concluded that it was an active fault trace that exists approximately where it was mapped. Thus, the best available data have been used to determine the location of both traces on the proposed maps.

Councilmember Derwin asked whether residents such as Mr. Neely and Ms. Myers would be able to build a non-habitable structure the size they want on their property. Mr. Mader said no, not within the fault setback, but within a location outside it if the Town approves it.

Mr. Vlasic, noting that the Neely/Myers property encompasses 229 acres, said that because they applied for a building within the setback area in the meadow under current regulations, their application can be considered at the 1,800 square feet they want. However, he added, another issue that the Planning Commission is addressing as the application proceeds is the visual sensitivity of the meadow.

Mayor Toben closed the public hearing, bringing the matter back to the Council for further discussion.

As Town Council liaison to the Planning Commission, Councilmember Richards noted that he has spent a lot of time on the matter before the Council, finds their approach well-considered and reasonable, and favors approval.

Councilmember Wengert concurred with Councilmember Richards. Having started on the Planning Commission, she said she knows the degree of thoroughness applied, particularly to the maps. She finds the technology of the GIS maps phenomenal, and supposes Portola Valley is on the leading edge in applying it. She said that she is satisfied that the Neely/Myers concerns are based on complex issues specific to their property, and not the work the Planning Commission did on the Geologic and Ground Movement Potential Maps and the related regulations.

Councilmember Derwin said she is very comfortable with staff's recommendations. She said she is sympathetic to the Neely/Myers situation, but does not feel it is relevant to the matter before the Council.

Vice Mayor Driscoll said approval of the proposal will give Portola Valley a living, dynamic map that for the most part firms up what has been in place and accumulating for a long time. He said that he is very proud that Portola Valley has always been ahead of the curve on such issues.

Mayor Toben said that he concurs heartily with his colleagues, and expressed his appreciation to the Planning Commission for its rigorous work over many months, and the extraordinary support of the Town's planning team, particularly Mr. Mader. He also thanked Mr. Sayre, Vice Mayor Driscoll and Mr. Mader for the extra efforts they made to contact affected property owners and inform them early on, solicit input and factor all of that into the final product.

Vice Mayor Driscoll moved to approve the Negative Declaration concerning revisions to the Town of Portola Valley Geologic and Ground Movement Potential Maps and related changes to the zoning ordinance. Councilmember Richards seconded and the motion carried 5-0.

Councilmember Wengert moved to adopt a resolution of the Town Council of the Town of Portola Valley approving and adopting the Geologic and Ground Movement Potential Maps and establishing land use policies for lands shown on said maps (Resolution No. 2506-2010). Vice Mayor Driscoll seconded and the motion carried 5-0.

Councilmember Derwin moved for the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Sections of and Adding Sections to Title 18 [Zoning] of the Portola Valley Municipal Code related to Geologic Matters (Ordinance No. \_\_\_), with the Second Reading of Amendment and Addition to Title 18 [Zoning] related to Geologic Matters scheduled for the October 27, 2010 Town Council meeting agenda. Councilmember Richards seconded and the motion carried 5-0.

(5) Discussion and Council Action – Filing of Unfunded Mandate Test Claim for requirements by the Regional Water Quality Control Board [8:15 p.m.]

Mr. Young explained that the State Water Board has mandated that all Bay Area cities implement new requirements for developing and enforcing a stormwater pollution prevention program. Because those efforts cost money, this is an attempt to obtain reimbursement from the State. All cities and counties participate in the program as a collaborative. New requirements include reducing trash, sending water to a sanitary treatment plant after the first rain (called "first flush"), and monitoring stormwater, chemicals, mercury and PCBs. The countywide program encourages all cities to file a test claim for reimbursement, because these are all unfunded mandates.

Accordingly, Mr. Young is asking the Town Council to direct staff, with the Town Attorney's assistance, to file this test claim with the Commission of State Mandates. Template documents are available.

Mayor Toben commended Mr. Young on his thorough, informative and well-written staff report.

Councilmember Wengert asked where there might be a chance of State funds being available.

