

TOWN COUNCIL MEETING NO. 813, MAY 11, 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; Mayor Ted Driscoll

Absent: Vice Mayor Maryann Derwin

Others: Angela Howard, Town Manager  
Janet McDougall, Assistant Town Manager  
Leigh Prince, Town Attorney Representative  
Tom Vlasic, Town Planner

ORAL COMMUNICATIONS

None

CONSENT AGENDA [7:31 p.m.]

- (1) Approval of Minutes of Town Council Meeting of April 27, 2011 [*removed from Consent Agenda*]
- (2) Ratification of Warrant List of May 11, 2011 in the amount of \$158,710.63

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, Mayor Driscoll

No: None

REGULAR AGENDA

- (1) Approval of Minutes of Town Council Meeting of April 27, 2011

Councilmember Toben moved to approve minutes of Town Council meeting of April 27, 2011 as amended. Seconded by Councilmember Wengert, the motion passed 4-0.

- (3) Recommendation by Town Clerk – 2011 Election [7:35 p.m.]
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Calling and Giving Notice of the Holding of a General Municipal Election to be Held on November 8, 2011, for the Purpose of Electing Two Members to the Town Council (Resolution No. \_\_)

Referring to Town Clerk Sharon Hanlon's memorandum of May 2, 2011, to the Mayor and members of the Town Council, Ms. Howard requested a motion to approve calling for the election and asking the County to hold the election.

Councilmember Richards moved to approve Resolution No. 2518-2011. Councilmember Wengert seconded, and the motion carried 4-0.

- (4) Recommendation by Assistant Town Manager – Adoption of the Local Hazard Mitigation Plan [7:36 p.m.]
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Annexation to the 2010 Association of Bay Area Governments Local Hazard Mitigation Plan as the Town's Local Hazard Mitigation Plan (Resolution No. \_\_)

Ms. McDougall said that all of the communities within the Bay Area are working with ABAG to adopt a regional approach to hazard mitigation, and that the Council reviewed the strategies in 2009. The new element is the “Annex to 2010 Association of Bay Area Governments Local Hazard Mitigation Plan, *Taming Natural Disasters*” document for Portola Valley.

Referring to the *Exposure (miles of infrastructure)* table on page 7 of the document, Councilmember Toben asked what reduced Portola Valley's miles of infrastructure from 64 in 2005 to 59 in 2010. Ms McDougall said this project was challenging in that she had to use ABAG-provided data, and as it turned out, one source ABAG uses is the U.S. Postal Service. The USPS data for Portola Valley also includes Ladera and some other areas, she said, because they're within the same ZIP Code as the Town. She discussed the issue with ABAG, and once the project concludes, they will get together to ensure that data concerning Portola Valley is corrected. In response to Councilmember Richards, she said the same type of situation threw off the numbers in the *Exposure (acres of urban land)* table on page 6.

Considering Ms. McDougall's clarification, Mayor Driscoll asked who would be responsible for Ladera's hazard mitigation plan. When she explained that it would be included in the County's figures, he suggested that perhaps Portola Valley would have a better idea than the County of what sorts of hazards need to be mitigated in Ladera. Ms. McDougall said that she would raise that point in her conversations with ABAG.

Councilmember Toben called attention to a bullet point on page 10 of the document, under the heading “Mitigation Activities and Priorities - Evaluation of Progress from 2005 Plan.” It says, “Develop a plan for speeding the repair and functional restoration of water and wastewater systems... (INFR-a-6).” Councilmember Toben said that he's concerned about how responsive the West Bay Sanitary District would be in the aftermath of a major event. Although the document doesn't directly reference West Bay, he said he doesn't have a sense that West Bay has a contingency plan to minimize vulnerabilities. Ms. McDougall said that she'd ask West Bay about its contingency plans.

