

TOWN COUNCIL MEETING NO. 812, APRIL 27, 2011

Mayor Driscoll called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll.

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

Absent: None

Others: Angela Howard, Town Manager  
Janet McDougall, Assistant Town Manager  
Sharon Hanlon, Town Clerk  
Sandy Sloan, Town Attorney  
Tom Vlastic, Town Planner  
Karen Kristiansson, Senior Planner

ORAL COMMUNICATIONS

None

CONSENT AGENDA [7:31 p.m.]

- (1) Approval of Minutes of Town Council Meeting of April 13, 2011 [*removed from Consent Agenda*]
- (2) Ratification of Warrant List of April 27, 2011 in the amount of \$74,329.31

By motion of Councilmember Wengert, seconded by Councilmember Richards, the Consent Agenda (Item 2) was approved with the following roll call vote:

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

No: None

REGULAR AGENDA

- (1) Approval of Minutes of Town Council Meeting of April 13, 2011

Councilmember Toben moved to approve minutes of Town Council meeting of April 13, 2011 as amended. Seconded by Councilmember Wengert, the motion passed 4-0-1 (Mayor Driscoll abstaining).

- (3) Discussion – Town Manager with Review of Emergency Preparedness Goals [7:40 p.m.]

Ms. Howard said that her April 27, 2011 memorandum to the Mayor and the Town Council was to advise what the Town has been able to accomplish on the emergency preparedness front during the fiscal year, largely as a result of work with the Emergency Preparedness Committee (EPC). Her memorandum addressed eight individual goals.

No. 1: Ms. Howard said that CERPP, the Citizens Emergency and Preparedness Program, remains an issue of concern.

Councilmember Wengert said that the last list of CERPP Divisions that she saw was not well-populated with leaders. Ms. Howard said that the list typically includes all CERPP Divisions, but her notation about most of the Divisions having leaders referred to Portola Valley CERPP Divisions. The only exception

among the Town's nine CERPPs is the Westridge CERPP, which does not have a leader. Mayor Driscoll noted that it isn't as if the Town can force anyone to step up to fill that role.

Councilmember Toben, indicating that emergency preparedness has been a serious interest to him for years, said that performance goals specified taking baseline readiness measures and charting progress at the end of the fiscal year. That information is necessary to determine where fortification is needed, because, as he pointed out, there are clearly differences in readiness and commitment among the divisions. He stated that he'd expected a division-by-division inventory showing who's in charge and some rating as to the level of readiness.

Councilmember Toben also expressed disappointment with the minimal progress made with respect to funding a paid CERPP coordinator, because that item is now likely to miss the current budget process. Ms. Howard said that representatives from the different agencies that would be involved in funding this position will meet May 6, 2011. If a commitment to fund the position emerges from that meeting, there is time to get Portola Valley's share in the Town budget, even if no one is hired by the beginning of the next fiscal year. With multiple jurisdictions involved, some technicalities in terms of reporting relationships and job duties may prove challenging to work out, she said.

In response to Vice Mayor Derwin's question about whether the issue of the CERPP coordinator has been discussed with the FireWise Committee, Councilmember Toben (co-committee liaison) said yes, but nothing seemed to coalesce in a timely way. The discussion has been going on for at least 18 months, he said. As the Director of Portola Valley's Emergency Operations and as a member of the CERPP Board, he continued, Ms. Howard is the one to be driving this and accelerate the process so that CERPP can live up to its potential. Ms. Howard said that with CERPP struggling, it's difficult to get the organization to accept help. Councilmember Toben said that he would attend the May 6, 2011 meeting at the invitation of FireWise Committee member Dave Howes.

Mayor Driscoll suggested that Portola Valley could show some leadership to the other agencies involved by allocating some money in the budget for this position even before the details are worked out.

Vice Mayor Derwin, as current FireWise co-committee liaison, said that the Committee discussed CERPP's autonomy. She said that retiring Woodside Fire Chief Armando Muela expressed concern about the governance of CERPP and about how to respect and support the organization but not take it over. She said that as Ms. Howard observed, the organization seems to not want to accept help. Vice Mayor Derwin added that because CERPP is teetering on the edge of collapse, this may be the time for the CERPP Board to step in.

As Councilmember Toben sees it, a contribution of funds for a paid coordinator for CERPP – which is an independent 501(c)(3) entity – would be analogous to what's done with Sustainable San Mateo County, outsourcing or supporting a function that supports the Town. He said that he's concerned because budget season is so close. He also said that he likes Mayor Driscoll's suggestion about putting a line item in the upcoming budget as a placeholder for some funds as a starting point.

Before we allocate money, Councilmember Wengert asked if Ms. Howard thinks CERPP will survive. Ms. Howard said that even hiring a coordinator may not bring enough energy back into CERPP to restore the volunteerism energy that's needed. She described it as a very-labor intensive organization, and the people who have traditionally done the work are burned out and no one is stepping up. Nor can a single person do it, she added. She said she doesn't know whether it will survive. She hopes it doesn't come to that, but she said that if Portola Valley is really serious about neighborhood-by-neighborhood emergency preparedness, the Town may have to take it on and not leave it to the community.

