

TOWN COUNCIL MEETING NO. 806, DECEMBER 8, 2010

Mayor Steve 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 and John Richards, Vice Mayor Ted Driscoll and Mayor Steve Toben

Absent: Councilmember Ann Wengert

Others: Angela Howard, Town Manager
Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
Brandi de Garmeaux, Sustainability & Resource Efficiency (SURE) Coordinator
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS [7:05 p.m.]

Ms. Lambert began a tribute to Ms. Howard on her 20th anniversary with the Town, for her dedication and commitment not only to Portola Valley but to her staff as well. Mayor Toben presented Ms. Howard with a Mayoral Proclamation on behalf of the Town Council, staff, volunteers and residents in recognition of achieving this milestone in providing exceptional services to the Town and its residents. He also presented her with a "one personal day free" certificate and a plaque from the Town Council. Ms. Howard, thanking everyone for coming out on this rainy day to surprise her on this occasion, said she has the most amazing staff in the world.

Bill Ashton, Westridge Drive, said he came to speak on behalf of the Woodside-area Horse Owners Association, WHOA. He said that the late Bill Lane – his neighbor for the past 52 years – was devoted to horse-related causes, and that the rural nature of Woodside and Portola Valley are a direct result of the influence of horses on the history of these valleys. He described Mr. Lane as a tireless supporter of horses and the unique trail system that knits the communities. His form of activism inspired the founding of the nonprofit WHOA; among its goals are preservation of the fundamental role of horses in maintaining the rural character of Woodside and neighboring foothill communities and enhancement of opportunities for equestrian activities. Mr. Lane embraced the concept of the First Annual Day of the Horse in Woodside in 2005, and helped launch the event with enthusiasm, sponsorship and personal involvement. He received the WHOA Hall of Fame Award in 2008. In his memory, WHOA is gifting the Town of Portola Valley a hitching post for installation at the Bill and Jean Lane Town Center. WHOA's suggestion for a bronze or brass plaque at the hitching post would say, subject to Ms. Lane's approval, "In memory of Bill Lane – Thank you for blazing the trail. We will follow the hoofprints you have left for us."

Christine Cooper, Martinez Road, Woodside, asked for publication of the number of votes that each applicant and incumbent received for membership on the Trails and Paths Committee. Because this issue is on the agenda as Item 11, Mayor Toben indicated that her request would be considered at that time.

PRESENTATION [7:05 p.m.]

Ms. de Garmeaux said that the Bay Area Green Business Program has certified the Town of Portola Valley and the Portola Valley Library as a green business. The program distinguishes businesses and municipalities that protect, preserve and sustain our environment. ABAG (the Association of Bay Area Governments) coordinates the program, which is implemented by green business coordinators in the nine participating counties. She congratulated Town and library staff who worked together to complete the green business certification application, and credited Town leaders for creating a green Town Center and adopting an environmentally preferable purchasing policy – actions that helped meet about 75% of the certification requirements. As a green business, the Town and Library have committed to working actively

to show environmental responsibility to the community by complying with all applicable regulations and striving to exceed compliance – by conserving energy, water, materials and other resources, by developing and implementing practices that prevent pollution and waste, and by being an environmentally responsible business within our community. Ms. de Garmeaux said that there are many additional initiatives that can be undertaken as the Town continues to strive to make its operations as sustainable as possible. The Town also is working with The Sequoias to become the first senior living facility in San Mateo County to be certified as a green business, and also is planning to roll out a campaign in 2011 to encourage other local businesses to participate in the green business program.

With that, Ms. de Garmeaux presented a certificate for the certification of the Town Hall to the Mayor, and welcomed Alan Couch, branch Manager for the Portola Valley and Woodside Libraries, to accept the Green Business Certification Award for the Portola Valley Library.

REORGANIZATION OF THE TOWN COUNCIL [7:48 p.m.]

(a) Election of Mayor

Mayor Toben opened the floor to nominations for the office of Mayor for 2011. Councilmember Derwin nominated Vice Mayor Driscoll. Councilmember Richards seconded. Ted Driscoll was elected Mayor by a vote of 3-0, with Vice Mayor Driscoll abstaining. The Mayor-elect thanked Mayor Toben for his services, his organization and his ability to articulate.

(b) Election of Vice Mayor

Mayor Driscoll invited nominations for Vice Mayor. By motion and second, Councilmember Richards nominated Councilmember Derwin. Councilmember Toben seconded. Maryann Derwin was elected Vice Mayor by a vote of 3-0, with Councilmember Derwin abstaining.

(1) PRESENTATION – Recognition of Donors to the Kersten Property Trails [7:49 p.m.]