Ms. Howard explained that every year, the Town applies for reimbursement of unfunded mandates; sometimes the funds come and sometimes they don't. However, this particular filing, she said, is intended not only to seek reimbursement but to send a message that communities can't afford to meet ever-increasing reporting standards and perform all of the additional work mandated.

In response to Councilmember Richards, Mr. Young said that in terms of water pollution activities, the Municipal Regional Permit (MRP) operates countywide, and includes all the cities in the county, to meet requirements. He estimates \$30,000 for Portola Valley to implement the new mandates.

Mayor Toben invited audience comments. There were none.

Councilmember Derwin and Vice Mayor Driscoll both said that they support filing the claim for reimbursement.

Councilmember Derwin moved to approve the filing of an Unfunded Mandate Test Claim for requirements imposed by the Regional Water Quality Control Board. Councilmember Wengert seconded and the motion carried 5-0.

- (6) Recommendation by Assistant Town Manager – Applications for Grant Funding through California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 for possible Funding of Ford Field Improvements [8:20 p.m.]

Ms. McDougall said that she had little to add to the staff report, but noted that a subcommittee of the Parks and Recreation Committee has reviewed the information because the previous focus on major renovations to Ford Field has shifted to less extensive refurbishment on the basis of potential grant funding. She said that she had the impression that the reviewers felt enthusiastic that the new direction makes good sense. If the Town Council authorizes submitting the grant applications, she said, staff also requests authorization to prepare an RFP to identify a firm to prepare drawings if the grant is approved. This would facilitate getting a recommendation to the Town Council as soon as possible. In response to Mayor Toben, Ms. McDougall said that design work might run about \$40,000, but no RFP will be released until and unless the grant funding is approved. Ms. Howard said that no formal action on the part of the Council is needed to do an RFP.

Vice Mayor Driscoll asked whether obtaining the grant funding would limit the Town to the specific amount awarded to refurbish Ford Field. Ms. McDougall said that the grant money could apply toward more extensive improvements.

Considering State finances, Councilmember Wengert asked about the likelihood of these sources of funding coming through. Ms. McDougall indicated that the State has gone back and forth regarding the availability of the grant funds, but a spokesperson for the State advised that the funds should be available and the State is eager to distribute these funds to cities as soon as possible. She also pointed out that the funding would be a reimbursement grant, so Portola Valley would have to pay for the improvements and then receive reimbursement for the amount the State awards.

Mayor Toben invited audience comments. There were none.

Vice Mayor Driscoll moved to authorize staff to apply for grant funding for possible Ford Field Improvements through California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002. Councilmember Richards seconded and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [8:30 p.m.]

- (7) Discussion and Council Action – Recommendation by the Trails and Paths Committee
  - (a) Proposed change to Trails and Paths Committee Charter
  - (b) Process for Recruitment and Appointment to the Trails and Paths Committee

Mayor Toben referred to the extensive, wide-ranging public comment on this topic at the September 8, 2010 Town Council meeting, noting that he believed everyone benefited a great deal from it. The Trails and Paths Committee worked on revising the draft charter at its September 14, 2010 meeting, which Mayor Toben and Vice Mayor Driscoll both attended. Trails and Paths Committee Chair Susan Gold presided at that meeting. He indicated that she and other Committee members who participated in the discussion are in the audience tonight. Tonight's speakers, he said, should focus specifically on the language of the revised charter and limit remarks to two minutes.

Councilmember Wengert noted on the documents provided that the Committee, under the Coordinates With section, indicates that the Committee determined that "Other Town Staff and other Committees, as needed" was superfluous and could be eliminated. Some of that activity is ongoing, Councilmember Wengert said, wondering about the reasoning behind that decision. Vice Mayor Driscoll, who attended that meeting, also said he did not understand that recommendation, particularly in light of the objective of being more inclusive rather than more exclusive. He said he would favor going back to the original draft charter language on that point.

Ms. Gold, Pine Ridge Way, said that she also wanted to leave that language in but other Committee members wanted it taken out because it was superfluous verbiage, and that of course they would be coordinating with other committees.

In response to Councilmember Derwin, Ms. Howard indicated that the ideal number of Trails and Paths Committee members is nine, but there is no minimum.

