

TOWN COUNCIL MEETING NO. 815, JUNE 8, 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
Howard Young, Public Works Director
George Mader, Planning Consultant

ORAL COMMUNICATIONS

George Comstock, Alamosa Road, reported on the enthusiasm, eager participation and great success of the "Portola Valley Flight Night" held at Town Center on May 19, 2011. Running from 6:00 to 10:00 p.m., it drew between 200 and 400 visitors. He would like to bring this event back next year, with organizers already having debriefed and discussed ideas for an encore. Mr. Comstock distributed DVDs to Councilmembers documenting the occasion, including planning bulletins, photographs and videos, and happily reported no incidents of either injury or property damage related to the event.

CONSENT AGENDA [7:32 p.m.]

- (1) Approval of Minutes of Town Council Meeting of May 25, 2011 [*removed from Consent Agenda*]
- (2) Ratification of Warrant List of June 8, 2011 in the amount of \$320,274.61
- (3) Recommendation by Assistant Town Manager – Solid Waste, Recyclables, and Yard Trimmings Franchise Agreement with GreenWaste Recovery, Inc. [*removed from Consent Agenda*]
 - (a) A Resolution of the Town Council of the Town of Portola Valley Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Yard Trimmings between the Town of Portola Valley and GreenWaste Recovery, Inc. (Resolution No. 2525-2011)

By motion of Vice Mayor Derwin, seconded by Councilmember Richards, the Consent Agenda (Items 2 and 3) were approved with the following roll call vote:

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

No: None

REGULAR AGENDA [7:40 p.m.]

- (1) Approval of Minutes of Town Council Meeting of May 25, 2011

Councilmember Richards moved to approve minutes of Town Council Meeting of May 25, 2011 as amended. Seconded by Councilmember Toben, the motion passed 4-0-1 (Wengert abstaining).

(4) Discussion and Council Action – Mayor Driscoll reporting on bicycle and traffic issues in Town

Vice Mayor Derwin recused herself.

Mayor Driscoll, referring to a June 2011 memorandum he prepared for the Council, indicated that bicycle traffic in Town has increased dramatically over the past 10 years, and the roads remain effectively equivalent to what they were 10 years ago. He made some observations about the Town's policies, the absence of a forum in which to discuss bicycle issues, growing concerns about safety, and matters related to enforcement.

While not anticipating any formal action on this item by the Council at tonight's meeting, Mayor Driscoll said that he wanted Council and public input regarding issues of policies, infrastructure/roads and enforcement, in particular, to begin the process of investigating these areas to better understand them and move forward. (He noted that Item 5 on the agenda is related.)

Public Comment / Policies

Jean Lane, Westridge Drive, said that she's very concerned with the bicycles. She said there are no markings or lanes on Westridge Drive indicating where bicyclists should ride, and perhaps warning signs to vehicular traffic on the road might improve safety, not only for the bicyclists but the drivers and people on foot. She said that most runners once used Portola Road and Alpine Road, but Westridge Drive is now seeing considerably more runners too. She also pointed out that bicyclists seem to ignore stop signs.

Virginia Bacon, Golden Oak Drive, said that inattention on the part of both drivers and cyclists alike concerns her. She suggested signs saying something along the lines of "Portola Valley supports responsible bike riding" to serve as reminders. The larger issue, she said, is the overall traffic problem, which includes not only surface traffic but also construction traffic and associated parking issues. Ms. Bacon suggested expanding the Traffic Committee's mission to address the overall problem, and that perhaps there are relevant policy issues that the Council needs to address as well.

Shandon Lloyd, La Mesa Drive, said that she's been bicycling in the Portola Valley area for 20 years, and her children also are starting to ride. She said that they cut through Westridge from their home in Ladera because it's so hard to get across Alpine Road. She worries about her children, particularly on the blind corners that drivers take too fast, and said that more signage – advising drivers to look for cyclists, share the road, look for children at play, etc. – might be helpful. She said that riders have as much right to be on the road as drivers, and have like responsibilities to obey the rules of the road.

Steve Marra, Canyon Drive, said that when he rides his bicycle he finds cars terribly annoying, but when he's in his car, he finds bicyclists just as annoying. He said that it's time to have a bicycle committee in Portola Valley.

Bonnie Sibley, Santa Maria Avenue, suggested the committee under discussion be a "bicycle/pedestrian" committee, because people who walk also need safe places to do so, particularly in light of the national focus on exercise and outdoor activity.

Nate McKitterick, Wayside Road – who chairs the Portola Valley Planning Commission – said that both AB 32 (the Global Warming Solutions Act) and Portola Valley's Resolution No. 2267-2006 (endorsing the U.S. Mayors' Climate Protection Agreement) obligate the Town to promote increased bicycle activity as part of the effort to encourage alternate forms of transportation. He said that the Town should not only establish a bicycle committee, but charge it with advocating increasing the use – the safe use – of bicycles. Mr. McKitterick said that he's discussed the bicycle issue with Police Commissioner Ed Davis, who also sits on the Traffic Committee, Traffic Committee Chair Chris Buja and Mayor Driscoll, and it's also come up to a certain extent with the Planning Commission.

