

TOWN COUNCIL MEETING NO. 804, OCTOBER 27, 2010

Vice Mayor Ted Driscoll, serving as Acting Mayor, 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 and Ann Wengert and Vice Mayor (Acting Mayor) Ted Driscoll

Absent: Councilmember John Richards and Mayor Steve Toben

Others: Angela Howard, Town Manager
Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Leigh Prince, Town Attorney Representative
Tom Vlastic, Town Planner

ORAL COMMUNICATIONS [7:31 p.m.]

Ms. Howard pulled item 6 from the agenda; it will be brought back at a later date.

CONSENT AGENDA [7:32 p.m.]

By motion of Councilmember Wengert, seconded by Councilmember Derwin, Items 1 and 3 were approved with the following roll call vote:

Aye: Councilmembers Derwin and Wengert and Vice Mayor (Acting Mayor) Driscoll

No: None

(1) Minutes of Special Town Council Meeting of October 12, 2010

(3) Ratification of Warrant List of October 27, 2010 in the amount of \$118,907.40

REGULAR AGENDA

(2) Minutes of Special Town Council Meeting of October 13, 2010 [*Removed from Consent Agenda*]

By motion of Councilmember Derwin, seconded by Councilmember Wengert, the minutes were approved as amended 3-0.

(4) Recommendation by Town Planning Consultant – Amendment and Addition to Title 18 [Zoning] related Geologic Matters [7:35 p.m.]

(a) Second Reading of Title, Waive Further Reading, and Adopt 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. 2010-387)

Councilmember Derwin moved to adopt Ordinance No. 2010-387 amending sections of and adding sections to Title 18 [Zoning] of the Portola Valley Municipal Code related to Geologic matters. Councilmember Wengert seconded, and the motion carried 3-0.

- (5) Recommendation by Town Attorney – Adopt a Resolution regarding Wireless Antenna Facility [7:38 p.m.]
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Granting T-Mobile West, Inc.'s Appeal and Approving Conditional Use Permit X7D-170 for a T-Mobile Wireless Communications Facility (Resolution No. 2508-2010)

Referencing the October 21, 2010 memo that he and Town Attorney Sandy Sloan sent to the Town Council, Mr. Vlasic said they prepared the resolution document, incorporating modifications to the listed conditions. The modifications reflect the fact that the ASCC is responsible for final design considerations, and include a provision relative to monitoring RF emissions in neighboring homes. Mr. Vlasic said Ms. Prince would explain the outcome of a conversation with the applicant's team about the conditions.

Ms. Prince said a call came in on October 26, 2010 indicating that both T-Mobile and Cal Water want to tweak some of the language in the conditions. She said it seems pretty late in the game to do so, because the conditions were an integral part of the approval. Accordingly, the conditions remain as submitted to the Council, but an additional condition has been prepared to allay their concerns. Basically, the addition – Condition 17 – says that given the changing nature of telecommunications law, and the fact that the telecommunications field is changing rapidly, none of these conditions will be enforceable if they violate federal or state law.

Councilmember Derwin asked whether T-Mobile or Cal Water would be responsible if landscaping is not maintained as agreed, and who would judge whether a situation requires attention. Mr. Vlasic explained that the agreement and the conditions would put the burden on both parties relative to the landscaping. He said that when the landscape plan is developed, the ASCC will identify plants that are critical for the views and for screening. Periodic reviews of the use permit will include site visits, and approved alternatives may be selected if plants are not growing as anticipated.

In response to another question from Councilmember Derwin about whether a separate tower would have to go up if a fourth carrier wanted to collocate on the Cal Water site, Mr. Vlasic said that another carrier could file an application and the Town would consider it in light of the law in effect at that time. It also would require a separate CUP. He said the fundamental thing is to move the Wireless Task Force ahead and really look at the options.

Mr. Vlasic said the Town would likely work with RCC Consultants to identify the best areas on neighbors' properties to take RF emissions readings to obtain the most appropriate information.

Further to Councilmember Derwin's point about vegetation, Councilmember Wengert suggested adding to the last sentence of Condition 12.g. to make it more explicit. She suggested that it read, "*Further, provisions shall be made to guarantee landscape maintenance, with T-Mobile and any future carriers assuming joint responsibility with Cal Water for ongoing maintenance of the landscaping and prompt replacement of plant materials for screening vegetation.*"

T-Mobile counsel Paul Albritton reported having extensive conversations with Cal Water's counsel and Portola Valley's counsel. He said that adding Condition 17 would address T-Mobile's specific concerns about Condition 14.