In response to a further comment by Councilmember Wengert, Ms. Howard said that for a time, CERPP fell under the Fire District's umbrella, but that ended and now CERPP relies solely on volunteers. In fact,

at the last CERPP Board meeting, Ms. Howard said, it was requested that she and Susan George (her Woodside counterpart) step down from the Board and serve in an advisory capacities instead.

Councilmember Wengert said that she isn't sure how a paid position would fit with an all-volunteer organization. She asked whether that's a workable model. Ms. Howard said that at this point, the effort is still underway to bring all of the agencies – the two towns, the Fire District and CERPP – together to create this one position that would be charged with improving emergency preparedness through CERPP.

According to Ms. Sloan, there are different ways to structure it so that the structure isn't a problem. A coordinator could be a CERPP employee, and the other agencies would contribute money. A little more complicated but fairly typical would be a joint powers agreement (JPA) among Woodside, Portola Valley and the Fire District, and the coordinator sitting within one of those three entities. She added that the first thing to do is to agree on the principle.

As Councilmember Toben put it, the organization – the vessel – exists; it just needs to be filled with some energy. In his experience, professional associations often begin with no paid staff, just earnest, hard-working volunteers. When they tire, they hire a coordinator, put money in and suddenly have something like the U.S. Green Building Council. Originally a bunch of volunteers, he said it's now a huge entity. He said we have to consider whether energizing with a coordinator might work. It could even be experimental, he suggested, if some eager, young college graduate came in with great community relations skills, the result could be a highly energetic community-based enterprise. It might fail, he added, but it's absolutely worth trying.

Mayor Driscoll said that he sees a lot of redundancy in the responsibilities of the various emergency preparedness committees and communities, the Fire District and what CERPP sees as its charter, and too many layers. Tax dollars support the Fire District, and he said that its charter presumably includes being the entity that deals with various forms of emergencies, including wildfires and such. Thus, he said, it might be simpler for the Fire District to take CERPP over, and have the emergency preparedness coordinator, funded by tax dollars, report to the fire chief. At the regionalism conference he recently attended, Mayor Driscoll said transportation came up, and they immediately set about trying to create a volunteer transportation organization – when there already are several. In terms of emergency preparedness, he said, perhaps what we're seeing with CERPP is circumstantial evidence that volunteer resources are spread too thin to restore critical mass, too many layers have been added, and it might be better to simplify.

Councilmember Richards said the coordinator position within the Fire District might give CERPP more direction and support. Councilmember Toben pointed out that if it were within the Fire District, cost would be more of an issue, given that salaries are higher in the public sector than in the nonprofit sector.

Councilmember Toben and Vice Mayor Derwin said that they don't see the situation as Mayor Driscoll described it. Councilmember Toben indicated that senior Fire District personnel have told him that emergency preparedness is the poor stepchild of emergency response – which isn't surprising. CERPP was designed as a volunteer-driven organization to work in neighborhoods, which makes for a proper matching-up of volunteer governance and volunteer efforts, neighborhood-by-neighborhood. The Fire District isn't likely to ever be well-suited for that, he said, adding that emergency preparedness seems to call for a bucket-brigade approach. Councilmember Wengert agreed; it's more a community-based effort.

No. 2: In response to Councilmember Toben, Ms. Howard outlined highlights of the Town's mutual aid pact with The Sequoias, saying that the agreement formalizes discussion from the November 10, 2010 Council meeting. Under terms of the agreement, The Sequoias will give Portola Valley a place to bring people as needed in the event of a disaster, for temporary accommodations and/or medical treatment. If and when such services are needed. The agreement also indicates that:

- A voucher system will be used so that the Town can reimburse The Sequoias for Town residents and staff who are temporarily housed there.
- The parties will provide staff or volunteers to document services provided for later reimbursement from federal disaster-relief funds.
- The Town will help track what medical care is needed and, if possible, provide a volunteer physician to The Sequoias.

Councilmember Toben said that's excellent; he had been unaware of the details.

No. 3: Noting that Ms. Howard's report shows only that staff and residents will use emergency supplies, Councilmember Toben indicated that the request had been for a protocol for distribution of supplies. He said that the Town needs some sort of rationing system, such as limits on the amount of water each resident could receive each day or the number of diapers issued to a family with babies. He said that a more precise protocol is necessary to avert runs on supplies, avoid chaos and provide for orderly distribution.

Councilmember Wengert said that a protocol will require some flexibility, based on the situation, such as the severity and extent of the crisis, the duration of power outages or water service interruptions, etc.

Mayor Driscoll said that when he was EPC liaison, there was discussion about not putting too much emphasis on people coming to the Town for emergency supplies, but rather on the importance of residents maintaining their own supplies.

No. 4: Councilmember Toben inquired about the status of supplies at an alternative Emergency Operations Center (EOC) at The Priory and again, a distribution protocol.