Carlin Hansen, Portola Road, said that he sees the Town Council and the Trails and Paths Committee as being divided, taking sides, and doesn't understand why. He said that if he were on the Town Council, he would beg the applicants for Committee membership to serve on the Committee. Mr. Hansen also said that he does not see the diversity that the Council wants on the Committee on the Council itself, and suggested that one need not be a jogger, a hiker or a bicyclist to put oneself in a position to consider those viewpoints. He also said that Mr. Young and his crew deserve credit for trail maintenance for the horses.

Under the "Membership" heading in the revised draft charter, Catherine Siegel, Saddleback, Portola Valley Ranch, suggested adding "as far as possible" after "the broad diversity of the trail user community." She said that while it would be great to have representation of groups who use the trails in different ways on the Committee, having a functioning committee is more important. If not enough people come forward to serve who represent the diversity desired, she said that Committee members can look at trail use from different perspectives. She also suggested not requiring the chair position to rotate annually, because committee leaders need experience and expertise, particularly when the committee has a lot of new people on it. Mayor Toben pointed out that annual rotation of the chair is standard among all Town committees.

Ms. Gold, referring to "Coordinates occasional work days," point 7 under Duties and Functions, suggested adding the phrase "with the approval and under the supervision of Town staff." Mayor Toben said it's a good idea because some oversight is appropriate.

Ray Villareal, Meadowood Drive, said that he very much supports the objectives that Mayor Toben laid out in the *Almanac* article in terms of balanced representation of various types of trail users on the Trails

and Paths Committee. He would like to add a goal of actually encouraging the use of the trails, because as he reads it, the attention is on maintenance and monitoring but not encouraging their use. He considers the trails "a good benefit that brings us all together," and particularly as it relates to children, Mr. Villareal – who also serves on the Portola Valley School District Board of Trustees – pointed out that the schools are trying to get more of their 720 students walking, biking and carpooling to and from school.

Mayor Toben said that he has been thinking of an addition to the draft charter such as Mr. Villareal described. He recommends point 8 under Duties and Functions that reads, "Encourages activities that promote the enjoyment of trails by diverse users." At the suggestion of Lee Berger, Portola Road, Mayor Toben revised his recommended language to say "...the safe enjoyment of trails..."

A resident of Mountain View (name inaudible), recommended adding something about education in using the trails. Mayor Toben referred her to point 6 under Duties and Functions – "Coordinates educational programs on trail use safety for the community."

Mary Ann Agosti, Paloma Road, said that she is concerned when the horses and the bicycles get together it will be like going the wrong way down a one-way street. She reported rude comments and attitudes from bicyclists she encounters when riding her horse on the trails "all the time." She is particularly concerned about bicyclists who come from outside Portola Valley – Cupertino, Sunnyvale, Redwood City. Portola Valley residents pay taxes to live in this pristine area, she said, and "they just come out here and tell you where to go."

Ronnie Eaton, Folkstone Avenue, San Mateo, asked how people are made aware of Town committees and how they can serve. She also asked why those who have applied to become members of the Trails and Paths Committee have not been appointed. On the latter question, Mayor Toben explained, about mid-summer the need became apparent to revisit the purposes and scope of the Committee before appointing new members. On the basis of the changes being discussed, the Town can publicize openings on the Committee and invite people to apply. The existing Committee members will have the opportunity to interview applicants, and the Town Council will review the applications. Appointments will be based on what the Committee will offer as a broad set of functions and tasks. He said the Town Council is eager to fill the positions on the Committee and to re-energize the Committee with a full complement of nine members who will undertake a lot of exciting new activities.

Teresa Coleman, Sioux Way, asked that language be inserted that indicates the purpose of the trails is not only to provide passageway but to access the special environment that we share in Portola Valley. Mayor Toben responded that at the Committee meeting last week, the language referencing the General Plan – which embodies all of the principles Ms. Coleman described – was added as a clause at the end of the objectives paragraph. (The end of that paragraph reads, "It is the Trails Committee's objective that these trails are safe and pleasant and that they provide access to all parts of the Town – especially our schools, as well as the Library and Town Center, and to areas of scenic beauty.")