Councilmember Wengert moved to approve Resolution No. 2508-2010 confirming actions taken at the Town Council Meeting of October 13, 2010, granting T-Mobile West, Inc.'s appeal and approving Conditional Use Permit X7D-170 for a T-Mobile Wireless Communications Facility, subject to conditions and modifications included in the Town Attorney's memorandum of October 27, 2010 (Condition 17), and by this meeting today (Condition 12.g.). Councilmember Derwin seconded, and the motion carried 3-0.

- (6) Discussion and Council Action – Cultural Arts Committee with Proposed New Location for Tiles [pulled from agenda]

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [7:51 p.m.]

(7) Recommendation by Art Panel – in Consideration of Artwork Donations

Ms. Howard explained that since the Council adopted a policy regarding donated artwork, the Art Panel assigned by the Council met to discuss two items offered. The group decided to decline the offer of a giclée print of a Georgia Lane scene painted by Millicent Bishop and offered by her mother, Paige Fulkerson. The panel agreed to accept the Cagan family's offer of bronze statues. She said that ASCC Chair Carter Warr identified a potential location, in a stand of three redwoods near the playground. The group also discussed the repercussions of accepting donations for pieces that will be displayed outdoors.

Ms. Howard also said that a document will be produced that clearly spells out the requirements in the policy that the donated work becomes the Town's, and no commitment to display it indefinitely is implied.

Councilmember Derwin observed that the policy that the Council approved seemed helpful, the composition of the Art Panel is such that the process seemed to work well, and that the location selected for the sculptures is a good one.

Councilmember Derwin moved to accept the Art Panel's recommendations and direct staff to work with the Town Attorney's office to draft an agreement with the Cagans. Councilmember Wengert seconded, and the motion carried 3-0.

(8) Appointment by Mayor – Request for Appointment of Member to the Nature and Science Committee

Yvonne Tryce, Nature and Science Committee Chair, said that the nominee, Foster Beigler, has already contributed to the committee by her work. She is an artist, particularly interested in insects.

Mr. Driscoll, as Acting Mayor, recommended the appointment of Ms. Beigler as a member of the Committee. Councilmember Wengert moved to concur with the appointment. Councilmember Derwin seconded and the motion carried 3-0.

(9) Appointment by Mayor – Request for Appointment of Member to the Teen Committee

Mr. Driscoll, as Acting Mayor, recommended the appointment of Katie Putnam as a member of the Teen Committee. Councilmember Derwin moved to concur with the appointment. Councilmember Wengert seconded and the motion carried 3-0.

(10) Reports from Commission and Committee Liaisons [8:00 p.m.]

(a) Cultural Arts Committee

Councilmember Derwin reported that the Cultural Arts Committee discussed the Holiday Crafts Fair (which will be held December 4, 2010) and the next steps toward holding an art show (a single-artist show in the Community Hall foyer). The Committee also is planning a children's art show.

(b) Sustainability Committee

Councilmember Derwin said that the three separate subgroups the Sustainability Committee established recently – Focus Group Marketing, Smart Strips and Trip Advisor – is working well. Linda Yates is spearheading the Trip Advisor subgroup, which is developing a website that covers all green buildings in Portola Valley.

(c) ABAG General Assembly

Attending ABAG's Fall General Assembly in San Jose on October 21 – the second of two meetings for 2010 – Councilmember Derwin reported that the keynote speaker was Dr. Jon Haveman, founding partner of Beacon Economics. Discussion focused on the economic implications of jobs, the economy and sustainability in the Bay Area. Another featured speaker was Jean Ross, founding Executive Director of the California Budget Project. One panel, moderated by Santa Clara County Supervisor Dave Cortese, discussed balancing jobs and housing. Councilmember Derwin reported that panelists included Redwood City Councilmember Rosanne Foust, Clayton Councilmember Julie Pierce, Joint Venture: Silicon Valley Network President and CEO Russell Hancock, and San Jose Councilmember Sam Liccardo.

(d) Resource Management and Climate Protection Committee

Councilmember Derwin attended the C/CAG Resource Management and Climate Protection Committee meeting in Redwood City on October 21, 2010. The Committee discussed hosting an environmental summit in the spring, not only to bring people up to speed with what San Mateo County is doing but driving home the point that we need to do more. There were updates on the grant status for the Climate Action Plan, the San Mateo County Energy Strategy Plan and Energy Watch, which is involved in providing energy efficiency services and incentives to qualifying residents, businesses, public agencies and non-profit organizations.