No. 5: Councilmember Toben said that when Ms. Howard met with him and the Mayor to discuss the chain-of-command matter, he thought that they'd identified Ms. Howard, as Emergency Operations Director, first in the chain-of-command, and thereafter it would be either the Mayor or Vice Mayor or his/her designee. Ms. Howard agreed that the Mayor/Vice Mayor might be the logical choice as second in command because staff members who don't live in Portola Valley might be unable to get to the Town in the wake of a disaster. Since the matter is governed by ordinance, she added, she believes the only way to formalize a decision is to put the discussion on the Town Council agenda. Councilmember Toben said that if the Mayor/Vice Mayor will be in the chain of command, it also will be necessary to train them to perform the functions of Emergency Operations Director.

Referring to the gas line explosion in San Bruno, Vice Mayor Derwin noted that San Bruno councilmembers and mayor were present but working with the community rather than directing emergency operations. She asked if that was probably the case because San Bruno's staff live close by and it wasn't an issue for them to get there. Ms. Howard said yes, but it's also significant that Portola Valley has a staff of only 15 people, whereas San Bruno's staff is much larger.

Mayor Driscoll agreed that the chain-of-command matter warrants discussion, and also observed that in the San Bruno situation, leadership in terms of city officials reassuring citizens was also a very important factor. Councilmember Toben agreed, noting that Portola Valley's protocols also must clarify the division of labor. If the Mayor is leading public outreach and the Town Manager is running the radio network from Town Hall, for instance, he asked, would they be in synch?

No. 6: Councilmember Toben said that he was pleased to see the keybox mounted securely on the wall and that Ms. Howard has developed a key checkout system.

No. 7: Councilmember Toben said that he likes the idea of establishing different places functionally for different aspects of emergency response, i.e., command-and-control at Town Hall, medical services in the Community Hall, public outreach from the Schoolhouse.

No. 8: As for the planning of the EPC's Fifth Wednesday meetings, Councilmember Toben said that he would like to have seen another real-time simulation or drill on this year's calendar. He said that exercises to improve readiness are essential. He said that he was involved with programming for the next meeting (June 29, 2011) and noted that Ms. Howard indicated having conversations with new Fire Chief Dan Ghorso about participating in the final meeting of the year (August 31, 2011). Ms. Howard said that because community interest seems high in how evacuations from Portola Valley would be conducted, she's trying to plan the August meeting by having our own Fire District explain how we would evacuate Portola Valley. Councilmember Toben said he would prefer simulations and drills, because the need for more practice is urgent.

Councilmember Richards agreed.

Councilmember Wengert said that she also agrees about the importance of simulations – especially those that would require quick thinking – particularly because Portola Valley doesn't have a "deep bench" in the event of an emergency. In addition to the practice, she said that such activities also give participants a better idea of one another's strengths and weaknesses.

Councilmember Toben said that it might be a good idea to run the simulation session with the configuration of activity center locations that Ms. Howard identified, i.e., the Schoolhouse for public outreach, Community Hall for triage and Town Hall for command-and-control.

Mayor Driscoll said that it's important for the EPC to not lose sight of the fact that at least this year; they were supposed to make sure everyone is ready for an emergency at their homes.

Councilmember Toben said that an emergency preparedness kit will be on prominent display at the Town Picnic on June 4, 2011 – and one will be raffled off, Ms. Howard noted. The Town is looking at a volume purchase of kits, Councilmember Toben added, and Ms. Howard said that Emergency Preparedness Committee Chair Chris Raanes is arranging for Earth Shakes (Burlingame) to have representatives on hand at the picnic to take orders, and if interest warrants, she'll arrange it so that residents may purchase kits at Town Hall.

- (4) Discussion and Council Action – Report from Town Planner's Office with an update on the Sustainable Communities Strategy process and Town Efforts to meet Housing Element BMR requirements [8:15 p.m.]
  - (a) Initial Vision Scenario for the Sustainable Communities Strategy

Ms. Kristiansson explained that the Initial Vision Scenario is the first draft of a plan mandated by SB 375, which requires every region in the State to come up with a plan – a Sustainable Communities Strategy (SCS) – for future development and transportation improvements in the interest of reducing greenhouse gas (GHG) emissions by 7% by 2010, and 15% by 2035. She explained that the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are taking the lead in developing the strategy. As part of that process, transportation improvements that are consistent with the plan will receive funding priority and numbers for the next Housing Element cycle must be consistent with the new plan.

At this point, Ms. Kristiansson said, ABAG and MTC are soliciting feedback on the first draft of the plan, which was released in March 2011. They will use that feedback over the next couple of months to develop alternative scenarios, which will be released in July 2011, after which communities will again have the opportunity to react to the alternatives, with the final plan identified by January 2012.