Mayor Driscoll said this is an extraordinary event. Portola Valley has some 36 miles of trails – more than miles of roadways – tonight we recognize the completion of three new trails and the people who made that possible. The Herb Dengler Trail and the Joan Targ Trail in the Dengler Preserve extend the Larry Lane Trail System and collectively create a wonderful set of wandering paths on the western slope. It's a rare privilege to create new trails. It's a testament to the Town founders, ongoing involvement by residents and community leaders that Portola Valley continues to extend its trail system. He thanked Monty Kersten and the Kersten family for a land donation and some funds to build the trails. Mr. Kersten also worked with the Open Space Committee to see this through to completion. Bill and Jean Lane gave their capping donation to help build the trails and put this project over the top, providing for trail construction and improvements that connect the new trail to the existing system. He thanked Jean Lane very much for coming to the meeting, and for the extraordinary contributions that she and Mr. Lane have made to Portola Valley. Mayor Driscoll also acknowledged Nicholas Targ and his father, Russell Targ, who granted the Town an additional trail easement that allowed extending an already wonderful trail system into the Hayfields development. This new trail has been named in memory of Joan Targ, Russell's wife and Nicholas's mother. Finally, Mayor Driscoll thanked everyone else involved, noting that this is the type of collective charitable and volunteer effort that makes this Town special. He cited, for example, the Woodside neighbors for their support in moving the project along, particularly Bill Henson, who first suggested the idea of a land donation; Town staff, particularly Public Works Director Howard Young; and the Trails and Paths Committee, particularly Craig Taylor.

CONSENT AGENDA [7:54 p.m.]

By motion of Councilmember Toben, seconded by Councilmember Richards, the Consent Agenda (Items 2, 3, 4, 5 and 6) was approved with the following roll call vote:

Aye: Councilmembers Richards and Toben, Vice Mayor Derwin, Mayor Driscoll

No: None

- (2) Minutes of Special Town Council Meeting of November 10, 2010
- (3) Ratification of Warrant List of November 24, 2010 in the amount of \$318,995.49
- (4) Ratification of Warrant List of December 8, 2010 in the amount of \$106,778.41
- (5) Recommendation by Deputy Building Official – Adoption of the 2010 California Building Code
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending Section 15.04.010 [Definitions], Section 15.04.020 [Amendments to the Building Code], and Section 15.040.030 [Additions to the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code to Adopt an Updated Building Code (Ordinance No. 2010-388)
- (6) Appointment of representative to the Board of Trustees – of the San Mateo County Mosquito and Vector Control District

REGULAR AGENDA [7:56 p.m.]

- (7) Recommendation by Planning Manager – Adoption of a Resolution in Opposition to the Proposed Cargill Saltworks Project and discussion of a formal response to the Notice of Preparation (NOP)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Conveying to the City of Redwood City the Town Council's Opposition to the proposed DMB Redwood City/Saltworks Project as presented in the Notice of Preparation and Support of the Restoration of the Cargill Salt Ponds and their Inclusion in the Don Edwards National Wildlife Refuge (Resolution No. ____)

Ms. Lambert explained that staff and Councilmember Derwin worked on the resolution that strongly opposes the Saltworks project and incorporates recommendations from the Town Attorney. Mayor Driscoll indicated that he and Councilmember Toben met for a brief conversation with Redwood City Mayor Jeff Ira and Vice Mayor Alicia Aguirre. He said that neither Mayor Ira nor Vice Mayor Aguirre seems to particularly favor the application, and expect it to change substantially during the Environmental Impact Statement (EIS) process. They mentioned significant concerns about flooding, traffic and other issues. That said, Mayor Driscoll stated that their conversation changes nothing about the resolution, because it responds to the proposal that is currently on the table.

Councilmember Toben added that another issue facing Redwood City is the fact that there is no money available to restore degraded marshland, which is highly deteriorated from 100 years of use as an industrial saltworks. Ideally, the final transaction would include committed funds from the developer to restore approximately 50% of the available land. The question is whether a project would permit a modicum of development, enable massive restoration and, importantly, incorporate a levee to deal with flooding issues. Councilmember Toben noted that flooding, due to runoff from the upland areas and the encroaching Bay, periodically closes the Stanford Outpatient Clinic on the Bayshore Freeway. He said that he came away from the meeting with the Redwood City officials with a new appreciation of the dilemmas they're trying to manage, and the fact that they don't have the revenue to either solve their flooding problem as it is or to restore the Baylands.

Councilmember Richards said that if anything, he would make the opposition even stronger. He noted that the paragraph reading, "Whereas, the era of filling in San Francisco Bay is over – we stopped that destruction 40 years ago – the proposed project seeks to reverse the longstanding regional policies that have protected the bay and its wetlands" makes it sound as if all is well now, when in fact it is but a vestige of what it was originally and we're still trying to catch up. In response, Mayor Driscoll suggested substituting "sought to protect" for "protected."

Vice Mayor Derwin stated that she had taken part in a scoping meeting with Redwood City's city planner with Ms. Lambert and Mr. Vlastic, and also a very productive community meeting. She also went to a session over the weekend attended by Congresswoman Jackie Speier and Congressman Mike Thompson (Napa). Rep. Thompson said that the U.S. Secretary of the Interior has come out in strong opposition to further water transfers, a sentiment that Vice Mayor Derwin said was underscored at a water conference she attended at Stanford. The Cargill proposal relies heavily on water from Kern County.