Ms. Eaton pointed out that one applicant for a vacancy on the Committee is not only an equestrian but also a mother, jogger and dog-walker. She is concerned that those other interests are not being looked at equitably because she is an equestrian.

Mayor Toben closed the public comment period, bringing the matter back to the Council for further discussion.

Vice Mayor Driscoll reiterated his earlier recommendation that "Other Town Staff and other Committees, as needed" remain in the charter under the Coordinates With heading.

Councilmember Wengert said that Ms. Gold has been working with the Ad Hoc Spring Down Committee on a trail system for that area, and the time seems appropriate for the Trails and Paths Committee to be a part of that discussion. As Councilmember Wengert sees it, this is more an opportunity than a limitation. The Trails and Paths Committee might also work with the Safe Routes to Schools and other committees



in the future. Although she said she would leave it to the Committee to decide, she agreed with Vice Mayor Driscoll that the language should remain. Aside from that, she said that the Committee's changes to the initial draft charter were good ones that improve the document.

Mayor Toben brought attention to proposed changes previously discussed.

- Revise the Objectives statement's last sentence to read: "It is the Trails Committee's objective that these trails be safe and pleasant and that they provide access to all parts of the Town – including our schools, the Town Center and areas of scenic beauty as consistent with the General Plan."
- Expand Duties and Functions section point 7 to read: "Coordinates occasional volunteer trail work days with the approval and under the supervision of Town staff."
- Add point 8 to the Duties and Functions section to say: "Encourages activities that promote the safe enjoyment of trails by diverse users."
- Restore "Other Town Staff, Town Committees as needed" to the Coordinates With section.

Vice Mayor Driscoll moved to approve the draft of the Trails and Paths Committee Charter, as amended. Councilmember Richards seconded and the motion carried 5-0.

Moving on to the process for selecting Trails and Paths Committee members, Mayor Toben explained that the Mayor is responsible for appointing members of all Town committees, with concurrence of the Town Council. As he indicated in his September 16, 2010 memorandum to the Town Council regarding the Trails and Paths Committee in particular, he outlined the following process:

- 1) Advertise vacancies on the Committee and solicit applications (over the next month for upcoming appointments)
- 2) Trails and Paths Committee interviews applicants (for upcoming appointments, this will take place during the Committee's November 9, 2010 meeting; if the three candidates who applied previously – and have been interviewed – remain interested, they may be re-interviewed along with any additional applicants)
- 3) Trails and Paths Committee reaches consensus on candidate(s) and forwards to Town Council for approval (if no consensus, submits differing viewpoints on candidate(s) to Council)
- 4) Mayor, Vice Mayor and Town Manager interview candidate(s) proposed and discuss at Town Council meeting (December 8, 2010 for upcoming appointments)

Mayor Toben explained that current members of the Trails and Paths Committee who want to serve on the Committee next year will be asked to submit statements (by November 1, 2010) saying why they want to stay. He, Vice Mayor Driscoll and Ms. Howard will interview interested incumbents during November. Again, Mayor Toben said, the intention is to achieve to the extent possible a diverse, robust, vibrant roster of Committee members, and to be thorough, transparent and candid about the process. Clarifying in response to a question from Commissioner Derwin, Mayor Toben said that current Committee members will be sitting on both sides of the table – as interviewers and interviewees.

Councilmember Wengert questioned the robustness of the process in terms of the Trails and Paths Committee in particular, concerned that this Committee is being singled out as a "problem committee." Mayor Toben said that has been given considerable thought, and believes that this case presents special circumstances, given the number of vacancies, the need to diversify the composition and other pertinent factors. Councilmember Wengert noted that two other committees also face challenging circumstances –

not the same as the Trails and Paths Committee but nonetheless challenging – and may require particularly robust selection processes as well. She wants the Trails and Paths Committee to understand that other committees also will require tweaking processes to address their particular issues.

Mayor Toben invited comments from the public.

Chris Cooper, Martinez Road, Woodside, who serves on Woodside's Trails Committee, asked if instead of two interview sessions – one of them private – with applicants and incumbents, the Mayor, Vice Mayor and Town Manager might conduct interviews during the Trails and Path Committee's November 9 meeting.