The first draft, the Initial Vision Scenario, estimates future housing and employment, suggests locations for them and generally discusses transportation improvements. Both housing and employment estimates are fairly high, Ms. Kristiansson said, with approximately 900,000 new households by 2035. This first-cut scenario is “unconstrained,” she explained. In other words, in terms of households, it assumes the number of households based solely on population growth and immigration trends. It doesn’t take into account such factors as the availability of land, water and funds for affordable housing. As for employment, the scenario anticipates about 500,000 additional jobs needed by 2035. Ms. Kristiansson pointed out that 50,000 new jobs a year is about five times more than the annual average number of jobs created over the last 20 years. One reason those numbers are so high, she said, is the concentration of fast-growing industries in the Bay Area.

As for locating the housing and the jobs, the initial vision scenario primarily looks at homes in so-called Priority Development Areas and Growth Opportunity Areas – places identified for growth by local jurisdictions. On the Peninsula, most of the growth is along the El Camino Real corridor. The transportation improvements were designed to serve the new housing, with jobs located close to transit access. Again, she said, the transportation improvements don’t take into account either available land or funding.

Although Portola Valley doesn’t have an issue with the scenario’s housing and employment numbers, Ms. Kristiansson continued, other communities do, she said. For Portola Valley, the initial vision scenario shows 50 new households being added between 2010 and 2035, an average of two new households per year. She said that’s well within the Town’s capability, with the Housing Element estimating the addition of 88 housing units between 2010 and 2014. The scenario estimates 202 new jobs by 2035, which translates into about eight annually, which is consistent with what the Town Planner estimated a few years ago when ABAG’s projections were reviewed. In response to Mayor Driscoll’s comment that those new jobs would be principally at-home jobs, Ms. Kristiansson agreed, noting that commercial space also would account for a small portion of them.

In terms of the GHG emissions, the initial vision scenario meets 2020’s reduction targets but not 2035’s. As alternative scenarios are prepared to close the gap, she said, the Town needs to keep abreast of what’s going on and ensure that projections and estimates for Portola Valley remain reasonable. Ms. Kristiansson said that she’s been attending meetings of the Technical Advisory Committee (TAC), which for the most part comprises the same people who worked on the Housing Element. It would be helpful to have a member of the Town Council serve on the San Mateo County sub-region’s Political Advisory Committee (PAC) on the SCS, attending meetings and providing feedback to the TAC.

Councilmember Wengert said that the context of historical experience and overlaying economics is clearly missing in the housing and employment estimates. Even if the impact on Portola Valley doesn’t appear significant due to the Town’s size, she said she’s astounded and alarmed by the numbers she sees. The lack of clarity as to the source of statistics for the initial vision scenario also bothers her. Councilmember Wengert said that to grow a labor force in unconstrained fashion falls apart quickly when you have to consider whether workers can afford to live within a reasonable distance of the work.

Mr. Vlasic said one reason for a Town Council representative in the PAC is the potential importance of Town’s perspective on these issues.

Ms. Kristiansson said the data sources haven’t been identified yet, and although there’s been quite a bit of data developed around housing, there isn’t so much about employment.

Vice Mayor Derwin said that the SCS was presented at the last C/CAG meeting she attended. Most of the Board members were very troubled by the numbers and frustrated to be told to conserve water on the one hand yet accommodate all of this new growth on the other. She said that Hillsborough Councilmember Tom Kasten is beside himself with the prospect of the projections for Hillsborough. Belmont’s C/CAG representative (Christine Wozniak) pointed out that sustainability would come from

limiting – not encouraging – growth. She said someone noted that census figures from 2010 have a population 200,000 lower than this initial vision scenario assumed. C/CAG representatives from East Palo Alto (Carlos Romero and Ruben Abrica), she continued, talked about the need for pricing mechanisms and the fact that the public sector remains decimated even if the private sector in Silicon Valley seems to have turned the corner. Vice Mayor Derwin also said there was discussion about the benefit of agricultural lands and greenbelts, or “greenlines,” as San Mateo County Housing Director Duane Bay called them.

In terms of the transportation aspect, Vice Mayor Derwin said, without good transportation, this whole thing falls apart, and transportation budgets are shrinking. For example, she said, Caltrain just cobbled together a rescue plan. As one C/CAG Board member said, she continued, at some point the ideal-world vision assuming unconstrained resources must come together with reality.

Ms. Kristiansson said that judging from an ABAG/MTC presentation she attended, they are aware of the problem. One of the presenters said that overall, the general idea of concentrating growth in the areas where they’re proposing is great, but the numbers are just way too high.

Mayor Driscoll referred to what struck him as some arbitrary ratios. Testing from a logical point of view, he can’t understand why Woodside would need only 30 new housing units and would have to generate 117 jobs, while Portola Valley would have to generate 208 jobs. In places, Mayor Driscoll said, the numbers seem capriciously arbitrary. Atherton only needs 147 jobs, for instance, and it’s right on the transit corridor, El Camino Real, which is nowhere near Portola Valley.