Mayor Driscoll invited public comment.

Jon Silver, Portola Road, asked whether the version of the resolution on the Town website is the same as the one before the Town Council. Mayor Driscoll said yes, except for the wording changes agreed to in response to Councilmember Richards's comments. Mr. Silver thanked the Council for its role in getting information about the Saltworks project out and for ensuring that Portola Valley plays a leadership role on a matter of such regional importance. He is concerned about the "slippery slope" of giving up parts of the wetlands bit by bit, and is also concerned on the basis of having observed what has gone on in Redwood City over the years. He said that he has attended many city council meetings, and considers the Portola Valley Town Council the best, the most professional and the most decent. He said that he once considered Portola Valley too self-congratulatory, "But hey, I've got the bug too. We do deserve compliments."

Councilmember Richards had a further change: "sought to repair and protect."

Derry Kabcenell, Alpine Road, said he is very glad to see the Town Council leaning toward adopting the resolution and considering the comments of the public. He also said he isn't convinced that the Redwood City folks look at the Bay as a regional asset (as it is described in the proposed resolution); even the section of the Bay at Redwood City does not belong to Redwood City. The shoreline is integral to the Bay, he pointed out; without shoreline, he pointed out, there is no Bay. Mr. Kabcenell said that he has sometimes felt that the process, including the EIR process, should go forward. However, as a friend pointed out to him, part of the process is also a way to shortcut the process when it is appropriate. As examples, he said that judges have discretion to dismiss a case or grant summary judgments, noting that such shortcuts avoid wasting everyone's time when the outcome of a question is fairly assured. In this instance, he said that he would like to see a suggestion to that effect incorporated into the resolution.

Responding to Councilmember Toben's comments about whether this application could be hammered into something appropriate for Redwood City and the region, Mr. Kabcenell said that he doesn't think that's the right way to proceed. Considering that the proposal as it stands is "pretty outrageous," he said that it could be years of gradually hammering it into something that does not look anything like what is proposed now. Because the current proposal is not a good one, he added, it should not be allowed to go forward, but rather the applicant should be encouraged to submit a proposal that at least remotely resembles something that might be approved.

Mr. Silver said that during the meeting on December 1, 2010, there was considerable discussion about the political lay of the land. At one point, Mary Paine suggested getting to specific concerns about the development and moving past the politics, because nothing can be done about the politics. Later, Mr. Silver said, he thought how sad it is that in a democracy people all agree we can't do anything about the politics. The amount of money involved in a project such as this can have a tremendously corrupting influence, and most communities aren't immune to that. He mentioned that none of the four candidates running for Mark Church's seat on the San Mateo County Board of Supervisors will take a position on the

Saltworks proposal because they don't want to take on Cargill. Two of the candidates seeking to replace Democrat Ira Ruskin in the California Assembly came out in opposition to the Saltworks proposal, and the other remained neutral, at least publicly. A smear went out against Yoriko Kishimoto, and then after the election a Cargill public relations representative admitted that he funneled money through a labor organization of Santa Clara County to fund the smear. Mr. Silver said that his own read on this activity is that Cargill wanted the PR guy to let this be known. It is sad that citizens who are active say they can't change the politics; that shouldn't happen in a democracy.

Vice Mayor Derwin asked whether anyone wanted to entertain adding language to the proposed resolution to reflect Mr. Kabcenell's thoughts. Mr. Kabcenell said that any approved application is not likely to look remotely like the existing application and we should encourage Redwood City to not move forward with this application. Mayor Driscoll said that he believes that the message about not moving forward with this application already comes through in other words in the resolution. Vice Mayor Derwin recollected something that Mr. Vlastic had written in a draft response to the NOP in which he addressed the issue of all the time and money all the concerned cities would have to deal with the EIR.

Town Attorney Sloan asked whether "be it resolved" point 4, which says,

...Declare, that the Portola Valley Town Council opposes the proposed project as described in the Notice of Preparation and Initial Study and supports the restoration of the Cargill salt ponds and their inclusion in the Don Edwards National Wildlife Refuge.

might go on to say "and urges the Redwood City Council to disapprove the project even before the environmental review is concluded." Councilmember Richards said that would be good. Mayor Driscoll said he was fine with those words. Councilmember Toben said he does not think such an addition would be consistent with the environmental review process prescribed by CEQA and is very different from a legal process such as motions for summary judgments and motions to dismiss, which are subject to precise definitions. He said that Redwood City is obliged to consider an application; a process is required. Ms. Sloan indicated that no environmental review is required of a project that is disapproved. Councilmember Toben said that he respects the fact that the Redwood City mayor and vice mayor want to go through a process that they perceive will yield a clear set of choice points for them, and he further said that it is appropriate for Portola Valley to respect their desire to go through a process and let them spend money on it. Vice Mayor Derwin pointed out that the process also inflicts costs on other cities. Councilmember Toben said that the resolution drafted is "quite complete, quite strong," and as Vice Mayor Derwin had indicated, Mr. Vlastic's response includes language about what is appropriate and what isn't.