Mr. McKitterick said that when Menlo Park was considering changes to the intersection of I-280 and Sand Hill Road, he spoke with the Town Planner about guidelines for construction of bike lanes and intersections, and learned that planners have little guidance in terms of designing bicycle-safe intersections. Even Caltrans guidelines (Highway Design Manual Chapter 1000, Bikeway Planning and Design) provide little help, because while a minimum 4-foot-wide bike lane may be the standard, Caltrans doesn't recommend that minimum in areas where speed limits exceed 34 mph. Portola Valley's posted speed is 35 mph, he added, but the actual average speed is higher. He'd like to see the Town explore whether roads could be widened enough to put in bike lanes, and examine other ways to make bicycling safer. Further, Mr. McKitterick said that he doesn't believe this is something the Traffic Committee should undertake; it should be a committee charged specifically with finding ways to promote the increase in bicycling activities. He recommended that committee members include the Traffic Committee chair, the Police Commissioner (because of the interaction with law enforcement officials), plus representatives of the Planning Commission (because of the planning issues involved), the Architectural and Site Control Commission (because signage issues may arise that must be considered in the context of the environment that the Town fosters), the Sustainability Committee (because this is clearly a sustainability issue) and the bicycling community at large (because they can help reach out to people to help the Town advocate increasing safe cycling).

Ms. Bacon asked what role the new Stanford trail (Alpine Road C-1 Trail) might play in the context of this discussion. Mr. Young said that it will be an 8-foot-wide asphalt surface that is appropriate for bicycle as well as pedestrian use. The trail will run between the Ford Field area and Arastradero Road.

Jeff Long, (inaudible), said that as a casual recreational cyclist, he doesn't think many recreational cyclists will move over to trails, because they consider riding on the side of the road the efficient way to go.

Councilmember Toben asked whether the C-1 trail would comply with Chapter 1000 specifications for a Class Bikeway. Mr. Young said no, it was designed as a path that allows bicycle traffic up to a certain speed. Mayor Driscoll added that the trail will be curbed several places to make it a more desirable place to walk – which probably would make it less desirable to ride.

Mayor Driscoll asked the Council to comment on whether a committee should be created and whether it should be part of the Traffic Committee or a separate body.

Councilmember Richards said that a combined Bicycle/Traffic Committee would elevate the level of bicyclists so that they aren't set apart as "secondary citizens" in terms of road use. He cited the Council's efforts to draw a good cross-section of users when it was working on revitalizing the Trails & Paths Committee as a similar situation.

Councilmember Wengert said that she agrees with Mr. McKitterick and Mr. Davis, who also recommended a separate Bicycle Committee. (Mr. Davis expressed his views in a May 11, 2011 memorandum to the Council, Ms. Howard, Mr. Buja, Trails & Paths Committee Chair Susan Gold and San Mateo County Sheriff's Department Lt. Larry Schumaker.) Given that the magnitude of bicycle-related issues is so much greater than it was 10 years ago, Councilmember Wengert said that a distinct advisory committee is appropriate. She said that as she's watched bicycling blossom at many levels, from commuting to recreation to simply being a way to rely less on cars, it's clear that the roads aren't adequate to serve this burgeoning population and that the issues will only grow larger.

One reason to avoid embedding a bicycle committee in the Traffic Committee is to avoid creating the initial conflict that Mr. Marra mentioned in his remarks, Councilmember Wengert added. She said that a separate committee would deal with various issues specifically related to biking, from safety and law enforcement to community outreach, and recalled the good work done by Sherry Cagan to address such issues in the context of equestrian encounters with pelatons.

Councilmember Toben said that he's not convinced that a separate bicycle committee is the best way to go. He acknowledged Mr. Davis' point that advocating for bicycling isn't appropriate to mix in with the Traffic Committee, but judging from what can happen when a particular, single-interest group comes to dominate a committee, he's leery of advocacy groups formally convened as Town committees. He said that because he's a mediator at heart, he believes the way to improve the level of shared commitment and values is to have people with differing views talk things out, and a combined Traffic/Bicycle Committee could serve that purpose.

However, Councilmember Toben said that he might be persuaded to a standalone Bicycle Committee under certain circumstances. He considers the committee membership that Mr. McKitterick suggested "very much out of the norm" for the way the Town's committee structures work, and believes it also would be a mistake to have Bicycle Committee membership confined to pelatoners. However, he would consider a separate body formed in the same manner that the Trails & Paths Committee was recently revitalized – not a narrow, single-interest group but a cross-section of open-minded citizens. He also said that he would like to know more about the Woodside Bicycle Committee – whether it's been effective, whether it represents the community at large, etc.