Barbara Stogner, Redwood Shores, serves as president of San Mateo County Horsemen's Association. She asked where to find applications for committee membership. Applications are available online and at the front desk, Mayor Toben explained.

Jeanette Hansen, Portola Road, said that she feels the Committee has been singled out. She asked when advertising for applicants will begin. Although it would be good to have a lot of people with diverse interests apply to serve on the Committee, she said that has not happened with vacancies in the past. Ms. Howard indicated that six applications have been submitted already. In response to her observation that those who previously applied would be interviewed again, Mayor Toben said that decision would be up to the incumbent members of the Committee. He also said that advertising for additional applicants would begin right away.

Mike Bushue, Semeria Avenue, Belmont, who boards his horses in the east end of Portola Valley (Webb Ranch) said he finds it interesting that the incumbents need to be vetted again. While it may be a simple process of expressing their interest, he asked what types of things might prevent reinstating an incumbent who wants to remain on the Committee. Mayor Toben said that the simple answer is that we're trying to build a team with good representation across a variety of experiences and interests, and will see what that yields in the way of a mix.

Rebekah Witter, Montelena Court, Woodside, asked whether all of the incumbents' terms expire this month. Mayor Toben responded that members of all committees have terms of one calendar year, starting on January 1.

Ms. Eaton requested clarification on who does the interviewing. Mayor Toben indicated that the Trails and Paths Committee will interview applicants at its meeting on November 9. The Committee, if it reaches consensus, will refer its slate to the Town Council. The Mayor, Vice Mayor (as the incoming Mayor) and Town Manager will conduct separate interviews of the candidates the Committee recommends.

Mr. Villareal suggested that since a number of new people will be serving on the Committee and there is a vision of what the Trails and Paths Committee should be, it might make sense in soliciting applications to make that vision clear – inclusive, cohesive, representative. He said that how the positions are advertised may determine who and how many apply.

Ms. Stogner said that she would email the 600 members of the San Mateo County Horsemen's Association and encourage any who live in Portola Valley to apply. She requested a copy of the guidelines the Town will use in its advertising to include with her email.

Mayor Toben closed the public comment period and brought the matter back to the Council.

Councilmember Richards, addressing the issues of two interviews and public-versus-private interviews of candidates, said that he thinks the single meeting interviews is a good idea. Vice Mayor Driscoll, indicating that he intends to go to the November 9 Trails and Parks Committee meeting, said in the past, he has noticed in interviewing potential members of ASCC and the Planning Commission that it can be

difficult to get to know people and ask them questions in a public forum. Accordingly, he said that he is comfortable with the process that Mayor Toben presented.

In response to a comment from Councilmember Derwin stating the Council would have no say, Mayor Toben said that the Town Council has veto power. The Mayor's appointment of each member of each committee requires the Council's concurrence. The Mayor will make recommendations, but the Town Council may go in any direction at its December 8 meeting based on input from the Trails and Paths Committee as well as the Mayor/Vice Mayor/Town Manager panel and members of the audience. Mayor Toben said that he is very committed to equal treatment of potential appointees and fairness to all throughout this process.

Councilmember Wengert moved to approve the process outlined by Mayor Toben for recruitment and appointment to the Trails and Paths Committee. Councilmember Derwin seconded and the motion carried 5-0.

(8) Discussion and Council Action – Review the Paperless Agenda Packet for Town Council Meetings [9:20 p.m.]

Ms. Hanlon recommended that the Town Council take the last remaining steps to implement a paperless packet, including choosing equipment, deciding whether to make the Schoolhouse WiFi-enabled and adopting an e-communications policy.

Expressing appreciation for the straightforward, well-written proposal, Mayor Toben invited Council questions and comments.

In response to Councilmember Derwin, Ms. de Garmeaux said that Portola Valley's biggest cost savings in implementing the paperless packet process probably will be in staff time, which Ms. Hanlon estimated as "a good day."

In response to Councilmember Wengert, Ms. Howard indicated that \$16,000 is budgeted for the equipment, which she expects should also cover WiFi enablement. She added that it is important to have a policy regarding the use of electronic devices during meetings, noting that Redwood City's policy may serve as a good model.