In terms of the “Mitigation Strategies” in Exhibit C, Councilmember Richards pointed out that a number of the items checked off in the “Not Yet Considered” column will have to be addressed in the General Plan. He also said that it was impressive to see the number of items in the “Existing Program” and “Existing Program, Underfunded” columns. Ms. McDougall said it underscores how proactive Portola Valley has been. As a point of information, she added, after the document was submitted to the Federal Emergency Management Agency, FEMA came back to point out a number of suggestions about what the Town could do to improve hazard mitigation, such as identifying fault lines, creating setbacks and so on. She informed FEMA that such items aren't in the document because the Town dealt with them so long ago, long before this process began, and she told the Council that she's added language to the document to clarify that.

Noting that the document's complexity is such that one questions its usefulness, Councilmember Wengert asked about the etiology. Ms. McDougall explained that ABAG took the “one size fits all” approach so that the document would apply regionally. As a result, one has to cut through a lot of irrelevant material because so much doesn't even remotely apply to Portola Valley, Ms. McDougall said, but on the other hand, taking a regional approach is meaningful. She also indicated that the format was pretty much dictated by FEMA.

Councilmember Toben moved to adopt Resolution No. 2519-2011. Councilmember Richards seconded, and the motion carried 4-0.

- (5) Recommendation by Assistant Town Manager – Authorizing Continued Participation in the City/County Association of Governments of San Mateo County (C/CAG) and Approval of the Joint Powers Agreement and Authorizing the Mayor to Execute the Joint Powers Agreement [7:49 p.m.]
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing Continued Participation in the City/County Association of Government of San Mateo County (C/CAG) and Approval of the Joint Powers Agreement and Authorizing the Mayor to Execute the Joint Powers Agreement (Resolution No. \_\_\_\_)

Ms. McDougall said this item is to renew an agreement that's been in place for some time, with changes called out in Exhibit B, attached to her memorandum of May 11, 2011. In addition to a few minor changes, Sections 24 and 25 were added, she said, to reflect new legislated programs:

25. *Measure M, Local Transportation Improvement Program*: C/CAG shall serve as the overall program manager for the Local Transportation Improvement Program which programs up to a \$10 motor vehicle fee in accordance with Section 65089.20 of the Government Code and Section 9250.4 of the Vehicle Code.

26. *San Mateo County Energy Watch and Climate Protection Program*: C/CAG shall serve as the overall program manager for the San Mateo County Energy Watch Program that coordinates and provides energy conservation incentives, and coordinates, supports, and provides programs as necessary for climate protection.

Councilmember Richards moved to adopt Resolution No. 2520-2011. Councilmember Wengert seconded, and the motion carried 4-0.

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

- (6) Discussion and Council Action – Report from Wireless Task Force with Recommendations for Revisions to Zoning Ordinance New Chapter 18.41, Wireless Communication Facilities [7:51 p.m.]

Mr. Vlastic referred to his memorandum of May 5, 2011, which provides background on what the Wireless Task Force has been doing since the Town's experience last year with T-Mobile and some other applications. The Task Force has taken a hard look at options in its mandate to develop new policies, guidelines and regulations for control of placement of wireless facilities, he said, and with the guidance of the Town Attorney's office, has come up with a draft ordinance to consolidate policies, guidelines and regulations within a single new chapter in the Town's Zoning Ordinance.

With the modified ordinance, he said, the Town hopes to direct new wireless facilities to land use locations that have the least potential for aesthetic and intrusive impacts. Once the Task Force's efforts made it clear that it would not be possible to carve out specific zoning areas for wireless facilities, the next step was to examine the kinds of stipulations that could be placed on an application as it worked its way through, within the limits of the Federal Telecommunications Act (TCA). The Task Force intended the resulting draft ordinance to lay out what the community and wireless carriers might expect when new applications come in. Mr. Vlastic added that one of the Task Force members wanted to highlight the fact that the proposal calls for not only periodic monitoring by the Planning Commission, but relatively frequent inspections of landscaping as well.