Mayor Driscoll also said that we’ve been living the last 25 years with the constraints of the previous housing regulations and the need for the Housing Element and providing for below-market-rate (BMR) and moderate-income housing, etc. He asked whether the SCS vision would supplant that or update it. In a way, Ms. Kristiansson said, it would. She explained that it would change how the Housing Element process works to some extent. When the final SCS emerges, the RHNA numbers – the Regional Housing Needs Assessment numbers – for the next Housing Element cycle will be released simultaneously. The Housing Element has been on a five-year cycle, and with SCS, it would change to an eight-year cycle.

Ms. Kristiansson said that the Sustainable Communities Strategy does contain some good ideas, including coordinating housing with transportation.

Mayor Driscoll said that when State says our Housing Element must provide a certain number of units, the mandate doesn’t come with any money to accomplish it. That’s an unfunded mandate if ever there was one, he said.

Ms. Kristiansson pointed out that so far the Town doesn’t have to build the units, just have a place where they could go.

Mayor Driscoll asked what the consequences of noncompliance would be. In terms of the initial vision scenario numbers for housing, Ms. Kristiansson said, she doesn’t believe we’d have a problem in terms of the Housing Element for the next cycle. The SCS talks about 50 housing units over 25 years, and looking at an eight-year cycle within that timeframe results in 16 housing units. She said that Portola Valley could accomplish that number with second units alone.

Ms. Sloan said it’s unclear how the Housing Element and Sustainable Communities Strategy will merge, but right now it’s dangerous not to have a certified housing element. Without one, the primary danger is a lawsuit that may result in a court overseeing that the Town gets something done. Another danger is a lawsuit from someone who opposes a development that the Town wants. Ms. Sloan also pointed out that every year, some legislator introduces a bill with more severe penalties, such as cutting off the gas tax to jurisdictions in violation. Every year, there’s talk about additional sanctions.

Ms. Kristiansson added that without a certified housing element, a jurisdiction risks having little to say about a low-cost housing developer's ability to build.

Mayor Driscoll said that he's trying to understand the motivation for the Town Council to be looking for solutions that generate moderate- and low-income housing as opposed to sitting back and saying that we're happy with things as they are.

Vice Mayor Derwin nominated Councilmember Wengert to serve on the PAC, and she agreed. Vice Mayor Derwin will serve as her alternate.

(b) Status of Blue Oaks BMR Lots and Next Steps

Mr. Vlastic said that looking ahead to next year, with the planning budget and also with the requirements of the General Plan, the Town Planner's office is responsible for moving ahead with work on BMR housing, and asked for the Council's support in establishing a committee to do so.

Ms. Kristiansson said that Portola Valley's Housing Element sets forth an approach for trying to get the below-market-rate units built, either onsite at Blue Oaks or in an alternative location, and makes the Town Planner the party responsible for coordinating the effort. Toward that end, an Ad Hoc Blue Oaks BMR Advisory Committee will be formed, ideally consisting of a member of the Town Council and a member of the Planning Commission in addition to representatives from the Town Attorney's office, the Town Manager's office and the Town Planner's office. The Committee's role would be to identify and explore options, evaluate their pros and cons, and report back to the Council for a decision on moving forward.

Planning Commissioner Arthur McIntosh will serve on the Committee, as he's indicated a desire to continue to be involved in the process, Ms. Kristiansson said, and pointed out that Councilmember Wengert has worked on some of this previously. Councilmember Wengert said that she would be happy to represent the Council on the Committee, and she's optimistic about the group's ability to finally move forward.

Mayor Driscoll said that a concern obviously will be that neighbors won't necessarily welcome BMR housing. Councilmember Wengert agreed about expecting resistance.

In response to Vice Mayor Derwin, Ms. Sloan said that when the Blue Oaks Subdivision was approved, the developer considered building the BMR units himself because he wanted them to fit in. Ultimately, however, he transferred the land to the Town. Ms. Sloan isn't advising that the Town build these units, she said that even when communities set aside land for BMR housing, they typically put out proposals or call in parties that specialize in affordable housing. In fact, the Town has discussed the BMR units with three different such parties.

Vice Mayor Derwin said that, however, these eight units should be built at some point. Ms. Sloan said that it's awkward to have approved the subdivision, to own the land – which is pretty valuable – to have the mandate from the State and, despite investigation, to have shown no results. Nothing states that the eight units must be together, she added. The only constraint is that if Town sells its property in Blue Oaks, the proceeds would be earmarked for affordable housing.

Mr. Vlastic explained that there are probably some creative options. For instance, as Ms. Sloan indicated, they don't all necessarily have to be in one place. The Committee can explore options with The Priory or The Sequoias to accommodate some BMR housing. What is appropriate, he emphasized, is making a concerted effort to find a solution.

Ms. Kristiansson said that it's logical to try to keep the BMR units grouped together to the extent possible to attract potential developers. Even an eight-unit project would be small by a developer's standards.



Ms. Sloan said that when the Blue Oaks Subdivision was approved, the idea vis-à-vis housing for moderate-income people was not for rental properties, but to have for-sale units, with deed restrictions to roll affordability over to the next buyer. (Per Ms. Kristiansson memorandum, California's 2010 income limit for a moderate-income family of four would be \$119,300.)