Mayor Driscoll said that he would like to see a unanimous vote on this subject. He suggested considering the formal response to the NOP before voting on the resolution. Vice Mayor Derwin indicated that the formal response was not ready to be voted on tonight. Mayor Driscoll invited a motion.

With the addition of the "sought to repair and protect" language previously discussed Councilmember Toben moved to adopt the amended resolution of the Town Council of the Town of Portola Valley Conveying to the City of Redwood City the Town Council's Opposition to the proposed DMB Redwood City/Saltworks Project as presented in the Notice of Preparation and Support of the Restoration of the Cargill Salt Ponds and their Inclusion in the Don Edwards National Wildlife Refuge (Resolution No. 2509-2010). Councilmember Richards seconded, and the motion carried 4-0.

(b) Discussion of Formal Response to Notice of Preparation

Ms. Lambert said that at Town Council's direction, staff looked into the steps needed to provide a formal response on the NOP. This would include participation of those who voiced concerns at the Town Council meeting of November 10, 2010, staff coordination, involvement of the Town Planner and the associated expenditures. As Vice Mayor Derwin reported, she – along with Mr. Vlastic and Ms. Lambert – met with Blake Lyon, the Senior Planner from Redwood City on November 19, 2010. He provided a thorough update on the proposed project and an overview of community participation during the environmental review process. He indicated that at least two more scoping sessions would take place in February 2011.

On December 1, 2010 then-Councilmember Derwin chaired a productive afternoon session with interested parties who had attended the Town Council meeting of November 10, 2010. This provided an opportunity to gather comments, share an outline of key issues the Town should address in its NOP response, and invite the parties to submit comments in writing. In addition, on November 30, 2010, Councilmember Derwin attended a scoping session that focused on water supply, wastewater and flooding. Ms. Lambert said that staff is proposing an NOP response that includes a letter from the Town Council along with background letters from the community as a packet. At the Council's direction, she and Mr. Vlastic will draft the Town letter for the Town Council's consideration at its January 12, 2011 meeting. Mr. Vlastic estimates that his work on the NOP response would be between \$4,000 and \$5,000. The funds would be reallocated from existing programs within the approved Planning Budget for FY 2010/2011.

Councilmember Toben asked for a "not to exceed" budget of \$5,000. Councilmembers concurred when Mayor Driscoll asked whether there was consensus that the Council authorizes staff to proceed.

In response to Mayor Driscoll's request for clarification about CEQA requirements, Ms. Sloan said that she would send out the information. Councilmember Toben said that there will be a process to go through at some point.

- (8) Recommendation by Planning Manager – Adoption of a Resolution to enter into an agreement with NBS for Comprehensive Fee and Rate Study [8:25 p.m.]
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley approving and authorizing execution of an Agreement for Consultant Services between the Town of Portola Valley and NBS (Resolution No. ___)

Ms. Lambert indicated that because many of the fees that Portola Valley currently charges for services are out-of-date, the General Fund winds up subsidizing some services that benefit individual property owners. Staff is confident that the current fees far fall below what State law allows – fees that cover the cost of providing the services. She said that the document distributed to the Town Council from NBS is a proposal to perform a comprehensive fee review and rate study, which Portola Valley has not undertaken in more than a decade.

The Town had sent out RFPs (Request for Proposals) to 15 consulting firms. Out of the six that responded, with totals ranging between \$16,776 and \$35,750, Ms. Lambert and Ms. Howard interviewed project teams of the three most qualified firms. They felt very confident and comfortable with NBS, and received excellent references. NBS also did Alherton's fee study, which involved going through 10 committees. Staff recommended approval of the resolution to engage the services of NBS. If approved, staff would begin the review and then bring a draft proposal to the Town Council for discussion before it is finalized. She said she expects the process to take three to four months.

Councilmember Toben read a sentence from Ms. Lambert's December 8, 2010 memorandum to the Town Council on this subject, and then offered a minor clarification. One sentence said, "The Town Council has the right to set fees at whatever level they choose (as long as they don't exceed the legal maximum as determined by the results of the study)." Noting that the term "legal maximum" is imprecise, he said, it is important for the record to indicate that fees can go up only to the full amount it costs to process applications.

Mayor Driscoll said that he was struck by the breadth of the dollar range represented by the six RFP responses. Ms. Lambert said that she believes some of the firms conduct comprehensive fee and rate studies on a regular basis and that others perhaps don't have the same qualifications. She also said the state of the economy probably has something to do with the extremes. Some of the proposals seemed to be more "rubber stamp" than well-considered. Ms. Howard added that with the low-end proposal, the consultant did not understand the full scope of the Town's needs. Councilmember Toben said that there also have been some big swings in public works projects.