According to Mr. Vlasic, the draft ordinance has come to a point that it can be set for discussion with the Planning Commission as the focus for further community involvement, and engage the Architectural and Site Control Commission (ASCC). He said that at this time, the Task Force is seeking the Town Council's concurrence to begin the outreach process.

Councilmember Wengert said that she recognized a tremendous amount of work, and considered the document a terrific, thoughtful and extremely comprehensive effort that addresses many of the issues encountered with the T-Mobile application. In terms of the application completeness (under 18.41.070, Permit approval process, permit life and application requirements, Section B – on page 8 of the proposed ordinance), she asked whether any federal requirement dictates responding to an application within a specific timeframe, in the event that an application runs afoul of the more stringent process defined by the proposed zoning ordinance. In response, Mr. Vlasic said that the timeframe set forth is directly linked to federal and state requirements. The Town has the authority to say whether an application is complete.

For an example, he cited a T-Mobile application that's been submitted within the last three months – which he said was not only incomplete (even without having this proposed ordinance in place) but also erroneous in many aspects. In this instance, he said, it wasn't difficult to advise T-Mobile that the application was flawed, but he also noted that T-Mobile had indicated an expectation of being advised within a specified time period of any problems with the application. Mr. Vlasic said that he's comfortable with the way the process has been defined in the proposal, and so is the Town Attorney's office, provided that the Town is clear in setting forth what is considered a complete application.

In terms of the provision for the removal of cell towers, Councilmember Wengert said there's no doubt that some of these towers will become obsolete as technology advances. She wanted to know about the Town's ability to enforce timely removal of towers that are either obsolete or, in the case of an acquisition, redundant. The situation might be further complicated, she added, if multiple carriers share a tower. Mr. Vlasic said the standard conditions and the enforcement provisions at the end of the proposed ordinance address that issue. He explained that these set forth requirements to not only remove obsolete towers, but to impose penalties if the carrier fails to inform the Town within a certain period of time of towers that are no longer in use.

If a tower's been inactive, Councilmember Wengert asked whether the Town has the ability to terminate the carrier's conditional use permit (CUP) and remove the tower. Mayor Driscoll said that the underlying property owner would be responsible first if the carrier doesn't remove an inactive tower, after which the Town could declare it a nuisance and take whatever actions are necessary.

Councilmember Richards, echoing Councilmember Wengert's compliments on the proposal, said he wished the Town would have had this six months ago. He said that having all of this information codified will make life much easier. The discussion about obsolescence, he said, reminded him of when he and Mayor Driscoll were on the Planning Commission, grappling with 10- and 12-foot satellite dishes that have now disappeared entirely. Mr. Vlasic said that the hard part is being burdened by a 10-year timeframe from the start, and the difficulty of reasonably being able to argue for two- to three-year amortization considering the cost of these facilities. Thus, it's in the Town's best interests to work with carriers not only toward the least intrusive facilities but at the lowest capital costs possible.

Councilmember Toben, too, commented about what an impressive piece of work the proposed ordinance is. He said that it sets forth in very strong terms the levels of completeness and rigor that are required – everything from the peer-review requirement, to the need to upgrade equipment when radio-frequency (RF) restrictions change, and the fact that no residential site can be considered unless all other options are exhausted. He said that he likes that the Portola Valley proposal "feels awfully tough," but asked how it's situated in terms of practices in other jurisdictions. If the Town is leading a trend, he added, he's comfortable, but he doesn't want to be perceived as being "too nasty." Mayor Driscoll added that as a smaller municipality with a weaker budget, Portola Valley might be relatively easy to attack.

In response, Mr. Vlasic said they've looked at what other communities have done, and in some cases, they've acted very arbitrarily on applications. Some of them, too, have attempted to specifically define a particular gap geographically, an approach that invites trouble. Although the Town's experience with T-Mobile last year was difficult, he said, the Town did what it could do rationally and thoughtfully, and he's very comfortable with the proposal for the ordinance.