When Mayor Driscoll asked whether the Town must retain the Blue Oaks property until it has another plan, Ms. Sloan said no, they could be liquidated at any time provided the proceeds go into the special fund. With the market improving, Mayor Driscoll suggested that perhaps the Town should put them on the market to see what kinds of offers materialize. Ms. Sloan said that's an absolutely valid strategy. Vice Mayor Derwin noted that houses are selling well right now.

Mayor Driscoll said that he doesn't want to get the Town in a position of having to use reserves to get BMR housing built and then have to replenish those reserves. Ms. Sloan said it would increase the urgency of identifying the other opportunities to take advantage of a parity market.

Ms. Kristiansson mentioned some potential units in Town that are tucked away, such as the teacher housing at The Priory.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (5) Discussion and Council Action – Commercial Activity in Parks and Recreation Areas [8:50 p.m.]

Ms. McDougall said that she didn't have much to add to her report dated April 27, 2011, although the situation has changed since the Council discussed this at its March 23, 2011 meeting. It might be prudent to revisit the idea in the future, she said, but the current situation doesn't warrant adopting an ordinance.

Mayor Driscoll asked whether the Town has a policy that at least could be used as a guideline. Councilmember Richards suggested something as simple as saying that individual residents have priority over commercial operations. Ms. Sloan said that right now it appears there isn't a problem. What has come up, she said, is a citizen conducting commercial business.

Ms. Howard said that at one time, staff could just go out and talk to someone who, for instance, started conducting dog training on the grassy area between the MUR and the artists' studios. This person was told the activity wasn't allowed, and that was it. When Vice Mayor Derwin asked why that approach no longer works, Ms. Howard said that people want to see the regulation. Ms. McDougall said the situation ratchets up even further; people will do what they want until a law enforcement official tells them no – and the police couldn't do anything without an ordinance to back them up.

Mayor Driscoll again recommended something in writing, perhaps an advisory, so that staff at the front desk has something to work with. Ms. Sloan said that it would be better to go back to considering the ordinance. Ms. McDougall said that she doesn't know how the ordinance as it stands would accommodate exceptions for one-on-one tennis lessons, for example, and other activities that came up at the March 23, 2011 Town Council meeting.

Because Ms. Sloan wasn't at that meeting, Councilmember Toben explained that the Council discussed a matrix that considered intensity, frequency and residency status. Ms. McDougall said that she'd attempted to modify the draft ordinance around those parameters. In discussing it with Leigh Prince in the Town Attorney's office, she said, both of them became concerned that carving out one-on-one instruction would leave the ordinance affecting a single current activity. That, in turn, led them to question whether the problem warrants enacting an ordinance. They agreed to monitor the situation and see if any further developments change the picture. Councilmember Toben said that he supports their conclusions.

Mayor Driscoll expressed concern about waiting for a problem to develop, when it will be harder to implement a solution. While we don't have a problem, he stated, it might make sense to establish some restrictions now and if necessary, fine-tune them later.

Councilmember Wengert said she thought another issue to resolve is that of parity for Corinne Mansourian, who taught tennis in conjunction with a Town program, subject to regulations that didn't apply to others. Ms. Mansourian's departure apparently wasn't solely related to the parity issue, but Mayor Driscoll said that parity also came up in regard to people in the artists' studios and children's science programs.

Councilmember Wengert said she tended to agree with Mayor Driscoll, in that if a potential problem is apparent, even a minor one, it could accelerate, and if the ordinance could help resolve other issues, she would favor moving forward with an ordinance now.

Ms. McDougall pointed out that the one individual who would be affected has already expressed feelings about being singled out, and she would be concerned if the ordinance turned out to do that.

Vice Mayor Derwin said that, especially with summer coming on, others might follow this individual's lead and the problem would escalate. Ms. McDougall said there's definitely potential for that eventually, but for the time being, she advises standing down a bit, letting things settle, and monitoring the situation.

Councilmember Toben said that he is persuaded by the opinions of Councilmember Wengert, Mayor Driscoll and Vice Mayor Derwin.

Councilmember Wengert said that the implicit threat sets up a whole different set of issues, and that we'd be well-advised to move forward with an ordinance. If we wait, she and Mayor Driscoll said, it will be worse.

With the consensus clear, Mayor Driscoll asked Ms. McDougall to proceed with refining the draft ordinance. Referencing the Council's prior discussion on the matter, Councilmember Toben said that the ordinance should integrate nuance into the application. It isn't just a matter of establishing exceptions for one-on-one instruction. He suggested that further Council comments may be appropriate, but said he's confident that Ms. McDougall and the Town Attorney's office will come up with something approximating a solution.

(6) Reports from Commission and Committee Liaisons [9:03 p.m.]

(a) Public Works Committee

Councilmember Wengert said that the Public Works Committee met on April 14, 2011, discussing maintenance and capital budget items. It's a very hands-on group that has all the storm drains on a matrix with individual Committee members assigned to inspect them. Public Works Director Howard Young went through next year's capital budget with the Committee, discussing tree removal, resurfacing, litter, storm damage, etc. At the end of the meeting, Committee members went to Town Center to walk the site, review emergency procedures and check shutoffs for gas lines and solar panels. They also tested the generator.