Discussion of elements of e-communications policy included use of electronic devices during meetings, such as no side conversations and no personal business (exclusive of family emergencies).

Mayor Toben said that the Redwood City policy seems to prohibit the use of iPads. Ms. de Garmeaux explained that the language should be clarified, because while internet access is needed to download the packet, once that is done, the internet connection is no longer necessary. Mayor Toben said that the Town Attorney would be asked to draft a policy.

Ms. de Garmeaux said that because there was a problem with Firefox opening large PDF files, a protocol has been established to 1) keep file size to a minimum; 2) test packet downloads on four different browsers and 3) place a notice on the website advising users to use Internet Explorer or Safari for large files and how to do a workaround if there are problems downloading a file. Vice Mayor Driscoll suggested that users have the option of separate files for downloading each of the agenda items in addition to the single composite PDF file.

In response to Councilmember Wengert, Ms. de Garmeaux said that WiFi enablement is intended to some extent as a public convenience, because there are no portals for flash drives on iPads and the workaround is very complicated.

In terms of equipment preferences, Mayor Toben enumerated three options: iPads, Town-furnished laptops or personal laptops. Vice Mayor Driscoll said there are really two questions, the first being whether the Town should provide the equipment. Questioning whether it is necessary for everyone to use the same platform, Councilmember Wengert said that she is perfectly comfortable using her own PC. Mayor Toben said he feels the same, although he suggested that under certain circumstances, it would be good to have backup units available in case someone's computer crashes, because it is essential that Town Council members have the text of the packets when they come to meetings. Councilmember Richards said that there is an argument to be made for having the equipment on hand at meetings.

Summarizing, Mayor Toben said that the Town should acquire iPads for use of Vice Mayor Driscoll and Councilmembers Derwin and Richards, while he and Councilmember Wengert are comfortable with their own equipment. Ms. de Garmeaux confirmed that the budgeted amount will accommodate the three iPads. Ms. Hanlon said that she will bring a hard copy for those who need them until the equipment is in place and everyone is comfortable with it. Councilmember Wengert suggested that closed session and Council-only documents be available as password-protected files.

The Council agreed to proceed with the WiFi enablement. Mr. Young said that he may be able to get the work done for less than \$5,500 – perhaps closer to \$3,500 – because his original estimate was based on getting a signal from Town Hall. Trenching to about 100 feet out, wiring and conduit installation also will be required.

(9) Reports from Commission and Committee Liaisons [9:45 p.m.]

(a) Planning Commission

Councilmember Richards reported that the Planning Commission approved several conditional use permits for wireless facilities for TowerCo, AT&T and Verizon, and continued the Neely/Myers CUP application.

(b) Teen Committee

Councilmember Wengert said that the Teen Committee is working on a reconfigured “Sharing the Bounty” project for next year, and is planning the next movie night and the next dance. An enthusiastic, fun group, the Teen Committee also voted to approve a new applicant, Kate Putnam, at its September 12, 2010 meeting.

(c) Finance Committee

Councilmember Wengert said that at its September 20, 2010 meeting, the Finance Committee met to discuss materials Ms. Howard put together on a healthcare benefits survey and the Town's law enforcement contract with the San Mateo County Sheriff's Department. In regard to the survey, Committee member Bill Urban spearheaded the group to review other communities' benefits. Ms. Howard provided excellent comparative data that suggested that while Portola Valley's plan is fair, plans in surrounding communities tend to be richer. In terms of retiree healthcare benefits in particular, many municipalities are facing funding problems with these richer plans. The Finance Committee also will be reviewing data from the private sector.

According to Councilmember Wengert, an item that may come back to the Town Council in regard to law enforcement may concern the additional officer that had been funded principally by COPS (Citizens' Option for Public Safety). She explained that over time, the gap has increased between the cost for that additional officer and the COPS funding.

(d) Parks and Recreation Committee

Councilmember Wengert said that the Parks and Recreation Committee cancelled its meeting due to lack of a quorum.

(e) Library JPA

Councilmember Derwin reported that Library JPA approved the budget for Fiscal 2010-2011 and heard an organization review report that included a detailed staffing assessment for optimizing resources. The Woodside Library will close for a major renovation from January through March. This year's "One Book, One Community" event on October 7, 2010, will feature Michael Chabon, author of *The Amazing Adventures of Kavalier and Clay*.