(e) San Mateo County Council of Cities

The San Mateo County Council of Cities meeting in October, reported Councilmember Derwin, included a post-dinner panel on the advantages and pitfalls of shared services for police departments. San Mateo Police Chief Susan Manheimer moderated the panel. Among the information she came away with, Councilmember Derwin mentioned a study that reported savings of 28% – and improved service – after eight cities consolidated their police services.

(f) Safe Routes to School Coalition

Councilmember Derwin reported high attendance at the recent Safe Routes to School Coalition meeting, including three members of the Trails and Paths Committee (Chair Susan Gold, Secretary Ellie Ferrari and Jeannette Hansen), Public Works Director Howard Young and Portola Valley School District superintendent Tim Hanretty.

After Sustainability and Resource Efficiency Coordinator Brandi de Garmeaux provided the Coalition with an update on the work performed over the summer, Councilmember Derwin said, the group discussed crossing guards and the side of the street the Corte Madera students should walk on. They also heard an update on the bike-walk to school. Mr. Young spoke to the Coalition about a variety of issues, including the trail from Corte Madera Road to the crossing at Alpine Road and Saddleback Drive. The Coalition concurred with Mr. Young and Ms. Howard on waiting to prioritize some of the work they've been asked to do. The group also discussed the SamTrans buses arriving late. That night, at the Council of Cities meeting, Councilmember Derwin said she spoke with SamTrans Board Member Jerry Deal, who said he would be happy to help address that issue.

(g) (ASCC) Architectural and Site Control Commission

Councilmember Derwin said that the ASCC reviewed a project for an entry gate on Tagus Court. The ASCC also continued discussion of the Neely/Myers project, with various members of the audience expressing concerns, some of them quite strong in their objections. As Councilmember Derwin sees it, the ASCC Commissioners feel the applicants have to demonstrate why they need that particular building in that location. The matter will come to the ASCC once more before going to the Planning Commission.

(h) Parks and Recreation Committee

Councilmember Wengert said that Ms. McDougall – who managed to get a \$240,000 per-capita grant for the Ford Field project in addition to another smaller grant – did a terrific job in presenting a report to help the Parks and Recreation Committee move forward on that renovation. The project budget now approaches \$300,000. The Little League representative attended the Parks and Recreation Committee meeting to provide some input on issues such as backstops, dugouts, various other facilities and priorities.

Councilmember Wengert also reported that the Committee reviewed the tennis program and some of the policy issues arising with having a tennis pro (Corinne Mansourian) run classes officially.

(i) Community Events Committee

Councilmember Wengert informed the Council that the Community Events Committee has ramped up to high gear on the Volunteer Appreciation Holiday Party. It will be held on Friday, December 3, 2010.

(j) Conservation Committee

Vice Mayor Driscoll, who attended the Conservation Committee meeting with Ms. McDougall, reported that the Committee reviewed Ford Field plans. He noted that significant concerns about hydrology and drainage issues were expressed, not only as they affect the playing field but also the parking area, as well as the field's proximity to the creek.

(k) Nature and Science Committee

Vice Mayor Driscoll told the Council that the Nature and Science Committee wants to sponsor a radio-controlled flight demonstration and program in the Community Hall, and invited George Comstock from the audience to show Councilmembers what the airplanes, which weigh only a few ounces, look like. Mr. Comstock explained to the Council that the demonstration is not planned as entertainment but an educational exercise. He said that our society is generating too few technical people; it is all happening in India and China.

Councilmember Wengert said she favors the demonstration but is not sure that the Community Hall is the right venue. At the least, she would encourage maximum separation of the children from the airplanes.

Ms. Tryce told the Council about two other events on the Nature and Science Committee's calendar. On November 16, 2010, Sheldon Breiner will be presenting a program on his search for an ancient sunken galleon and the technology that went into finding it. Then on December 7, 2010, Leslie Field – who gave a presentation in 2009 on a project designed to slow the melt of the polar and glacial ice – will be back to present another program.

WRITTEN COMMUNICATIONS [8:34 p.m.]

(11) Town Council 10/15/2010 Weekly Digest – None

(12) Town Council 10/22/2010 Weekly Digest

(a) #1 – Memorandum to Town Council from Tom Vlastic regarding Wireless Task Force – October 20, 2010

Councilmembers concurred with Mr. Vlastic's recommendations, specifying the addition of another member to represent the Cable and Utilities Undergrounding Committee be assigned to the task force.

ADJOURNMENT: [8:38 p.m.]

Mayor

Town Clerk