(b) Nature and Science Committee

The Nature and Science Committee also met on April 14, 2011, Councilmember Wengert reported. The Committee is shifting into high gear, planning remaining activities for this year and looking toward next year's budget. The Committee discussed upcoming Flight Night, which is scheduled for May 19, 2011, with a sizeable complement of pilots lined up, as well as exhibits, participatory tables and children's

activities. Also in the works, probably in next year's budget, are a Star Party, potentially an Einstein Project and possibly an Insect Day.

(c) Planning Commission

Councilmember Wengert said that at its April 20, 2011 meeting, the Planning Commission held a preliminary review for redevelopment of an Alpine Hills area property that includes a significant amount of cut and fill – intended to restore the property to a more native condition. The Planning Commission also reviewed the planning budget, with the most substantial discussion centering on the issue of floor area and impervious surface maximums for very large parcels.

(d) Emergency Preparedness Committee

Councilmember Toben commented further on the Emergency Preparedness Committee, which met on April 14, 2011 (see Item 3 on the agenda). He indicated that two local physicians may be candidates for Committee membership – including one who previously practiced at The Sequoias. He said there hasn't been much progress on the mandate to work directly with the neighborhoods. The Committee will have a presence at the Town Picnic on June 4, 2011, displaying emergency kits for resident homes, and is planning a field day on June 25, 2011, when ham radio operators from around the country will have a contest to show what they can do in the way of emergency radio communications. The Committee will set up a tent on the performance lawn, taking advantage of the opportunity to underscore emergency preparedness in Portola Valley.

(e) Parks and Recreation Committee

At its April 18, 2011 meeting, Councilmember Toben reported, the Parks and Recreation Committee had some discussion about whether to try to bring Bill Pickering's softball league in-house, as the adult soccer league is. The Committee also discussed the Ford Field renovation, awaiting the \$300,000 in funds to get started. The redesign is proceeding, he said, with help from Ms. McDougall to arrive at some compromise solutions that addressed concerns of the little league people.

Ms. McDougall told the Council that the design will go to ASCC on May 9, 2011. Councilmember Toben said that he told Committee member Lindsay Bowen that he should take charge of forming a Portola Valley community fund to raise money for the baseball field.

(f) FireWise Committee

Councilmember Toben reported that FireWise Committee held a workshop in March, with 20 attendees. Some CERPP representatives also attended, which was good, he said, because they can train others. The Committee discussed whether the chipper schedule should rotate by neighborhood each year, giving residents who may need to clear their property earlier the chance to do so. The Woodside Fire Protection District is concerned with water availability and access to properties that are vulnerable to fire.

Vice Mayor Derwin added that the Committee also discussed its future direction and the idea of a Fire Safe web page for Woodside and Portola Valley. Members were told that Steve Quarles from UC Berkeley, will speak about "Protecting Homes and Buildings from Wildfire" at a special San Mateo County Fire Safe event on May 3, 2011 at the Woodside Elementary School. New Fire Chief Dan Ghorso said that not much in the Fire District will change under his watch. Interestingly, she said, he also indicated that the last time Portola Valley had a really serious wildfire was in 1987.

(g) HEART of San Mateo County

Councilmember Richards reported that HEART of San Mateo County (Housing Endowment and Regional Trust) reviewed its accomplishments from the prior year, and progress toward reduced reliance on

community funding. Efforts included raising fees on low-cost loan packages. The organization is also recruiting a new executive director.

(h) San Mateo County Emergency Services Council

Councilmember Richards attended San Mateo County Emergency Services Council meeting, during which the group discussed the hazmat team, the March 11, 2011 tsunami response and the budget. In regard to the budget, three options were offered: 1) keep services the same with larger fees; 2) reduce services slightly and keep the same fees; and 3) cut services more significantly and reduce fees. He reported that all but Portola Valley and Pacifica members indicated support for option 2, which was ultimately supported by the majority. The reduction in services will include elimination of a supervisor's vehicle, Councilmember Richards said. The Emergency Services Council's tsunami response included preparation of evacuation centers on the east side of Highway 1. The Belmont HazMat Team may disband, leaving San Mateo County searching for alternatives to manage hazmat work. Preparedness Day will be held June 11, 2011 at the San Mateo County Expo Center.

(i) Architectural and Site Control Commission (ASCC)

On April 25, 2011, according to Councilmember Richards, the ASCC held a field meeting at 15 Sausal Drive for preliminary architectural review of a proposed new residence, and continued the item to a future meeting.

(j) Cultural Arts Committee

Vice Mayor Derwin said that at the recent meeting of the Cultural Arts Committee, members discussed the Committee's definition, reviewed its budget and scheduled dates – all on Wednesday evenings – for the Summer Concert Series. The first concert will be on May 12, 2011, followed by July 21, 2011 and August 18, 2011. In the future, the group will set aside 15 minutes before meetings for a social period and will try to plan one or two field trips each year to museums, etc.