Mayor Driscoll said that he prefers the combined approach. The perspective of reenergizing the Traffic Committee provided his initial impetus, but he also noted the parallel between Trails & Paths Committee (responsible for the physical use of trails) and the Traffic Committee (responsible for the use of roads). In that context, he said, adding the bicycle function to the Traffic Committee would represent an expanded group of users, promote dialogue and resolve conflict – rather than confronting the possibility of two separate committees taking opposite positions on the same physical asset. As Mayor Driscoll put it, he opts for a combined committee not to diminish the bicycle issue but to enrich the traffic discussion with an additional constituent group. He said that he agrees with Councilmember Toben about advocacy groups, which invite conflict down the road.

Councilmember Wengert said that she wouldn't necessarily view a Bicycle Committee as an advocacy group. For example, among the first tasks in its charter would be to look at the issue of bike lanes, which she doesn't consider advocacy but which clearly needs input from a traffic perspective. She said she wouldn't want to see the bicycle issues lost in a broader traffic context, because the impact of bicycling is what's changing the mix, compounded by the convergence of simultaneously growing numbers of bicycles and cars. She said that it's important for the bicycle interests to be fully represented in all dimensions, which even go beyond Town boundaries. Referring to Mayor Driscoll's memorandum, she said that for bicycle riders, Portola Valley is part of a loop that also passes through Woodside, Palo Alto and Menlo Park, and in that respect, it makes the bicycle issue more regional in nature than the charges of other Town committees.

Ms. Lloyd said that when she was involved in re-drawing the proposal for the new Alpine Road/I-280 intersection, she was unable to contact anyone in Portola Valley. She said that people in Ladera got together and sent a letter to the San Mateo County Board of Supervisors.

Councilmember Richards said that he still favors a combined committee. Like Councilmember Toben, he would like to know more about Woodside's experience with its Bicycle Committee.

Councilmember Toben said that he also favors a combined committee. He's not concerned about insufficient articulation of the case for improvements to bicycle facilities.

While it's neither her own view nor her preference, Councilmember Wengert said that if the Council opts for the combined approach, she would discourage embedding it in the existing Traffic Committee but reestablish the group from the ground up. Mayor Driscoll agreed, adding that he believes the existing members of the Traffic Committee also would be happy with that.

Mr. McKitterick said the reason to have a bicycle committee that advocates for safely increasing bicycling reiterates his earlier point – that the Town is under a legal obligation to do so in order to meet greenhouse gas emission targets. He said that what he proposed is not a place for drivers and bicyclists to "work it out," but a committee composed of people who understand the issues and think seriously about them – not the pelaton enthusiasts and not people who advocate for cars – from the perspectives of planning, the environment, aesthetics and traffic and try to come up with solutions. Mayor Driscoll said that as he sees it, none of what Mr. McKitterick suggests is impossible with a combined committee.

Lovinda Beal, Portola Road, told about being carried away by ambulance as the result of an accident while she was riding her bicycle in Portola Valley. She said that she's attended some Traffic Committee meetings as a guest of Mr. Buja. From her perspective, she said that it would be better to have a separate bicycle committee. She said that she sees an advocacy opportunity as well as safety role for such a committee, and noted that the bicycling community's interests go beyond the roads and the previously mentioned loop – mountain bikers, for instance.

Mayor Driscoll said that it seems the majority is leaning toward a combined committee. Councilmember Richards said that was also his preference.

Councilmember Wengert, referring to Ms. Lloyd's problem about not having a point of contact regarding bicycle issues in Portola Valley, said that problem would remain if the Traffic Committee absorbed the bicycle issues. Mayor Driscoll said that it would be a Traffic & Bicycle Committee, making the identification quite clear.

Councilmember Toben said that in dealing with the Trails & Paths Committee issues last year, the first step was to change the charter to underscore certain objectives that had not been highlighted in the past. This included encouraging more public participation in trails-related activities. He said that in a similar fashion, the Traffic & Bicycle Committee should be obligated (as Mr. McKitterick suggested) to encourage bicycle use as well as address issue of traffic-bicycle compatibility, etc.

In response to Councilmember Richards' question regarding why the Traffic Committee has dwindled, Mayor Driscoll said that one reason is that critical situations arise only intermittently. Mr. Buja agreed that either specific incidents or specific questions have triggered Traffic Committee activity.

Infrastructure/Roads

In terms of infrastructure, Mr. Young defined a State bicycle lane as a 4- or 5-foot lane for bicycles that is separated from the vehicular traffic lanes – 4 feet if it has no curb, 5 feet if it has a curb. If vehicle speeds exceed 35 mph, he said, Caltrans recommends wider bike lanes, but it does not specify the width. Mr. Young said that when Portola Valley does the striping, most of the areas will come out from 5 to 6 feet wide.