Ms. Prince said that case law has been growing with respect to the theory on the law, so that while other communities may not have something as comprehensive, the Town's proposal takes into account the current state of the law and ways to address the various issues that arise.

Mayor Driscoll, noting that he believes the Task Force met four times, with members often listening while Ms. Prince and Mr. Vlasic shared the results of their research. He wanted to give the two of them most of the credit for developing the proposal.

With no vote necessary and the consensus clear, Mayor Driscoll suggested moving on to the next item.

(7) Discussion – Proposed Naming of the Central Pathway or Drive between the Schoolhouse Bill and Jean “Lane” [8:07 p.m.]

Mayor Driscoll said that the proposal to honor “our Town father and mother” by identifying an area in their names involves an option to designate as “The Bill and Jean ‘Lane’” either the center path that runs through the Town Center campus or the drive that runs from the schoolhouse to the stop sign.

Councilmembers Toben, Wengert and Richards favored the central path option. As an “old English major,” Councilmember Toben advised against having “Lane” in quotations.

The hitching rack also will have an 8-foot-long plaque dedicated to Bill Lane. Ms. Howard said the new central path sign will be consistent with the Town's standards.

(8) Reports from Commission and Committee Liaisons [8:09 p.m.]

(a) Community Events Committee

Councilmember Richards reported that the Community Events Committee discussed the upcoming picnic at its May 3, 2011 meeting, including members' delight in having the Mayor emcee the awards ceremony, their anticipation of the Vice Mayor helping with the baking contest, and where the Zots to Tots race should end. They ultimately decided upon the parking lot. Also discussed were issues concerning a yogurt machine.

(b) Architectural and Site Control Commission (ASCC)

At its meeting on May 9, 2011, according to Councilmember Richards, the ASCC continued its review of a residential remodel at 255 Golden Oak Drive, where the applicant wants to add boulders and keep existing fencing within the right-of-way. The ASCC also continued the review of a new residence proposed at 15 Sausal Drive, which includes extensive exterior lighting. This is an issue that may warrant further discussion.

Councilmember Richards said that the ASCC also discussed the Ford Field refurbishment plans, including the location of the bleachers and the issue of creek health.

(c) Planning Commission

Councilmember Wengert indicated that the May 4, 2011 Planning Commission meeting was cancelled.

(d) Neely/Myers Sub-Committee

Councilmember Wengert said that the discussions with the applicants and/or their representatives on the Neely/Myers property proposals will begin on May 12, 2011, and in preparation, that she and Mayor Driscoll had a very productive session with Jon Silver, Bev Lipman and two others. She found it helpful to understand the history from their perspective and their major concerns.

(e) Emergency Preparedness Committee

Councilmember Toben said that he, as well as Ms. Howard, attended a meeting related to the Emergency Preparedness Committee, to talk about the future of CERPP (Citizens Emergency Response Preparedness Program) and the possibility of engaging paid staff to augment and support volunteers. Also present was Woodside Fire Protection District Chief Dan Ghiorso, who acknowledged the critical functions that CERPP plays but was initially skeptical about the idea of hiring a part-time coordinator. Gaylynne Mann (Emergency Preparedness Coordinator for the Fire Protection District) was going to talk to Woodside Town Manager Susan George about Woodside participation, Councilmember Toben said, and interestingly, Ms. Mann herself suggested that the towns haven't been doing enough to support CERPP. He said that Emergency Preparedness Committee member Dave Howes has been asked to explore the potential costs of hiring a part-time coordinator. He pointed out that a former firefighter serves as paid, part-time coordinator for the Los Altos/Los Altos Hills Community Emergency Response Team (CERT) program. Councilmember Toben also said that the all-volunteer structure just isn't working; CERPP volunteer Bill Tagg (Operations and Publicity Committee), for one, was very clear about no longer being able to keep it up. Another volunteer, John Carnes, was quite vociferous and said, he too is "exhausted." A powerful testimony about the importance of CERPP came from Dudley Carlson, who said that over the last 10 years, CERPP's been responsible for everything she's come to understand about emergency preparedness at The Ranch.