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

Councilmember Derwin reported that California Legislative Analyst Mac Taylor provided a brilliant State budget overview at the September 16, 2010 C/CAG meeting. He talked about the State's fiscal situation – how we got here and what we can do about it. She said it was the most nuanced explanation she's ever heard. Councilmember Derwin said that C/CAG's Legislative Committee has taken positions in support of Measure M and Proposition 22 and opposition to Proposition 23 and 26.

In addition, C/CAG members discussed the Grand Boulevard Corridor Initiative, including a template and a toolbox covering plans for revitalizing all of El Camino Real and 12 cities along that corridor. Councilmember Derwin also noted that C/CAG Chair Tom Kasten closed the meeting with a remembrance of the San Bruno fire.

(g) (ASCC) Architectural and Site Control Commission

Councilmember Derwin reported that the ASCC reviewed Neely/Meyers project at its September 13, 2010 meeting, after having gone on a field trip to the property. It also discussed the proposed Cooper family "train room" project on the property at 385 Westridge Drive and the Dillon project on 10 Grove Drive.

Noting that two ASCC members recused themselves on more than one occasion, Councilmember Derwin pointed out that a member of the audience expressed concerns about needing the full five-member body to consider items. Councilmember Derwin also reported that ASCC received a report regarding the Sports Court/Hockey Rink Roof at 610 Los Trancos Road. (Mr. Vlasic's letter to the City of Palo Alto's Department of Planning and Community Environment is in the Weekly Digest of September 17, 2010.)

(h) Sustainability Committee

Councilmember Derwin said that the Sustainability Committee meeting was cancelled due to lack of a quorum.

(i) Cultural Arts Committee

Councilmember Derwin said that she missed the Cultural Arts Committee's meeting, but Ms. Howard attended.

(j) Trails and Paths Committee

Vice Mayor Driscoll reported that the Trails and Paths Committee, even with several vacancies, is doing functional work, including reviewing and approving a revised charter at its last meeting. He also said that the back part of the perimeter Trail has been completed.

(k) Firewise Advisory Committee

Mayor Toben said that the Firewise Advisory Committee, which met on September 21, 2010, continues to actively look at ways to improve our fire readiness. He said that he and Councilmember Derwin were among the 75 people – including a number from Cal Fire – who attended a UC Berkeley professor's excellent presentation on fire history and lessons learned. It was held September 15 in the Community Hall. The Home Ignition Zone workshop is scheduled for Friday, October 8, 2010, and 12 people have signed up already.

WRITTEN COMMUNICATIONS [10:10 p.m.]

(10) Town Council 9/10/2010 Weekly Digest

- (a) #1 – Letter to the Honorable Anna Eshoo from Steve Toben regarding H.R. 5766 – September 1, 2010

Mayor Toben said that he appreciated Ms. de Garmeaux's assistance in preparing the letter.

(11) Town Council 9/17/2010 Weekly Digest

- (a) #1 – Letter to Council from The Firewise Advisory Committee regarding a one-day workshop entitled "Assessing Wildfire Hazards in the Home Ignition Zone" on Friday, October 8, 2010

Ms. Howard said that the Town Council is invited.

- (b) #2 – Letter to Maryann Derwin from ICLEI regarding the Town of Portola Valley receiving an ICLEI Sustainability Leadership Award

Councilmember Derwin said that she would be in Washington, D.C., on Saturday, September 25, 2010 to accept the 2010 Sustainability Leadership Award from ICLEI – Local Governments for Sustainability (International Council for Local Environmental Initiatives).

CLOSED SESSION: [10:12 p.m.]

(12) Conference with Legal Counsel – Anticipated Litigation

Government Code Section 54956.9(b)  
Significant Exposure to Litigation: T-Mobile appeal Golden Oak Drive and Peak Lane  
Government Code Section 54956.8  
Property: Parcel # 076-261-010, 900 Portola Road

REPORT OUT OF CLOSED SESSION

None to report

ADJOURNMENT: [11:15 p.m.]

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Mayor

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Town Clerk