Mr. Mader said that the General Plan's Trails & Paths Element includes references to bike lanes, bike routes and bike paths. At one time, it showed bike lanes in both Portola Valley and Ladera. In 2003, when the element was revised, there was discussion about multi-use facilities, equestrian use and bike lane concepts. The committee – which to Mr. Mader's recollection didn't include much representation from the cycling community – changed bike "lanes" to bike "routes." About the same time, Mr. Mader said that he'd asked Brad Peyton (Public Works Committee member) to inventory Alpine Road and Portola Road from a bicyclist's perspective. Mr. Peyton's color-coded map shows shoulder widths, revealing areas on both sides of the roads where 5-foot bike lanes might be feasible, as well as utility poles, culverts, etc. Along the 50,000 feet of roadway Mr. Peyton mapped, Mr. Mader said that approximately 78% could accommodate a 5-foot width relatively easily. The remaining 22% would require major measures, such as retaining walls, to reach that 5-foot target.

Mayor Driscoll said that he hoped the Council could reach consensus on whether the Town should determine the estimated cost of installing bikeways for Portola Road and Alpine Road, plus the spur from Alpine Road to Corte Madera Elementary School. Mr. Young said that he'd engaged Alta Planning + Design – which San Mateo County used for its bicycle and pedestrian plan – to take a look at Portola Valley's system. He estimated that the Town could get a study completed for less than \$10,000. As for development funds, he added, the Town could apply, on a competitive basis, for TDA (Transportation Development Act) and Congestion Management Program funding. Mr. Young said that the Town also could identify and upgrade trouble spots from its own budget.

Vice Mayor Derwin (from the audience) asked whether the Town could use Measure M money for this; Mr. Young was not sure. Ms. Howard did not think so. Mayor Driscoll said that staff could investigate the answer to that question.

As a first pass, Councilmember Wengert said that she considers it imperative to evaluate the possibilities. It would be appropriate for the reconstituted committee to make a recommendation, in combination with Mr. Young.

Mayor Driscoll said that staff will obtain a proposal from Alta on a program to install Class II bikeways (4 and 5 feet wide) on the arterial roads. Although it does not seem practical to pursue the program on Westridge Drive at this time, staff will also look into possible signage there and on other secondary roads. Councilmember Toben suggested that the Town have Alta look at a few locations on Westridge Drive and provide a diagnosis of the situation there, because even though it isn't an arterial, it's a prominent thoroughfare, heavily used by bicyclists, with a lot of vegetation and blind curbs.

Because no parking is permitted in bike lanes, Mr. McKitterick noted that among the other issues that will have to be addressed in envisioning these bikeways will be parking for Valley Presbyterian Church, Our Lady of the Wayside Church and other places where people now park all the time. Mr. Buja said that although it may defeat the purpose of having bike lanes, unless it's posted, parking is permissible in bike lanes.

Enforcement

Mayor Driscoll invited ideas about helping law enforcement maximize public safety. He said that he'd indicated to Lt. Schumaker that the most likely trouble spots in terms of serious public safety issues are the high-speed curbs, where drivers sometimes cross the white line. He cited the area in front of Alpine Hills Tennis & Swimming Club as an example, where bicyclists are laboring up the hill and probably one car in every five cuts across the white line to cut the corner.

Lt. Schumaker indicated that the law enforcement effort is "hit or miss," responding to a great extent to complaints. The law enforcement resources are limited as well, so it's difficult to concentrate on an area when the deputies have to respond to a call for service elsewhere. He said the Sheriff's Department does some outreach, talking to riders, as well as participating in Honor the Stop four times a year and zero-tolerance days for distracted driving. He said that a lot of the accidents the Department has reviewed – not only for Portola Valley but also Woodside and other areas – have been at intersections where drivers don't see the bicyclist when making a turn. The CHP reports the same for the rest of California.

Ms. Lloyd asked if striping the turns might discourage motorists from cutting across the line, noting an area going up La Cuesta Drive in Ladera that makes them go around. Lt. Schumaker said that road bumps and rumble stripes that discourage motorists also upset neighbors. Ms. Lloyd said the ones she's talking about are just painted on.

Vice Mayor Derwin (from the audience) said that Los Altos has done some good things in its Safe Routes to Schools, using berm-type islands that serve to separate cars from bikes. Mayor Driscoll suggested that as bikeways are evaluated, the road-treatment aspect is another thing to consider.

Lt. Schumaker said that it's also important to consider that California requirements pertaining to State highways (such as Alpine Road) may differ from Town requirements for its own roads. In response to a question from Mayor Driscoll, he said that enforcement probably would be somewhat easier with bikeways that are formally designated and signed as such. They would certainly be safer, he added.

Ms. Bacon asked if any regulations govern bicyclists' use of cell phones. Lt. Schumaker said that it's the same as with cars.

(5) Discussion and Council Action – Changes to the Traffic Committee Charter [8:45 p.m.]

Vice Mayor Derwin returned to the dais.

Ms. Howard said that the Traffic Committee doesn't seem to have a charter per se, just by reference in the ordinance, which should be repealed because it's out-of-date. She said that at this time, the Council appears to be looking at something along the lines of a "Bike/Traffic Safety Committee," with an entirely new charter. She said that the process probably should be similar to what the Council did with the Trails & Paths Committee, in creating a membership that is committed to the new charter.