In response to Councilmember Toben, Ms. Howard said that the Town had budgeted \$35,000 for this project.

Vice Mayor Derwin moved to adopt the resolution of the Town Council of the Town of Portola Valley approving and authorizing execution of an agreement for consultant services between the Town of Portola Valley and NBS (Resolution No. 2510-2010). Councilmember Richards seconded, and the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (9) Discussion and Council Action – Cultural Arts Committee with Proposed New Location for Tiles [8:30 p.m.]

Steve Marra, Cultural Arts Committee co-chair, referred to the Committee's December 3, 2010, proposal for the Town Council to consider (instead of placing the tiles on the back of the schoolhouse) approving a location in front of the restrooms. Mayor Driscoll noted that the location the Town Council originally approved would be less likely to result in damage to the tiles.

Cultural Arts Committee member Susan Thomas, Cervantes Road, said that according to Don Niederhaus, the materials on the tiles are very strong and would be difficult to remove.

With no objections from any Councilmembers, Mayor Driscoll authorized the placement requested.

- (10) Discussion and Council Action – Ford Field State Grant Status and Design Work [8:32 p.m.]

Ms. McDougall stated that before applying for two grants, staff contacted the State to discuss issues of timing and funding, and was given 99.9% assurance that the funding would be extended by at least one more year. The reason for the extension was that the State essentially had breached its agreement with the Town in relation to this funding. Ms. McDougall said she decided the Town needed something in writing to avoid getting into a situation in which the Town expends funds and counts on reimbursement. At that point, she said, the State started back-pedaling all the way.

Now, Ms. McDougall said, one option seems to be to seek a legislative extension, by first notifying the Natural Resources Agency in writing that we wish to seek such an extension. Then, we would be provided with specific instructions concerning how to proceed. Staff has prepared the required letter if the Council wants to take that direction. Staff also wants direction from the Council regarding whether to proceed with design work without a commitment for guaranteed reimbursement. Only 25% of the grant money can apply to preliminary work, including design and no reimbursement is made until the project is completed. Accordingly, the timing will not work for this project without the legislative extension.

Councilmember Toben said that the Town already had paid for design work for Ford Field, so he is unclear as to why we need to spend up to \$35,000 more on design. Ms. McDougall replied that the prior expenditures were for a preliminary site plan; this would be for construction drawings for the project to actually be built. Councilmember Toben had several questions about how legislative extension works – How is it done? Would Portola Valley's extension be bundled with other legislative extensions? Would our new assemblyman shepherd these extensions through the Legislature? Does it take a legislative act? How quickly would we get the extension? Would approval of the extension lock in receipt of the funds in FY 2012? Ms. McDougall said that all the information she was able to obtain amounted to being told that upon receipt of the letter she mentioned, they would provide further instruction, sending something that would say exactly what the next steps were. They informed her about specific language that needed to go into the request-for-extension letter, which we would send to our representatives, who would then take it through the State process. She said there are many unknowns at this point.

Ms. Howard said that she sees two choices:

- 1) Move ahead and get the design work done, understanding that the money is coming out of the General Fund. If the extension is granted, we would move forward immediately with construction and get reimbursed for the rest of the project in 2011-12. If the extension is denied, the design would be set aside unless alternative funding can be found for the rest of the project. Having the design ready for use would not mean the design expenditure was wasted money.
- 2) Set the preliminary design work on a shelf until the funding picture clears up.

Mayor Driscoll asked whether we could get grant money several years from now as reimbursement for any design expenditures we made now. Both Ms. Howard and Ms. McDougall said no.

Councilmember Toben said that we should proceed with the design work. He said that although up to \$35,000 was not specifically budgeted for this, the consulting budget had contemplated about \$20,000 for the aircraft noise study, which does not seem a top priority right now. The amount budgeted for the fee and rate study came in at about \$9,000 less than budgeted. Councilmember Toben said it also would be a shame to slow the significant momentum within the Parks & Recreation Committee.

Councilmember Richards said there is also fundraising potential with the Little League. Mayor Driscoll also recalled the backstop itself may be determined structurally deficient. He said that it seems that the Town Council favors moving ahead as if the legislative extension would be forthcoming.

Ms. McDougall said that the total estimated cost of the project was \$305,000, and the State grants were expected to be \$232,000. If the State puts the money back on the table, she said that we'd be poised to move quickly if the design work was complete.

- (11) Appointment by Mayor – Request for Appointment of Members to the Trails and Paths Committee
[8:45 p.m.]

Mayor Driscoll recapped the process that the Town embarked upon in the fall to update the Trails and Paths Committee charter and rejuvenate the Committee's shrinking membership roster. A total of 13 candidates applied for membership; when combined with the incumbents, a field of 15 or 16 individuals were prepared to serve on the nine-member Committee. The Trails and Paths Committee interviewed 10 applicants at the November 9, 2010 Committee meeting, and later individual Committee members separately submitted comments and rankings of the candidates for the Mayor and Vice Mayor to consider. Two of the applicants who did not go to the November 9, 2010 meeting subsequently withdrew their applications. The third was ill that evening but was interviewed by the Mayor and Vice Mayor on November 16, 2010. Incumbent Mayor Toben and incoming Mayor Driscoll (also liaison to the Trails and Paths Committee) conducted a second round of interviews on November 11 and November 16, 2010, meeting with new applicants and incumbents alike. One of them, Dorothea (Dot) Nell, elected to withdraw her application for reappointment.

As Mayor Driscoll explained, the criteria used to select members basically were designed to preserve continuity, provide diversity of views and rejuvenate the Committee. Because they spoke with far more qualified, perfectly capable applicants than there were openings, Mayor Driscoll said, they had to make some tough choices. They agreed upon nine people whom they thought met a blend of wide diversity of users, some Committee experience, some fresh blood and a spectrum of ages. Two incumbents, Jeannette Hansen and Craig Taylor, were not reappointed.

Councilmember Toben stressed that they considered not only individual qualifications but also how to assemble a team with good chemistry – an imperfect art. Five out of the nine new members have not previously served on a standing committee in Portola Valley: Judith Hasko, Judy Paris, Cathy Siegel, Shelly Sweeney and Joe Coleman. He said it is a plus to attract new volunteers. He also said the roster also represents a great diversity of experience – equestrians, hikers, dog-walkers, mothers with children in strollers. No cyclists applied.

In response to a question raised earlier in the meeting, Councilmember Toben said that they did not use a scoring system. Some members of the Committee ranked interviewees on a 1-10 basis, but the scores were never intended for publication. An exception was Ellie Ferrari, whose comments about the applicants were published in the Weekly Digest (November 19, 2010) because she addressed them to the Town Council.

Mayor Driscoll invited public comments.

Dorothea (Dot) Nell, Valley Oak, said that the Committee will suffer without Jeannette Hansen, because she knows the trails better than anyone else as she rides them almost every day. She suggested that the first time there is another opening on the Committee that Ms. Hansen is asked to join.

With no further comments, Mayor Driscoll appointed nine members to the Trails and Paths Committee – Joe Coleman, Lynne Davis, Ellie Ferrari, Susan Gold, Judith Hasko, Judy Paris, SallyAnn Reiss, Cathy Siegel and Shelly Sweeney – to be effective January 1, 2011. He requested a motion of concurrence. Councilmember Toben moved to concur; Councilmember Richards seconded and the motion carried 4-0.

To be discussed at the Committee's meeting in January 2011 is shifting from evening meetings to morning meetings to facilitate Mr. Young's involvement during his working hours.

(12) Appointment by Mayor – Request for Appointment of Member to the Cultural Arts Committee [8:51 p.m.]

As liaison to the Cultural Arts Committee, Vice Mayor Derwin proposed the appointment of Paige Fulkerson, an "incredible contributor to the group" who has been active in organizing Music Nights, as a member of the Committee. Mayor Driscoll agreed. Councilmember Toben moved the Town Council's concurrence with the Mayor's appointment of Paige Fulkerson to the Cultural Arts Committee. Vice Mayor Derwin seconded, and the motion carried 4-0.

(13) Reports from Commission and Committee Liaisons [8:51 p.m.]

(a) Cable & Utilities Undergrounding Committee

Councilmember Richards reported that Cable & Utilities Undergrounding Committee members talked about changing the Committee name. Most of their meeting focused on the upcoming Undergrounding District and how to decide which portion of the overall District to settle on. The biggest stumbling block is a group of four to six private residences that want undergrounding and who would pay for what in terms of the drops. The Committee also worked on developing a logical list of how to rank and to best spend the money. The Committee may have two openings coming up.

(b) Planning Commission

At its November 17, 2010 meeting, Councilmember Richards said, the Planning Commission held a very short meeting, primarily reviewing a preliminary three-lot subdivision proposal for the Shorestein property. Another option is to take a PUD (Planned Unit Development) approach. A site meeting is scheduled for Monday, December 13, 2011.

The Planning Commission discussed the Shorestein application in further detail at its December 1, 2011 meeting, at which time the Planning Commission also approved a lot-line adjustment on Wayside Road and zoning amendments needed to implement the Housing Element.

(c) Historic Resources Committee

Vice Mayor Derwin reported on the Historic Resources Committee meeting of November 11, 2010. Among items discussed:

- The Committee will cosponsor an event with the Sempervirens Fund, the oldest land trust in California, in January 2011. Mark Hylkema, an expert on Ohlone Indians, will speak about the history of the Santa Cruz Mountains.
- The School District will be 150 years old in 2011. A celebration set for October 1-2, 2011 will include a big reunion, open house and school tour. Town Historian Nancy Lund will produce a book. Volunteers are needed to help coordinate a luncheon or other event.
- *The Almanac* archives, including a number of large, bound documents, will go on newly installed shelves in the Historic Resources Room. Ms. Howard said that the installation is near completion. The shelving is on the same wall as the door, and low because the volumes are cumbersome and heavy.
- Vice Mayor Derwin reported that the Committee is still concerned about the Woods property, since it's the only mansion left in Town. They have a question to the Council: Why can't this be included in the Historic Element? Mayor Driscoll said that he believes the idea is to wait for the Mid Peninsula Regional Open Space District to complete the transfer, because any change might encumber the property and make the transfer from the estate to the open space more difficult legally.

(d) Firewise Advisory Committee

At the Firewise Advisory Committee meeting on November 16, 2010, Vice Mayor Derwin reported, Woodside Fire Protection District Fire Chief Armando Muela debriefed on a very successful one-day Home Ignition Zone workshop on October 8, 2010. A total of 25 people attended, and in addition to the "classroom" work, they paid a site visit to two homes in the Portola Valley Ranch. Next year, the Committee wants to schedule two more one-day workshops, one in March and one in October. They also want to invite the public to attend these workshops, with first preference going to equal numbers of Portola Valley and Woodside residents. Other news from the Committee meeting:

- A Fire Safe speaker will be scheduled to speak in May 2011 at the Woodside Elementary Theatre – Steve Quarles from the UC Berkeley Center for Fire Research and Outreach.
- Woodside reported allocating \$25,000 from its budget to the Defensible Space Grant Program and sending a card about the program to every Woodside resident. On a first-come, first-served basis, the program will provide 50-50 matching grants (of up to \$1,000). The Woodside Fire Protection District will produce a document indicating the required protocol, i.e., the actions to take and the sequence in which to take them.
- The Committee reviewed its chipper program for 2010. The collection of data will include days using a crew and days using a contractor. They aren't sure whether they will be able to calculate volume for 2010, but will do so going forward. In the future, they also will track numbers of houses served, hours, and fire crew versus contractor days versus Fire District crew. The Committee plans to have a manager track this information on a daily or weekly basis.
- CERT (the Community Emergency Response Team) wants to post approximately 10 signs in neighborhoods during fire season (July until October) to alert residents of high fire danger.

- Portola Valley Ranch will be the first Certified Firewise Community.
- Planning Commission Chair Denise Gilbert attended a Firewise workshop in Seattle and brought back copies of the NFPA Code. As Vice Mayor Derwin explained, one of the things that interests Chair Gilbert is a better way of dealing with noncompliant properties. The Half Moon Bay Fire Code, for instance, enables the Fire Department to go onto private property, do the necessary work and bill the homeowner via property taxes.

Councilmember Toben said that the Town Council has expressed a desire to make sure we're getting value for the investment in Firewise, and asked whether that topic came up at the meeting. Vice Mayor Derwin said that she thinks it did, and that Fire Chief Muela will bring notes to the next Firewise Advisory Committee meeting, which is scheduled for January 18, 2011. A representative of Portola Valley Ranch also will be at that meeting.

(e) Cultural Arts Committee

Vice Mayor Derwin reported that the Cultural Arts Committee discussed tile placement and the holiday fair at its meeting.

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

Vice Mayor Derwin said that C/CAG's Resource Management and Climate Protection Committee met on November 18, 2010. The group is looking for two new members. Rosanne Foust, the president of SAMCEDA (San Mateo County Economic Development Association) and former Redwood City Mayor and Councilmember, spoke on the economy.

The C/CAG Board will formally oppose the San Francisco Board of Supervisors proposal to charge a toll to enter the San Francisco. Measure M passed with 54% of the votes. The \$10 it adds to every vehicle registration fee (VRF) will go directly to the cities and the county for transportation-related projects. Portola Valley will receive \$75,000. The C/CAG Board interviewed candidates for the C/CAG Bicycle and Pedestrian Advisory Committee and selected four people. Vice Mayor Derwin said that C/CAG also discussed the pre-tax Commuter Outreach Effort, in which companies of 100 or more employees can receive \$230 per employee per month payroll tax deduction for those who bike, bus or ride in vanpools to work. Test claims have been filed by 21 of 22 member agencies related to the Municipal Regional Stormwater Permit – including Portola Valley. Only one claimant per county will be accepted, however, so it will be from Brisbane, the first to file in San Mateo County. A report was presented on the Sustainable Community Strategy (SB 375) and the Regional Housing Needs Assessment (RHNA). During closed session, the C/CAG Board discussed compensation for its executive director, reviewing compensation and benefits for executive directors at similar agencies. Despite the review, the incumbent's performance and Board evaluations, economic circumstances led the Compensation Committee to offer no salary increase and no bonus.

(g) Council of Cities

On November 19, 2010, the Council of Cities meeting in San Carlos included what Vice Mayor Derwin characterized as a very moving program, "San Bruno: Lessons Learned." Connie Jackson, San Bruno's City Manager, spoke about many things that would be applicable to Portola Valley. Specifically, there weren't enough first responders and paramedics for the first hour after the explosion on Thursday, September 9, 2010, so residents were performing some of those roles themselves. Ms. Jackson said that the experience taught her the true value of a mutual network and the value of community expertise. Despite not having a great deal of training at their Emergency Operations Center in the San Bruno City Hall basement, the people there figured out what to do and set to work, anticipating what would be needed. They evacuated 1,000 residents in the first hour and set up shelter for evacuees. The next day, they established a local assistance center for evacuees to obtain replacement driver's licenses, Social

Security cards, hotel vouchers, etc. On Saturday, they convened a Town Hall meeting in a local church, attended by some 500-600 people. Congresswoman Jackie Speier, who was among the speakers, stressed the importance of the people seeing their city in action, seeing their elected officials, and knowing people were there for them. A little bit of training went a long way.

(h) Architectural and Site Control Commission (ASCC)

Vice Mayor Derwin reported that the ASCC continued review of the T-Mobile cell tower on November 22, 2010, and discussed T-Mobile's landscape plan. Neighbors continue to be anxious about design specifics, maintenance and other issues. They want to be involved in the landscape design decision. The ASCC also discussed Ford Field, with some Commissioners thinking that using some of the open space would help the field show a little less strain and a little more gathering space.

(i) Nature and Science Committee

Reporting on the Nature and Science Committee, Councilmember Toben said that Committee member Yvonne Tryce contacted the Midpeninsula Open Space District about placing the Woodchopper's house on its property near the Windy Hill parking lot. A star-gazing party is planned for next year and the motor glider event is scheduled for May 2011.

(j) Open Space Committee

At the Open Space Committee meeting, Councilmember Toben stated that members had a lot of thoughtful discussion about the extent to which funds in the Town's open space account should be available for anything beyond land acquisition – for instance, to clear out excessive fire fuel loads that have accumulated over time. Members also discussed whether clearing is needed to make the Shady Trail property more accessible and more attractive. The Committee also is working on a new nature trail, including an interpretive walk, on the Kersten property.

(k) SFO Airport/Community Roundtable

Councilmember Toben said that he did not attend the SFO Airport/Community Roundtable meeting.

(l) Emergency Preparedness Committee

Mayor Driscoll said that the Emergency Preparedness Committee meeting is scheduled for Thursday, December 9, 2010.

(m) Wireless Task Force

Mayor Driscoll said that the Wireless Task Force met for the second time. Among topics discussed were legality issues and legislative issues, equipment options for wireless installations, the possibility of zoning regulations to prohibit cell towers being sited on residential properties.

(n) General

Speaking generally about responsibilities of commission and committee liaisons going forward, Mayor Driscoll stated that for continuity's sake, he would like to preserve current assignments where it makes sense to do so. At the same time, he said that he likes the idea of new assignments to give Councilmembers the opportunity to vary their exposure to the various committees. Until new assignments are made, he asked everyone to continue the liaison assignments from 2010.

WRITTEN COMMUNICATIONS [8:58 p.m.]

(14) Town Council 11/12/2010 Weekly Digest – None

(15) Town Council 11/19/2010 Weekly Digest

- a) #3 – Letter to Will Patterson from Janet McDougall expressing appreciation for the donation to the Town of a John Deere lawn tractor and trailer – November 12, 2010

Ms. Howard commented that Mr. Patterson's donation was very thoughtful and will be very useful.

- b) #4 – E-mail to Steve Hedlund from John Gardner resigning from the Public Works Committee – November 16, 2010

Ms. Howard will send a letter of thanks to Mr. Gardner for his long service.

(16) Town Council 12/3/2010 Weekly Digest

- (a) #1 – Memorandum to Town Council from Leigh Prince regarding Proposition 26 – November 30, 2010

In response to Mayor Driscoll, Ms. Howard said that the information is not particularly pertinent to the Town Council, but she wanted to make sure the Councilmembers had an opportunity to review it.

- (b) #2 – E-mail to/from Steve Toben from/to Noah Eisner regarding use of artificial turf at Town Center Fields – November 26, 2010

Councilmember Toben sent a written response.

- (c) #4 – Letter to Town Council from Jo Ann Dearman regarding the appointment of a new representative to the Board of Trustees of the San Mateo County Mosquito and Vector Control District – November 17, 2010

Ms. Howard confirmed that the appointment of a representative to the Board of Trustees for the San Mateo County Mosquito and Vector Control District is for a four-year term.

CLOSED SESSION: [9:37 p.m.]

(17) Real Estate Negotiations [*item cancelled*]

REPORT OUT OF CLOSED SESSION [n/a]

ADJOURNMENT: [9:37 p.m.]

Mayor

Town Clerk