(f) SFO Airport/Community Roundtable

Councilmember Toben reported that nothing of substance was discussed at the SFO Airport/Community Roundtable meeting on May 4, 2011.

(g) Firewise Advisory Committee

On May 2, 2011, a fire ecologist from UC-Berkeley addressed the Firewise Advisory Committee in the Woodside school gymnasium. Sitting in the bleachers along the wall, Councilmember Toben said, the audience had a difficult time hearing the presentation. The turnout also was disappointing, he said, with about half of the 30 people attending coming from either the Woodside Fire Protection District or Cal Fire.

(h) Traffic Committee

Mayor Driscoll said that he attended the Traffic Committee meeting on May 5, 2011, where discussion centered on broadening the Committee's scope to include bicycle-related issues. Mayor Driscoll said that including bicycles as well as motor vehicles would generate a lot of interest, because some people already have informed him that they would join the Committee if it also addressed bicycle issues. Committee members also talked about generating an independent charter, because the Committee is currently chartered by an ordinance that's obsolete in many ways.

The Committee's next meeting agenda will have items related to bicycles, including further discussion about expanding Committee scope, assessment of safety provisions for bicyclists, and the potential for improvements in the Portola Road/Alpine Road corridor as part of the Town's regular maintenance. The Police Commissioner and a Sheriff's Office representative will be invited to this meeting.

WRITTEN COMMUNICATIONS [8:21 p.m.]

(9) Town Council April 29, 2011 Weekly Digest

- a) #1 – Letter to Council from Chip McIntosh resigning from the Finance Committee – April 22, 2011

Mayor Driscoll said that he's sorry to see Mr. McIntosh leave the Finance Committee, and he will be sent a note of thanks that recognizes his significant contributions.

- b) #5 – Mailer to contractors who work in Portola Valley regarding a Workshop & Networking Event on Thursday, May 5, 2011

Ms. Howard reported that the Energy Upgrade Portola Valley Contractor Workshop & Networking Event turned out very well, and a lot of contractors are anxious to partner with Portola Valley to help their businesses and help the Town. It was a full house, she said, noting that she was surprised by the number of people who participated and that everyone stayed for the duration. The day began with networking and refreshments, followed by a two-hour workshop. Afterward, participants enjoyed lunch from a taco truck that Sustainability & Resource Efficiency Coordinator (SURE) Brandi de Garmeaux had arranged to be in the parking lot.

(10) Town Council May 6, 2011 Weekly Digest

- a) #1 – Mailer sent to all Portola Valley residents regarding Energy Upgrade Portola Valley on Tuesday, May 10, 2011

Mayor Driscoll said that he and Councilmember Toben went to this fairly well-attended event – the premiere of Energy Upgrade Portola Valley. Most attendees, including contractors as well as residents, stayed throughout the program. Mayor Driscoll said that Ms. de Garmeaux did a very nice job organizing an impressive, informative program. Councilmember Toben agreed that it was extremely well-done.

- b) #3 – San Mateo County Sheriff's Office Town of Portola Valley Crime Report for October-December 2010

Councilmember Wengert said that she noted the number of citations for bicyclists, which would be quite relevant to the Traffic Committee as it looks to expand its focus. Mayor Driscoll indicated interest in learning more about the type of citations issued and where the safety issues are. He said he's already had discussions about the subject with Lt. Larry Schumaker in the Sheriff's Office – who's also a bicyclist – in an effort to promote cooperation and defuse the antagonism between the bicyclists and the Sheriff's Office. He also noted that law enforcement is trying to do outreach, indicating that over the past weekend, they were stopping bicyclists and issuing warnings, and trying to talk about the problems rather than just writing citations.

ADJOURNMENT [8:25 p.m.]

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Mayor

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Town Clerk