Mayor Driscoll suggested that staff develop a new charter for the reconstituted committee that involves safety, some advocacy for bicycle use and safe driving and advising the Town Engineer concerning infrastructure issues. To foster a new environment, Councilmember Wengert added coordinating outreach activities and serving as a point of communication to the list of committee responsibilities. Councilmember Wengert suggested a connection with Safe Routes to School as well.

As for committee membership, Mayor Driscoll said that the Police Commissioner would be involved in a liaison capacity, and it might be appropriate to consider members from outside of Portola Valley. Councilmember Toben suggested that Shelly Sweeney be appointed to the new committee, and serve in a dual capacity since she already serves on the Trails & Paths Committee and has been a major leader in the Safe Routes to School Coalition.

(6) Recommendation by Assistant Town Manager – Introduction of Ordinance Regulating Commercial Activity on Town Center Property [8:54 p.m.]

- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance Adding Chapter 12.10 [Commercial Use of Town Outdoor Recreational Facilities] to Title 12 [Streets, Trails and Public Places] of the Portola Valley Municipal Code (Ordinance No. __)

Ms. McDougall reported that the Town Attorney's office took on the challenge of coming up with a draft ordinance that dealt with the intensity and frequency issues that the Council wanted the ordinance to include. Staff believes that the revised draft would be a workable tool for addressing issues that may arise without being over-regulatory.

Mayor Driscoll observed that the regulations will kick in when a commercial use displaces individual use.

Councilmember Toben said that he was very impressed with how well the revised draft addressed a vexing problem a few meetings ago. He described it as a "strong and elegant solution."

Mr. McKitterick, too, said he thought the solution was great.

Councilmember Toben moved to approve the Introduction and First Reading of Title, Waive Further Reading, and Introduce an Ordinance Adding Chapter 12.10 [Commercial Use of Town Outdoor Recreational Facilities] to Title 12 [Streets, Trails and Public Places] of the Portola Valley Municipal Code

(Ordinance No. ___). Councilmember Richards seconded, and the motion carried 5-0. The Second Reading is scheduled for the Council meeting of June 22, 2011.

- (7) Presentation by Town Manager – Review Proposed 2011-2012 Budget and set Public Hearing [8:55 p.m.]

Indicating that the Council will be asked to adopt the budget after the public hearing at the June 22, 2011 Town Council meeting, Ms. Howard, noted that the Town benefited from a 4% increase in property taxes this year and that revenue from building permits exceeded expectations. The Town issued permits for eight new houses this year, as opposed to four or five in a typical good year, Ms. Howard said.

The proposed budget reflects a 3% increase in franchise fee revenue, which Ms. Howard considers conservative. That includes cable service franchise fees from Comcast and AT&T, she said, even though the franchise is now with the State.

The proposed budget excludes \$100,000 in COPS funding revenue, and there's only a slight chance that new COPS funding will be forthcoming from the State, Ms. Howard said. While the Town will receive new Measure M funds totaling \$82,521, it can be spent only on road construction and repairs. In response to Mayor Driscoll, she affirmed that Measure M funds cannot be used for patrols and/or law enforcement. In fact, she said that many revenue streams are restricted, with the General Fund being the only one with a great deal of flexibility.

To balance the budget for FY 2011-2012, Ms. Howard said that the Town would spend down two separate restricted funds – Fund 10 (Public Safety) would be used if the COPS portion of the Sheriff's budget somehow continues, and Fund 65 (Road Fees) has been suspended. In terms of expenditures, Ms. Howard noted that the CalPERS (California Public Employees' Retirement System) contributions went up only 0.5%, that Spangle Associates has requested a 3% increase for ASCC and Planning Commission retainers, and that there's a new line item for the Portola Valley School District 150th anniversary celebration.

Councilmember Toben, reviewing the Public Works Operations section of the budget, observed that the Sudden Oak Death (SOD) Spraying in Right of Way (under line 8) showed an expense of \$750 in FY 2009-2010 but nothing since. Citing the growing incidence of SOD in the area above Woodside Highlands, he said that an active annual treatment plan might be appropriate. In response, Ms. Howard explained that sprayings continue, but they're covered in Right of Way Tree Trimming & Mowing (line 3).

This is the third and final year of the Town's contract with the Sheriff's Department, Ms. Howard said, explaining that the basic contract is now \$598,000. The COPS funding previously contributed \$240,000 toward the cost of an additional patrol but a provision in the agreement stipulates that the Town may opt out of the additional patrol if that funding is no longer available. As she indicated previously, Ms. Howard omitted COPS funding from the budget because she doesn't expect to see those funds, but she said that Sheriff Greg Munks and Lt. Schumaker are more optimistic.

Given the uncertainty, Ms. Howard said that the Council has two options – either completely eliminate the additional patrols or use the portion of the contract that the Town pays from its own funds (\$140,000) for a scaled-back patrol. Ms. Howard said that she and Susan George, her Woodside counterpart, met with Lt. Schumaker, Sheriff Munks and others to discuss alternatives, and came out with a proposal to combine Woodside and Portola Valley's funds (for a total of (\$280,000), one officer could split a patrol between the two communities on a 4-10 rotation – in other words, half of four days for each community.

The Finance Committee has recommended eliminating the additional patrol, Ms. Howard said, but she favors this alternative in the sense that it would provide at least a transitional year. After that, the overall contract would be up for renewal, and other options could be explored at that time. In response to a

question from Councilmember Toben, she said that the transition would provide an opportunity to evaluate the extent of the impact of reducing patrols.

Lt. Schumaker said that currently, the basic service includes six deputies and one detective providing one deputy on day shift and two deputies on night shift for 24-hour coverage for Portola Valley and Woodside. At this time, Woodside pays 42% of that, Portola Valley pays 28% and the Sheriff's Department puts in 30%. The reason for the Sheriff's Department's contribution, he explained, is that sometimes the deputies have to leave to cover Ladera or the surrounding communities. He said that if the supplemental patrol were to be eliminated completely, it would basically mean the loss of two day-shift deputies. He said that the cost apportionment would remain as is until the next contract is negotiated.

Should the supplemental patrol be eliminated, Lt. Schumaker continued, response times will increase and visibility will decrease, because basically one person will be covering both towns.

In the budget she's proposed for the service agreement with the Sheriff's Department for FY 2011-2012 – a total of \$598,145 – Ms. Howard said that she took \$110,000 from the previously mentioned Fund 10 to minimize the effect on the General Fund (\$30,000 will come from the General Fund). But again, she reiterated, this is a stopgap measure to take the Town through the last year of its current contract.

As Councilmember Toben pointed out, when the contract comes up for renewal, the Council had previously discussed involving citizens in the process of evaluating the situation. He said that he would prefer not to eliminate the additional patrol entirely without having even alerted residents to the possibility. Accordingly, he said that he supports Ms. Howard's recommendation to go with the alternative. Vice Mayor Derwin agreed. Mayor Driscoll said that he would prefer the stopgap measure, too.

Ms. Howard, pointing out that even the stopgap measure wouldn't be feasible unless Woodside chooses to share in the cost, said that the Woodside Town Council was scheduled to discuss its 2011-2013 budget at its meeting on June 14, 2011.

Lt. Schumaker said that the Sheriff's Department is flexible; they will wait for the State and not pull the plug on the additional patrol come July 1, 2011. He reported that the Sheriff told him to say that the Department would carry it for a short time until they know for certain what the State is doing.

Councilmember Wengert explained that the Finance Committee's rationale for its recommendation was that members didn't see the benefit of taking down Fund 10, because there may be a better use for it going into the next round of contract negotiations.

When Mayor Driscoll quipped that he hoped the Sheriff's Office might figure out a way to provide the same level of service for less money, Lt. Schumaker said that they actually discussed that, but the cost is related to salaries and benefits. He explained that the union contract that governs compensation for deputy sheriffs and sergeants goes through 2016, and retirement is tiered out for new hires. Thus, the County is trying to make some changes to reduce costs, but savings from the change in retirement benefits won't be realized for some time.

As for Services and Supplies expenses budgeted for FY 2011-2012, Ms. Howard indicated that she will add \$2,000 to the \$8,000 budgeted for elections, because the County has advised that the upcoming election will cost more than \$10,000. She also pointed out that of the \$25,000 the Town spent on office equipment this year, \$13,500 of it represented the one-time cost of going paperless. She credited Ms. Hanlon and Sustainability & Resource Efficiency (SURE) Coordinator Brandi de Garreaux with doing an incredible job with the conversion.

The \$40,000 earmarked for the Fire Prevention/Wood Chipping budget, Ms. Howard explained, includes \$20,000 that may help fund a temporary person to help the Town improve outreach, perhaps

with the Citizens Emergency Response Preparedness Program (CERPP), or else for an incentive program that encourages residents to raise the level of emergency preparedness on their own properties.

In response to Mayor Driscoll, Ms. Howard said that the \$10,000 budgeted for Library General Maintenance will come from Fund 25 (\$90,000 in revenue from property taxes that exceeds the cost of running the library) and is not specifically linked to any particular projects but is there if needed.

Mayor Driscoll asked about the equities that were given to the Town as part of the Town Center improvement project. The value of that gift never entered the Town's cash accounting system, Ms. Howard responded, explaining that the auditors agreed that it show up as a line item each month based on the valuation at the time. It's currently worth about \$127,000.

Mayor Driscoll noted that at the time of the gift, it was not possible to convert the stock to cash, but its value has diminished markedly since that time, and now the decision of when to convert is arbitrary. He asked if the Council might consider having Ms. Howard start selling it. Councilmember Wengert said that Finance Committee members seem to favor systematically liquidating the stock despite the uncertainty in the markets. Once the Finance Committee makes its recommendation, the Council could consider the steps to take.

Councilmember Toben suggested that there may be a way to better present the information relative to "this year," "last year," "prior year," "next year," etc. in outlining revenue and expenditure amounts. He referred to the opening Revenue Estimates paragraph (page 2 of Ms. Howard's cover memorandum) as an example, and proposed some clarifying edits. (The additions he recommended appear as underscored text whereas strikethrough text represents deletions.)

While the *Revenues Budget Summary for FY2011-2012* on page 4 indicates . . . increase in revenues ~~over last year~~ compared to FY 2010-2011, this percentage is due to . . . With this taken into consideration . . . decrease over ~~the prior fiscal year~~ budget for FY 2010-2011.

Mayor Driscoll agreed that it would be better to be explicit in each case, but said that he was very impressed by the document and was very pleased to see that the Town's budget is in such good shape.

Also impressed, Councilmember Toben noted that although revenue from a number of sources has declined precipitously, the Town has been fortunate in that 1) the property tax increase has been helpful, 2) the ability to get the Utility Users Tax passed by the voters every four years has been huge, and now represents 14% of the Town's General Fund, and 3) staff's adroit and skillful management of expenditures has kept costs in line.

Councilmember Richards moved to prepare the budget for public hearing and set the public hearing for the June 22, 2011 Town Council meeting. Councilmember Wengert seconded, and the motion carried 5-0.

- (8) Discussion and Council Action – Request by Kirk Neely and Holly Myers to not be charged Town Planner and Town Attorney fees in preparation and negotiation of a Williamson Act contract for their property on Portola Road [9:40 p.m.]

Mayor Driscoll explained that in the context of a possible Williamson Act dedication involving their property, Dr. Neely and Ms. Myers were concerned that they were paying their own attorney to draft it as well as the Town Attorney to review it. Because they apparently felt that the Town would potentially benefit from such a dedication, the Town should cover the cost of the Town Attorney. He said that when he asked Ms. Sloan about any precedents, she told him that there might be justification for fee waivers when requested by a nonprofit organization, such as a school district or the Boy Scouts, but there was no precedent in doing so for a private individual.

Ms. Sloan said that the Town isn't really being asked to waive fees, but rather asking to pay their fees to our consultants from the General Fund. In response to a question from Councilmember Toben, she said that the situation is complex. The Town has experience with only one Williamson Act contract (involving Whites' orchard), and the law has changed somewhat since that time, she said. In addition, considerable oversight is involved as a consequence of cities entering into Williamson Act contracts to preserve agricultural use but failing to monitor the use once the contracts were in place. That led the State to start conducting audits, and San Mateo County to tighten regulations.

She said that reviewing the contract that the Neely/Myers would prepare would be substantial work. The draft is very general, she noted, adding that it doesn't define agricultural use or delineate the part of the property that would be subject to the contract. Furthermore, she said that she and Town Planner Tom Vlastic agreed that they would have to work with San Mateo County as well, because the County would stand to lose the most revenue under a Williamson Act contract.

Mayor Driscoll said that Dr. Neely has indicated that they want the entire parcel to be included under the contract, and has stated that the Williamson Act does not require a dedication to agricultural use at all.

Ms. Sloan said that the combined cost of her services and Mr. Vlastic's in this matter would run \$6,000 to \$10,000, depending on the number and extent of meetings, conversations, rewrites, etc. Councilmember Wengert suggested increasing the estimate, given the experience she's had to date working with the group. She said to expect the process to be very time-intensive. She also said that she doesn't think it's appropriate for the Town to waive the fees in this situation. The most compelling argument against it is the fact that financially speaking, the Williamson Act directly benefits the landowner at the expense of the taxing jurisdiction(s). Ms. Sloan recalled that in the case of the Whites' orchard, they identified the tax revenue the County lost, the Town lost and the School District lost. Mayor Driscoll pointed out that the Neely/Myers property is much larger than the Whites'.

Councilmember Wengert said that another reason to not waive the fees is that applicants bear the costs of permits and so forth, so for Neely/Myers to bear the expenses associated with developing a contract themselves would be consistent with that.

Yet another argument, Mayor Driscoll added, is that waiving fees in this case could set a dangerous precedent, in that every major landowner could ask for the same thing.

Vice Mayor Derwin said she wonders why Neely/Myers feel a Williamson Act dedication would be forthcoming. The State is no longer making annual reimbursements to local jurisdictions that have lost property tax revenue, she said, so the County would get nothing out of it. In fact, San Mateo County is looking at 128 private parcels that have Williamson Act dedications as being out of compliance, she pointed out, noting that the matter will come before the County Board of Supervisors this summer. She suggested that Ms. Sloan discuss the issue with Supervisor Carole Groom.

Ms. Sloan said that she believes it will be hard for the Neely/Myers application for a Williamson Act dedication to get approved, in part because the level of scrutiny has increased markedly since the Whites' orchard transaction.

Councilmember Toben moved to deny the Neely/Myers request to waive fees in connection with the Williamson Act application. Councilmember Richards seconded, and the motion passed 5-0.

(9) Appointment by Mayor – Request for appointment of member to the Cable & Utilities Undergrounding Committee (9:48 p.m.)

Mayor Driscoll requested a motion of concurrence with his appointment of Bob Bondy to the Cable & Utilities Undergrounding Committee. Councilmember Toben moved to concur; Councilmember Wengert seconded and the motion carried 5-0.

- (10) Appointment by Mayor – Request for appointment of member to the Emergency Preparedness Committee

Mayor Driscoll requested a motion of concurrence with his appointment of Diana Koin to the Emergency Preparedness Committee. Councilmember Toben moved to concur; Councilmember Richards seconded and the motion carried 5-0.

- (11) Appointment by Mayor – Request for appointment of member to the Finance Committee

Mayor Driscoll requested a motion of concurrence with his appointment of Ken Lavine to the Finance Committee. Councilmember Toben moved to concur; Vice Mayor Derwin seconded and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (12) Reports from Commission and Committee Liaisons [9:49 p.m.]

- (a) Community Events Committee

Vice Mayor Derwin said that Community Events Committee members were disappointed to cancel the Town Picnic due to poor weather.

- (b) Library JPA Governing Board

Vice Mayor Derwin reported that the Library JPA Governing Board discussed the budget – and dipping into reserves to balance it – at its recent meeting. Also discussed were the facts that the library's "E" branch received a Webby Award, the bookmobile visited the Town Center parking lot, and the Atherton \$10 million library project is underway with construction beginning next summer.

- (c) Finance Committee

Councilmember Wengert reported that the Finance Committee reviewed the Town's proposed FY 2011-2012 budget and is looking into alternative investment strategies.

- (d) Planning Commission

Councilmember Wengert said that the Planning Commission approved site improvements for a project on Sausal Drive and discussed historic buildings – and dealing with such buildings in the context of California Environmental Quality Act (CEQA) administration of requirements. Screening criteria follow a decision tree that starts with determining the age of the building (50-plus years), then whether it's already designated as historic, then whether it's been occupied by someone important to the Town's history, and finally whether it was designed by an architect or building designer of note. Much of the meeting was devoted to the first public hearing regarding the Shorenstein application for a Planned Unit Development (PUD), including discussion about existing structures that stand on what is now included in creekside setback areas.

- (e) Open Space Committee

Councilmember Toben reported that the recent Open Space Committee was among the best he's attended in eight years. He described the membership – Chip McIntosh, Charlene Kabcenell, Jeanie Treichel, Gary Nielsen, Ron Walter and Karin Wick – as a very lively group and a fine Committee. Among other topics, he said they discussed the possible use of Open Space funds for purposes other than buying land and conservation easements. The Committee would like to see funds made available to prepare newly acquired property for public enjoyment, reduce accumulations of fire fuel loads, remove

invasive plants and make modest improvements (such as trails). However, the members believe that the General Fund ought to remain the source of funds needed for ongoing maintenance and upkeep of Open Space properties. The Committee also discussed its role in monitoring conservation easements, and some substantial parcels in Town (8 to 10 acres) that have been identified as having open-space preservation potential.

Councilmember Toben distributed handouts to show the Council schematics suggesting the signage that the Committee is talking about to designate 15 points of interest on a loop covering approximately 1.5 miles of the Dengler Preserve Nature Trail in Woodside Highlands. He also said that the Committee is addressing issues of parking at the top of the hill. Councilmembers suggested that the Open Space Committee contact the Trails & Paths Committee for input on the signage program.

WRITTEN COMMUNICATIONS [10:10 p.m.]

(13) Town Council May 27, 2011 Weekly Digest

- a) #1 – Grand Jury Report regarding Cell Towers: Public Opposition and Revenue Source – May 19, 2011

Mayor Driscoll said that the report seemed to imply that Portola Valley has cell towers on public lands. Ms. Sloan said that possibly they are looking at utility poles in public rights-of-way that have some microcells on them, and it's been determined that the Town cannot charge lease payments for them. She said that her colleague, Leigh Prince, will double-check to see whether the law may have changed.

(11) Town Council June 3, 2011 Weekly Digest

- a) #1 – Memorandum to Town Council from Howard Young regarding Bid Results - Alpine Road Pave Path (aka C-1 Trail) – June 3, 2011

Ms. Howard pointed out the number of favorable bids. Mayor Driscoll said that if a bid that's substantially below the \$1.5 million estimate is accepted, that would be the sum that Stanford pays.

- b) #2 – Letter to Angela Howard from the San Mateo County Library Staff Training Committee expressing appreciation to Town Staff for making their annual Staff Development Day a success

Mayor Driscoll said that this was a nice and well-deserved compliment to staff.

CLOSED SESSION [10:15 p.m.]

(12) Real Estate Negotiations

Public Employee Performance Evaluation
Government Code Section 54957
Title – Town Manager

REPORT OUT OF CLOSED SESSION: No reportable actions.

ADJOURNMENT [10:50 p.m.]

Mayor

Town Clerk