In response to Councilmember Toben's concern that the social time doesn't violate the Brown Act, Ms. Howard said that the Committee has been told they cannot discuss business socially. She also pointed out that field trips are likely to involve people in addition to Committee members.

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

Vice Mayor Derwin said that C/CAG's regular meeting lasted only about a half hour, with the balance of the time spent discussing the initial vision scenario for SB 375 (see Item 4(a) on the agenda). A representative of MTC said this is the first time MTC has done a project with ABAG, and said that the location of jobs in relation to housing and transit is a key issue. Several key questions were to be discussed at a public workshop (scheduled for tonight) at the San Mateo Library: 1) Where should growth go and does this work for your city? 2) What resources do communities need to support growth? 3) How might regional transportation dollars support jurisdictions taking on growth and/or preserving open space and agricultural lands? Other questions and comments from the Board, Vice Mayor Derwin said, included:

- Have you looked at growth rates for the past 25 years?
- How do we get more accurate numbers for our communities?
- How do we address cost restraints?
- "Build it and they will come" has been our mantra for years; instead, how about looking at limiting growth in terms of sustainability?

- Where did you get the numbers that came up over and over?
- Water and power constraints – how much planning out is done for these kinds of adjustments?
- If we don't have enough water and adequate transportation, we can't sustain anything.
- Why are we putting in all the time on this? We need to slow down.
- We need good transportation for everyone, along the coast and in the hills.
- The dilemma we're facing is a shortfall in transportation dollars, a chicken-and-egg situation.
- Visioning is great, but everything costs money, and constituents don't want to pay more.
- The State says to lower water consumption, "but you're going to grow by this much; figure it out."
- How do we get the private sector to invest in the public sector?

The robust discussion continued, Vice Mayor Derwin reported, with Duane Bay (San Mateo County Housing Director) advising that the questions to ask include: What is the pace of growth? What is the pattern of growth? How big is the pie? How big is the RNHA target number? How big is each jurisdiction's share? He said we should ask questions such as: How much growth should there be centered in San Francisco, Oakland and San Jose, the three main cities in our region? How much growth should be in the transportation network? How much should be inside and outside of the greenline?

(I) Sustainability Committee

Vice Mayor Derwin reported that the Earth Day Fair at Town Center was a success but not as well-attended as expected. She said that she really enjoyed the electric cars, including a Tesla, a Volt (Chevrolet) and a Leaf (Nissan). The event also featured some of the people who will be conducting the High Energy Home Assessments. She credited Sustainability & Resource Efficiency Coordinator (SURE) Brandi de Garneau, the staff and the interns for putting in so much time and effort.

Councilmember Toben stated that the Earth Day Fair was beautifully done, but he was disappointed in the turnout. He suggested combining the fundamentals of the Earth Day celebration with the Town Picnic next year, underscoring the fact that this is a central organizing idea for our community.

(I) Conservation Committee

Mayor Driscoll said that he attended the Conservation Committee meeting on behalf of Councilmember Richards. He reported that the Committee is concerned about the FireWise counseling being inconsistent with preserving habitats and native plants, and wants to be involved in minimizing fire dangers without threatening them. The Committee will take responsibility for the native garden at Town Center, which, as Mayor Driscoll pointed out, is currently languishing.

Councilmember Toben said that he's spoken with Brad Peyton, a member of the Public Works Committee, who said he'd been trying without success to get the Portola Valley Garden Club to take on the native garden.

WRITTEN COMMUNICATIONS [9:40 p.m.]

(7) Town Council April 15, 2011 Weekly Digest

- a) #1 – Memorandum to Town Council from Janet McDougall regarding the Annual Audit Required by Hasso-Plattner Grant – April 13, 2011

Mayor Driscoll commented on the amount of work going in to complete the Hasso-Plattner Audit. Councilmember Toben noted the importance of being mindful about responding energetically to the auditors' suggestions. Ms. Sloan said that her office has obtained approval to report on a fiscal year basis instead of the Hasso-Plattner Foundation's calendar year, which should facilitate reconciliation for the next audit.

- b) #5 – Memorandum to Town Council from Susan Gold regarding hitching rack – April 13, 2011

Ms. Howard noted that the hitching rack will be installed soon.

(8) Town Council April 22, 2011 Weekly Digest

- a) #1 – Letter to Town Council from Adrienne Tissier regarding an ordinance prohibiting retail food vendors from using polystyrene-based containers – April 19, 2011

Councilmember Toben asked whether any Portola Valley food vendors – defined in a San Mateo County ordinance as entities serving prepared foods – uses polystyrene containers. According to Ms. Howard, Ms. de Garneau confirmed that all of those in Portola Valley use paper. Staff will confirm. If there isn't a problem, Councilmember Toben said a specific Town ordinance prohibiting the use of polystyrene isn't needed.

ADJOURNMENT [9:45 p.m.]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk