

TOWN OF PORTOLA VALLEY
7:00 PM – Special Town Council Meeting
Wednesday, July 27, 2011
Redwood Grove adjacent to the Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

→ **Note Special Meeting Time & Location**

SPECIAL MEETING AGENDA

7:00 PM – CALL TO ORDER AND ROLL CALL

Vice Mayor Derwin, Mayor Driscoll, Councilmember Richards, Councilmember Toben, Councilmember Wengert

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

- (1) **Approval of Minutes** – Regular Town Council Meeting of July 13, 2011 (3)
- (2) **Approval of Warrant List** – July 27, 2011 (11)
- (3) **Recommendation by Public Works Director** – Notice of Completion for the 2010/2011 Street Resurfacing Project (22)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley to Accept the Completed 2010/2011 Street Resurfacing Project #2010-PW02 and Authorizing Final Payment to “Half Moon Bay Grading and Paving, Inc.” Concerning Such Work, and Directing the Town Clerk to File a Notice of Completion (Resolution No. __)
- (4) **Recommendation by Assistant Town Manager** – a Resolution Denying the Claim of Allison McLaughlin (26)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Denying the Claim of Allison McLaughlin (Resolution No. __)
- (5) **Recommendation by Administrative Services Officer** – Adoption of a General Fund Minimum Fund Balance Policy (Reserves Policy) for the Town (43)
- (6) **Recommendation by Town Attorney** – Response to 2010 - 2011 Grand Jury Reports (45)

Report dated May 19, 2011 “TASERS Standardizing to Save Lives and Reduce Injuries” and Report dated May 24, 2011 “Cell Towers: Public Opposition and Revenue Source”

REGULAR AGENDA

- (7) **PRESENTATION** by Diane Rummel of the San Mateo County Historical Association with a Salute to the Town of Portola Valley on its Historic Preservation of Buildings and Ambiance of Entire Township (73)

There are no written materials for this item.
- (8) **PRESENTATION** by Mayor Driscoll awarding a Green Business Certificate to The Sequoias (74)
- (9) **PRESENTATION** by Douglas Alfaro, San Mateo County Manager’s Office and Napallo Gomez-Somer, Energy (76)

Upgrade Specialist for Ecology Action with Energy Upgrade California, a new Statewide Program offering Rebates for Home Energy Improvements.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (10) **Reports from Commission and Committee Liaisons** (79)

There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (11) **Town Council Weekly Digest** – July 15, 2011 (80)
- (12) **Town Council Weekly Digest** – July 22, 2011 (93)

ADJOURNMENT**ASSISTANCE FOR PEOPLE WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

TOWN COUNCIL MEETING NO. 817, JULY 13, 2011

Mayor Driscoll called the meeting to order at 7:32 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll.

Present: Councilmembers John Richards, Steve Toben and (by teleconference) 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
Stacie Nerdahl, Administrative Services Officer
Sandy Sloan, Town Attorney
Tom Vlastic, Town Planner

ORAL COMMUNICATIONS

Councilmember Toben, noting that election season opens next week, indicated that he's decided against running for a third term.

- (1) Presentation – Recognition of 10-year Anniversary of Sharon Hanlon, Town Clerk

Ms. Howard said that Ms. Hanlon, who started working for the Town in July 2001, came with no municipal experience but what Ms. Howard identified as a real desire to learn and grow. She immediately set out to create order out of chaos, and has adapted enthusiastically as her role and responsibilities have evolved and expanded. Adept at multi-tasking, Ms. Hanlon has organized all of the Town's original resolutions and ordinances, serves as the contact for all commissions and committees, distributes agendas and minutes, manages elections, and was a driving force in helping the Town go paperless.

Filling the town clerk functions herself at the time, Ms. Howard said that Ms. Hanlon was the first to fill the position when the Town Council created a Deputy Town Clerk classification in 2006, and moved up to Assistant Town Clerk, learning and growing on the job as well as from the Institute of Municipal Clerks, from which she earned a Certified Municipal Clerk designation. She advanced to official Town Clerk status when the Town Council created that position in 2008.

Mayor Driscoll added that it has been a real pleasure working with Ms. Hanlon, and that he appreciates her sense of humor. Vice Mayor Derwin said that Ms. Hanlon is so "on top" of things that she's on the other side waiting; when she calls with a question, she said, Ms. Hanlon almost always gets back to her with an answer within 15 minutes.

Ms. Hanlon said that she not only enjoys the work she does, but also appreciates working with such dedicated and talented people and knowing the thoughtful and deliberate consideration that goes into each Town Council members decision. She said that she holds dear the beauty of Portola Valley and appreciates the one on one conversation and friendships made with its residents.

CONSENT AGENDA

- (2) Approval of Minutes of Regular Town Council Meeting of June 8, 2011 [*removed from Consent Agenda*]
- (3) Approval of Minutes of Special Town Council Meeting of June 29, 2011
- (4) Ratification of Warrant List of June 22, 2011 in the amount of \$234,930

- (5) Ratification of Warrant List of July 13, 2011 in the amount of \$387,854.77
- (6) Recommendation by Administrative Services Officer – Annual Adoption of the Town’s Investment Policy
 - (a) Adoption of a Resolution of the Town of Portola Valley Adopting Town Investment Policy (Resolution No. 2527-2011)
- (7) Recommendation by Administrative Services Officer – Adoption of the 2011-2012 Appropriations Limit
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Determining and Establishing the Appropriations Limit for 2011-2012 (Resolution No. 2528-2011)
- (8) Recommendation by Assistant Town Manager – Adoption of Ordinance Regulating Commercial Activity on Town Center Property
 - (a) Second Reading of Title, Waive Further Reading, and Adopt 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. 2011-392)

By motion of Councilmember Toben, seconded by Councilmember Richards, Items 3 through 8 on the Consent Agenda were approved with the following roll call vote:

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

No: None

REGULAR AGENDA

- (2) Approval of Minutes of Regular Town Council Meeting of June 8, 2011

Councilmember Toben moved to approve minutes of the Regular Town Council Meeting of June 8, 2011 as amended. Seconded by Vice Mayor Derwin, the motion passed 5-0.

Mayor Driscoll proposed taking Items 13 and 12 next so that Mr. Vlasic could leave the meeting as early as possible. The Council concurred.

- (13) Recommendation by Town Manager – Approval of the 2011-2012 Planning Program [7:45 p.m.]

Councilmember Toben requested elaboration on the proposed Portola Road Study Plan, for which \$40,000 is budgeted. Mr. Vlasic replied that this plan seeks to establish and clarify policy direction regarding the character of the Portola Road corridor and associated setbacks, because differences of opinion have emerged in terms of some of the properties that have come in for review.

Vice Mayor Derwin asked for more information about the proposed Housing Element Implementation, the other \$40,000 item in the 2011-2012 budget. Mr. Vlasic said this involves the continuing work needed to implement the Housing Element, including completion of the second-units manual and resolution of the below-market-rate (BMR) unit’s issue, either onsite at Blue Oaks or in an alternative location.

In response to Vice Mayor Derwin’s inquiry about the handbook for administration of the zoning ordinance, Mr. Vlasic said that effort, for which \$7,000 is budgeted, will clarify and consolidate interpretations that have evolved to administer the zoning code.

Ms. Howard said that the Town Council had approved adding \$12,500 for Wireless Task Force work to the 2010-2011 budget – which was originally at \$180,000, the same as for 2011-2012. The 2010-2011 budget, then, totaled \$192,500, and she said it will come in about \$11,000 less.

Councilmember Toben moved to adopt the 2011-2012 Planning Program as proposed in Ms. Howard's memorandum of July 13, 2011. Seconded by Councilmember Richards, the motion passed 5-0.

- (12) Recommendation by Assistant Town Manager – Amendment to Consultant Service Agreement Between the Town of Portola Valley and Spangle Associates for Planning Services [7:50 p.m.]

Ms. Howard explained that the only change in the agreement would be a 2.8% increase in fees, equal to the increase in the Consumer Price Index (CPI) for 2010. In response to Vice Mayor Derwin, Ms. Howard indicated that the Town also used the CPI to increase Spangle's fees last year and confirmed that Spangle's retainer/fixed fees for Town Council, Planning Commission and Architectural and Site Control Commission (ASCC) services apply regardless of whether any meetings are canceled.

Mr. Vlastic indicated that it was unusual last year for eight Planning Commission meetings to be canceled – primarily for lack of quorums – but the volume of work on a day-to-day basis continues for both the Planning Commission and ASCC whether scheduled meetings occur or not.

Councilmember Toben moved to approve the first amendment to the consultant service agreement with Spangle Associates as proposed in Assistant Town Manager Janet McDougall's memorandum of June 22, 2011. Seconded by Vice Mayor Derwin, the motion passed 5-0.

- (9) Recommendation by Administrative Services Officer – Adoption of a General Fund Minimum Fund Balance Policy (Reserves Policy) for the Town [7:52 p.m.]

Given Portola Valley's vulnerability to earthquakes, landslides and wildfires, and the fact that it's a small town, Councilmember Toben raised the question as to whether a 50% reserve is sufficient. Another issue, he added, is that lacking a policy about reserves with a rationale to back it up would weaken the Town's position with the voters when they consider the Utility User's Tax (UUT) every four years.

Mayor Driscoll said the only precedent that comes to mind is the Alpine Road washout in about 1997-1998. Although it cost \$11 million to repair, at the time Alpine Road remained on the Federal Highways Map, so the U.S. government covered most of it. At that time, too, he recalled that the Town's reserves equaled 100%. Mayor Driscoll said that it's difficult to plan for such a major earthquake that would demolish recently built structures, and also noted that aid also would come from FEMA (Federal Emergency Management Agency) in such a situation.

Councilmember Richards, citing a 30% reserve figure from the Grand Jury Report ("Running on Empty," June 27, 2011), said that he had thought 50% was a good increase over that recommendation. He said that he agrees it would be nice to have 100%, but limited ability to draw from the General Fund could hamstring the Town from undertaking some projects.

In some of those cases, Mayor Driscoll noted, the funds could be included with capital expenditures.

Ms. Howard pointed out that in the event of an emergency that calls for rebuilding, the Town would have to wait for reimbursement, because FEMA does not issue funds in advance. At the time of the Alpine Road collapse, she said, the Town had \$2 million in reserves, and took out a \$3 million short-term bridge loan. With the work costing more than \$10 million, she said, at times it was difficult to meet payroll and pay vendors. Thus, she said, \$2 million wasn't enough – but, she added, it may be impossible to ever create a reserve fund big enough to deal with a major disaster.

Ms. Howard also pointed out that to increase the General Fund reserves will take increases in revenues, which may be somewhat easier to come by as the economy improves. She said that a 60% target would mean reserves of about \$2.7 million.

Councilmember Toben suggested that the policy could be crafted to be aspirational. It need not require setting aside a certain amount of money each year. It could call for achieving a 60% reserves level within a period of 10 years. Mayor Driscoll said that another option would be to set the reserves at 50% initially, and then add 1% annually for a period of 10 years.

Councilmember Wengert said that it's always a good idea to maximize reserves, so she concurs with a longer-term strategy to work toward the higher target.

Ms. Howard said that future annual audits will include footnotes relating to the status of the reserves in terms of whatever policy is established. She suggested deferring the vote on this item so that the policy statement can be redrafted with the 50% initial requirement, growing incrementally to 60% within 10 years. Councilmembers concurred. The revised draft will be on the Council's July 27, 2011 meeting agenda.

- (10) Recommendation by Administrative Services Officer – First Amendment to Agreement to provide Information Technology Services and Support to Town Hall
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of First Amendment to Agreement between the Town of Portola Valley and the City of Redwood City (Resolution No. 2529-2011)

Ms. Nerdahl said that the Redwood City IT team has been excellent, and the representative is very good about helping the Town save money. Ms. Howard indicated that they're also very proactive.

Mayor Driscoll expressed concern that Redwood City employees may be reading information that is internal to Portola Valley. Ms. Nerdahl said that although the IT people require a certain level of access to do the job, the representative has indicated no interest in that information; his concern is about keeping computers operating. She said she doesn't know if the contract contains any confidentiality clauses.

In theory, Councilmember Toben said, all of Portola Valley's attorney-client privileged material is available for the contracted workers' perusal. Thus, he considers a confidentiality clause important.

Vice Mayor Derwin pointed out that Redwood City's IT operation also contracts with other municipalities.

Ms. Nerdahl suggested approving the recommendation now so that the contract will be current, and then update it again after investigating what other communities do to protect confidential information.

Councilmember Richards moved to approve the first amendment to the agreement between the Town of Portola Valley and the City of Redwood City for IT services as recommended in Ms. Nerdahl's memorandum of July 13, 2011. Seconded by Councilmember Toben, the motion passed 5-0.

- (11) Recommendation by Administrative Services Officer and Town Clerk – Approval of Town Manager Recruitment Schedule and Request for Proposals (RFP) for Town Manager Executive Search Services

Ms. Nerdahl explained that since Ms. Howard has announced her plans to retire in April 2012, it's time to begin the process of getting an executive search underway for a successor, and the first step will involve issuing a RFP. Accordingly, she and Ms. Hanlon drafted a proposal as well as a recruitment schedule for the process. She said that they want a Town Council subcommittee to work with staff in reviewing and interviewing candidates and selecting a successor.

Mayor Driscoll and Councilmember Richards said that they are willing to serve on the subcommittee.

Councilmember Toben commented that the RFP and the schedule are well-done.

Mayor Driscoll questioned whether the scheduled two-week window is long enough between Town Council approval of an agreement with the selected executive search firm (August 24, 2011) and approval of the firm's proposed recruitment announcement and materials (September 14, 2011). Ms. Nerdahl said that she considers two weeks sufficient, as did Ms. Howard. Ms. Hanlon added that the process will be handled electronically as well, which will save time.

Councilmember Wengert asked about the period between announcing the candidate selected (at the March 14, 2012 Town Council meeting) and the new Town Manager's start date. Ms. Howard said that because negotiation of the employment agreement is scheduled for February 2012, the intervening time is actually closer to two months than one.

Councilmember Toben moved to approve the RFP and recruitment schedule proposed in Ms. Nerdahl's and Ms. Hanlon's memorandum of July 13, 2011. Seconded by Vice Mayor Derwin, the motion passed 5-0.

Councilmember Wengert excused herself from the meeting.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(14) Reports from Commission and Committee Liaisons

(a) Trails and Paths Committee

Mayor Driscoll noted that the Trails and Paths Committee spent much of its meeting considering the nature trail in the Dengler Preserve. Although members agreed on the idea of the nature trail, fundamental issues concerning signage, difficult access and lack of parking prevented them from making a recommendation regarding that location.

Mayor Driscoll told the Council that even Craig Taylor, Open Space Acquisition Advisory Committee member and one of the original proponents of a nature trail, raised questions about it. He said that he also understands that the Conservation Committee likes the idea, too, but opinions differ as to whether the Dengler Preserve is the place for it.

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

Vice Mayor Derwin said that Will Travis, Executive Director of BCDC, the San Francisco Bay Conservation and Development Commission, spoke at the C/CAG meeting on June 9, 2011. He said that considerable controversy remains over the Bay Plan Amendment, and that BCDC is not attempting to take away local buildable land but merely to plan for the rising sea level within the context of global climate change.

(b) Sustainability Committee

Vice Mayor Derwin reported that the Sustainability Committee met on June 13, 2011, and announced that the Acterra High Energy Home program is now active on Acterra's website. The Committee's PG&E contractor workshop was a success, with approximately 50 enthusiastic contractors in attendance. The Committee is lining up speakers for Energy Upgrade Portola Valley and working on a profile postcard initiative to feature homeowners who have completed energy upgrades and to publicize the program.

Councilmember Toben said that he likes the idea of the personalized approach.

(c) Council of Cities

The Council of Cities held elections at its June 24, 2011 meeting, Vice Mayor Derwin reported. She said that new Redwood City Councilmember Jeff Gee won the seat on the San Mateo County Transit District (SamTrans) Board of Directors, and also competed for a contested seat on the Caltrain Joint Powers Board (JPB) with Burlingame Councilmember Jerry Deal, who won that election.

(d) Teen Committee

At its June 30, 2011 meeting, Vice Mayor Derwin said, the Teen Committee discussed its Sharing the Bounty project, which includes working on the garden at Corte Madera Elementary School, and its upcoming dance. Vice Mayor Derwin also reported that the Committee is moving forward with the Bill and Jean Lane Civic Involvement Project, their interest piqued by the realization that involvement might help with their college applications.

(e) Cultural Arts Committee

Vice Mayor Derwin said that the Cultural Arts Committee discussed its budget at the last meeting. Ms. Howard said members also talked about buying materials to help advertise and promote their music events, which include a concert scheduled for July 21, 2011.

(f) San Mateo County Emergency Services Council

Councilmember Richards attended the San Mateo County Office of Emergency Services (OES) meeting on June 16, 2011. He reported that:

- Web-based Emergency Operations Center (EOC) classes are coming soon
- Held at the San Mateo County Event Center on June 11, 2011, the County's Annual Disaster Preparedness Day drew good attendance
- The Belmont Fire Department will run the County's Hazmat team on a provisional basis, to be reviewed in three months and alternatives considered, and
- The American Red Cross has a launch date of June 23, 2011 for its Ready Neighborhoods Program in East Palo Alto.

(g) Architectural and Site Control Commission (ASCC)

Councilmember Richards reported that the ASCC gave conditional approval for design of a remodel on Golden Hills Drive, and discussed several issues relating to the Shorenstein Planned Unit Development (PUD), including a vegetation management plan and the extent to which nonconforming vegetation and fencing should be removed. He also said that the Conservation Committee has requested earlier notification about ASCC projects.

(h) Parks and Recreation Committee

Councilmember Toben reported that the main discussion at the Parks and Recreation Committee meeting last month centered on recovering income for field maintenance. He explained that a year or so ago, an approach was adopted that raised fees for leagues that use the fields, that Ms. McDougall has assembled a report that details monthly costs of everything involved in field maintenance, and that as a result, staff has reduced field maintenance expenses significantly. Ms. McDougall confirmed that now more than 50% of the outlay is recovered via league fees. Councilmember Toben commended both Ms. McDougall and Recreational Facilities Coordinator Tony Macias for their efforts to demonstrate such conscientiousness to the community.

(i) Emergency Preparedness Committee

Ham radio operators met under the auspices of the Emergency Preparedness Committee at Town Hall in early June 2011, Councilmember Toben reported, with a lot of interesting conversation about activating the ham radio community in the aftermath of a disaster. One idea was to pursue the potential of the Town acquiring a low-power FM transmitter, perhaps about 20 watts. Because the FCC apparently is no longer active in licensing low-power facilities, the EPC might contact Representative Anna Eshoo for assistance.

Councilmember Toben expressed appreciation to the *Almanac* for the excellent news and editorial coverage of the Council's joint meeting with the EOC on June 29, 2011. He also told the Council that Ms. Howard is leading the plan for the August 31, 2011 emergency simulation at Town Center, and working with an EPC subcommittee on it.

(j) League of California Cities

Councilmember Toben said that he attended the Peninsula Division dinner meeting of the League of California Cities. The San Bruno Mayor and City Manager made a presentation about how critical the role is of elected officials in media outreach and community relations. They stressed the importance of demonstrating competence, calmness, clear-headedness and composure.

WRITTEN COMMUNICATIONS

(15) Town Council June 10, 2011 Weekly Digest

- a) #2 – Email to Tim Hanretty from Janet McDougall regarding Mayors' Diversity Awards Ceremony – June 6, 2011

In response to a question from Mayor Driscoll, Ms. McDougall said that everything was ready for the Diversity Awards presentation in April, but the event was postponed until October. As soon as she learned about it, she advised Mr. Hanretty, Portola Valley's Superintendent of Schools, why he hadn't heard from the Town earlier.

(16) Town Council June 17, 2011 Weekly Digest

- a) #1 – Memorandum to the Town Council from Angela Howard regarding Not-for-Profit Agency Funding Requests – June 17, 2011

The Council concurred with Ms. Howard's recommendation.

- b) #5 – Information from the League of California Cities regarding the Designation of Voting Delegates and Alternates – June 9, 2011

Mayor Driscoll advised Ms. Hanlon that he will attend the September 21-23, 2011 League of California Cities Annual Conference in San Francisco as a voting delegate, and Vice Mayor Derwin volunteered to serve as his alternate.

(17) Town Council June 24, 2011 Weekly Digest

- a) #2 – Memorandum to Town Council from Brandi de Garmeaux regarding Consideration of Expanded Polystyrene Ban in Portola Valley – June 24, 2011

Councilmember Toben indicated that the approach that Ms. de Garmeaux has outlined is very sensible. Others concurred, agreeing with her recommendation for a phased approach to ban polystyrene within the Town of Portola Valley – particularly in light of the fact that only two food vendors use it anyway.

- b) #2 Attached Separates – Indicators for a Sustainable San Mateo County Fifteenth Annual Report – April 2011

Ms. Howard drew the Council's attention to page 48 in *Sustainable San Mateo County's 2011 Indicators Report*, where a bar chart shows Portola Valley leading the County in the Registered Voter Turnout category, with 79% voter participation for 2010 – ahead of 19 other communities and the unincorporated areas of the county. Ms. Howard said that this would have made the late Bill Lane proud. In terms of solid waste, she said that Portola Valley came in first in terms of generating the least disposable waste of any community in the County, based on disposed pounds per day per resident (page 45).

(18) Town Council July 1, 2011 Weekly Digest

- a) #1 – Grand Jury Report "Running on Empty" – June 27, 2011

Staff will write letters of response to Grand Jury Reports, including the one dated June 27, 2011. The response to "Running on Empty" is due by September 26, 2011. Vice Mayor Derwin pointed out that Portola Valley was identified as one of the communities providing fewer than three years' worth of budget documents and Comprehensive Annual Financial Reports (CAFR), and one of the communities that hadn't posted a CAFR for 2010 on its website as of March 10, 2011. Ms. Howard said that Ms. Nerdahl has now posted that information.

(19) Town Council July 8, 2011 Weekly Digest

- a) #1 – Grand Jury Report "County Officials Need to Make Noise about Aircraft Noise" – July 6, 2011

Councilmember Toben, noting that he felt somewhat vindicated by the report's criticism of the San Francisco International Airport Roundtable's effectiveness, said that he would draft Portola Valley's letter of response, and include information that the report overlooked.

CLOSED SESSION [8:55 p.m.]

(20) Conference with Legal Counsel – Existing Litigation

Government Code Section 54956.9(a)
Michael and Lisa Douglas vs. Town of Portola Valley
Case No: CIV 484299 (State Case)

Michael and Lisa Douglas vs. Town of Portola Valley
Case No: 10-17804 (Federal Case)

REPORT OUT OF CLOSED SESSION

No reportable actions.

ADJOURNMENT [9:10 p.m.]

Mayor

Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 1

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

MIKE AGOFF	Summer Instructor Fee	12140	07/27/2011	
			07/27/2011	
2341 KEHOE AVENUE	0016		07/27/2011	
SAN MATEO	BOA	45244	07/27/2011	0.00
CA 94403				3,036.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	3,036.00	0.00

Check No.	45244	Total:	3,036.00
Total for	MIKE AGOFF		3,036.00

ALL FENCE COMPANY INC.	Guard Rail at Community Hall	12141	07/27/2011	
			07/27/2011	
1900 SPRING STREET	0013		07/27/2011	
REDWOOD CITY	BOA	45245	07/27/2011	0.00
CA 94063	49696			1,450.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	1,450.00	0.00

Check No.	45245	Total:	1,450.00
Total for	ALL FENCE COMPANY INC.		1,450.00

ALLIANT INSURANCE SERVICES	2nd Qtr Liab Insurance Premium (for Events)	12142	07/27/2011	
			07/27/2011	
SPECIAL EVENTS	475		07/27/2011	
NEWPORT BEACH	BOA	45246	07/27/2011	0.00
CA 92658				1,866.40

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4338	Event Insurance	1,866.40	0.00

Check No.	45246	Total:	1,866.40
Total for	ALLIANT INSURANCE SERVICES		1,866.40

ALMANAC	June Advertising	12143	07/27/2011	
			07/27/2011	
PO BOX 1610	0048		07/27/2011	
MENLO PARK	BOA	45247	07/27/2011	0.00
CA 94302				348.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	348.00	0.00

Check No.	45247	Total:	348.00
Total for	ALMANAC		348.00

ARC	Blueprints (Ford Field)	12144	07/27/2011	
			07/27/2011	
DEPT #34408	0112		07/27/2011	
SAN FRANCISCO	BOA	45248	07/27/2011	0.00
CA 94139-0001	8346500			23.45

GL Number	Description	Invoice Amount	Amount Relieved
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INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011
 Time: 9:42 am
 Page: 2

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-64-4308	Office Supplies	23.45	0.00	
		<u>Check No.</u>	45248	<u>Total:</u> 23.45
		<u>Total for</u>	ARC	23.45

ASSOCIATED BUSINESS MACHINES	Postager Meter Annual Maint	12145	07/27/2011	
	2011-12		07/27/2011	
1552 BEACH STREET	0017		07/27/2011	
EMERYVILLE	BOA	45249	07/27/2011	0.00
CA 94608	2110930			830.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4314	Equipment Services Contracts	830.00	0.00	
		<u>Check No.</u>	45249	<u>Total:</u> 830.00
		<u>Total for</u>	ASSOCIATED BUSINESS MACHINI	830.00

AT&T	June Statements	12146	07/27/2011	
			07/27/2011	
PO BOX 989048	441		07/27/2011	
WEST SACRAMENTO	BOA	45250	07/27/2011	0.00
CA 95798-9048				251.19

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4318	Telephones	251.19	0.00	
		<u>Check No.</u>	45250	<u>Total:</u> 251.19
		<u>Total for</u>	AT&T	251.19

BALANCE HYDROLOGICS INC.	C-1 Trail Creel. 5/22 - 6/18	12182	07/27/2011	
			07/27/2011	
800 BANCROFT WAY	945		07/27/2011	
BERKELEY	BOA	45251	07/27/2011	0.00
CA 94710-2227	206203-0611			2,156.61

GL Number	Description	Invoice Amount	Amount Relieved	
96-00-4528	C-1 Trail	2,156.61	0.00	
BALANCE HYDROLOGICS INC.	CIP Springdown Improvements	12183	07/27/2011	
	5/22 - 6/18		07/27/2011	
800 BANCROFT WAY	945		07/27/2011	
BERKELEY	BOA	45251	07/27/2011	0.00
CA 94710-2227	210043-0611			200.00

GL Number	Description	Invoice Amount	Amount Relieved	
15-68-4414	CIP10/11 Spring Down OpSpa Imp	200.00	0.00	
		<u>Check No.</u>	45251	<u>Total:</u> 2,356.61
		<u>Total for</u>	BALANCE HYDROLOGICS INC.	2,356.61

BAY AREA GEOTECH GROUP	CIP Road Test Insp 2010/11	12181	07/27/2011	
			07/27/2011	
847 W. MAUDE AVENUE	618		07/27/2011	
SUNNYVALE	BOA	45252	07/27/2011	0.00
CA 94085	27568			2,702.50

GL Number	Description	Invoice Amount	Amount Relieved	
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INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 3

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-68-4411	CIP10/11 Street Resurfacing	2,702.50	0.00	
		Check No. 45252	Total:	2,702.50
		Total for	BAY AREA GEOTECH GROUP	2,702.50

MARLON BISHOP	Summer Instructor Fee	12148	07/27/2011	
48 CLINTON STREET	2035		07/27/2011	
REDWOOD CITY	BOA	45253	07/27/2011	0.00
CA 94062				505.60

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4246	Instructors & Class Refunds	505.60	0.00	
		Check No. 45253	Total:	505.60
		Total for	MARLON BISHOP	505.60

DANA CAPPIELLO	Deposit Refund	12149	07/27/2011	
130 GOLDEN OAK DRIVE	582		07/27/2011	
PORTOLA VALLEY	BOA	45254	07/27/2011	0.00
CA 94028				100.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-56-4226	Facility Deposit Refunds	100.00	0.00	
		Check No. 45254	Total:	100.00
		Total for	DANA CAPPIELLO	100.00

CDW-G	Barracude Spam Equipment	12150	07/27/2011	
	3-Year Service	5955	07/27/2011	
75 REMITTANCE DRIVE	0360		07/27/2011	
CHICAGO	BOA	45255	07/27/2011	0.00
IL 60675-1515	XXT8987			3,786.97

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4311	Internet Service & Web Hosting	3,786.97	0.00	
		Check No. 45255	Total:	3,786.97
		Total for	CDW-G	3,786.97

CITY OF REDWOOD CITY	IT Services, June 2011	12152	07/27/2011	
			07/27/2011	
P.O. BOX 3629	586		07/27/2011	
REDWOOD CITY	BOA	45256	07/27/2011	0.00
CA 94064-3629	BR26025			1,799.50

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	1,799.50	0.00	
		Check No. 45256	Total:	1,799.50
		Total for	CITY OF REDWOOD CITY	1,799.50

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 4

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

COAST LANDSCAPE MGMT, INC	Valve Repair at TC Softball	12147	07/27/2011	
			07/27/2011	
1474 BERGER DRIVE	949		07/27/2011	
SAN JOSE	BOA	45257	07/27/2011	0.00
CA 95112	384217			195.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	195.00	0.00

Check No.	45257	Total:	195.00
Total for	COAST LANDSCAPE MGMT, INC		195.00

COTTON SHIRES & ASSOC. INC.	Applicant Charges, June 2011	12153	07/27/2011	
			07/27/2011	
330 VILLAGE LANE	0047		07/27/2011	
LOS GATOS	BOA	45258	07/27/2011	0.00
CA 95030-7218				7,507.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geoloqist - Charges to Appls	7,507.50	0.00

Check No.	45258	Total:	7,507.50
Total for	COTTON SHIRES & ASSOC. INC.		7,507.50

CSG CONSULTANTS INC	Temp Building Inspection, June	12154	07/27/2011	
			07/27/2011	
1700 S. AMPHLETT BLVD	622		07/27/2011	
SAN MATEO	BOA	45259	07/27/2011	0.00
CA 94402	020412			2,496.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4062	Temp Bldq Inspection	2,496.00	0.00

Check No.	45259	Total:	2,496.00
Total for	CSG CONSULTANTS INC		2,496.00

GERARDO JANITORIAL (DBA)	Spring Cleaning Town Center	12155	07/27/2011	
GERARDO MENDOZA			07/27/2011	
P.O. BOX 187	0074		07/27/2011	
REDWOOD CITY	BOA	45260	07/27/2011	0.00
CA 94064	765/7/30/11			5,211.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4344	Janitorial Services	5,211.00	0.00

Check No.	45260	Total:	5,211.00
Total for	GERARDO JANITORIAL (DBA)		5,211.00

HIGHWAY TECHNOLOGIES, INC	Signage for C-1 Trail	12184	07/27/2011	
			07/27/2011	
P.O. BOX 51581	0067		07/27/2011	
LOS ANGELES	BOA	45261	07/27/2011	0.00
CA 90051-5881	65083415-0001			339.75

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	339.75	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 5

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45261	Total:	339.75
Total for	HIGHWAY TECHNOLOGIES, INC		339.75

HILLYARD, INC	Janitorial Supplies	12156	07/27/2011	
P.O. BOX 874338	531		07/27/2011	
KANSAS CITY	BOA	45262	07/27/2011	0.00
MO 64187-4338	6808310			10.89

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	10.89	0.00

Check No.	45262	Total:	10.89
Total for	HILLYARD, INC		10.89

HORIZON	Fertilizer & Mole Bait	12157	07/27/2011	
P.O. BOX 52758	0289		07/27/2011	
PHOENIX	BOA	45263	07/27/2011	0.00
AZ 85072-2758	1N054626			439.74

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	439.74	0.00

Check No.	45263	Total:	439.74
Total for	HORIZON		439.74

J.W. ENTERPRISES	Portable Lavs, 7/14 - 8/10	12158	07/27/2011	
1689 MORSE AVE	829		07/27/2011	
VENTURA	BOA	45264	07/27/2011	0.00
CA 93003	156777			223.48

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	223.48	0.00

Check No.	45264	Total:	223.48
Total for	J.W. ENTERPRISES		223.48

JOINT VENTURE	2011-12 Contribution	12159	07/27/2011	
SILICON VALLEY NETWORK			07/27/2011	
100 W. SAN FERNANDO STREET	0094		07/27/2011	
SAN JOSE	BOA	45265	07/27/2011	0.00
CA 95113				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4222	Community Services	500.00	0.00

Check No.	45265	Total:	500.00
Total for	JOINT VENTURE		500.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 6

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

JORGENSON SIEGEL MCCLURE & FLEGEL	June Statement	12163	07/27/2011	
1100 ALMA STREET	0089		07/27/2011	
MENLO PARK	BOA	45266	07/27/2011	0.00
CA 94025				8,798.34

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4182	Town Attorney	8,798.34	0.00

JORGENSON SIEGEL MCCLURE & FLEGEL	Applicant Charges, June	12164	07/27/2011	
1100 ALMA STREET	0089		07/27/2011	
MENLO PARK	BOA	45266	07/27/2011	0.00
CA 94025				1,050.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	400.00	0.00
96-54-4186	Attorney - Charges to Appls	650.00	0.00

Check No.	45266	Total:	9,848.34
Total for	JORGENSON SIEGEL MCCLURE &		9,848.34

KDSA CONSULTING LLC	July Spam Filtering	12165	07/27/2011	
1600 OSGOOD STREET	555		07/27/2011	
N. ANDOVER	BOA	45267	07/27/2011	0.00
MA 01845	012939			75.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	75.00	0.00

Check No.	45267	Total:	75.00
Total for	KDSA CONSULTING LLC		75.00

LEA & BRAZE ENGINEERING INC	CIP Road Project Staking	12185	07/27/2011	
2495 INDUSTRIAL PARKWAY WEST	731		07/27/2011	
HAYWARD	BOA	45268	07/27/2011	0.00
CA 94545-5037	37945			3,311.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4411	CIP10/11 Street Resurfacing	3,311.00	0.00

Check No.	45268	Total:	3,311.00
Total for	LEA & BRAZE ENGINEERING INC		3,311.00

LAUREN E LEE	Energy Upgrade Intern, June	12166	07/27/2011	
2089 QUEENS LANE	0354		07/27/2011	
SAN MATEO	BOA	45269	07/27/2011	0.00
CA 94402				210.00

GL Number	Description	Invoice Amount	Amount Relieved
08-64-4335	Sustainability	210.00	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 7

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

LAUREN E LEE	Energy Upgrade Intern, July	12167	07/27/2011	
			07/27/2011	
2089 QUEENS LANE	0354		07/27/2011	
SAN MATEO	BOA	45269	07/27/2011	0.00
CA 94402	3			495.00

GL Number	Description	Invoice Amount	Amount Relieved
08-64-4335	Sustainability	495.00	0.00

Check No.	45269	Total:	705.00
Total for	LAUREN E LEE		705.00

O'GRADY PAVING, INC.	C-1 Trail Construction, June	12168	07/27/2011	
			07/27/2011	
2513 WYANDOTTE STREET	920		07/27/2011	
MOUNTAIN VIEW	BOA	45270	07/27/2011	0.00
CA 94043	11424			59,400.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	59,400.00	0.00

Check No.	45270	Total:	59,400.00
Total for	O'GRADY PAVING, INC.		59,400.00

OLBERDING ENVIRONMENTAL, INC	C-1 Trail Permitting	12186	07/27/2011	
			07/27/2011	
193 BLUE RAVINE ROAD	2025		07/27/2011	
FOLSOM	BOA	45271	07/27/2011	0.00
CA 94630	2010368			1,006.25

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	1,006.25	0.00

Check No.	45271	Total:	1,006.25
Total for	OLBERDING ENVIRONMENTAL, IN		1,006.25

PACIFIC ACCESS INC	Maint to Dumbwaiter	12187	07/27/2011	
			07/27/2011	
937 INDUSTRIAL AVENUE	991		07/27/2011	
PALO ALTO	BOA	45272	07/27/2011	0.00
CA 94303	15626			120.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	120.00	0.00

Check No.	45272	Total:	120.00
Total for	PACIFIC ACCESS INC		120.00

PACIFIC POOLS	Refund Deposit Fees	12169	07/27/2011	
			07/27/2011	
23 LA SONOMA DRIVE	617		07/27/2011	
ALAMO	BOA	45273	07/27/2011	0.00
CA 94507				3,500.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	3,500.00	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 2011

Date: 07/21/2011

Time: 9:42 am

Page: 8

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45273	Total:	3,500.00
Total for	PACIFIC POOLS		3,500.00

PENINSULA CONFLICT RESOLUTION	2011-12 Contribution	12161	07/27/2011	
1660 S. AMPHLETT BLVD	0171		07/27/2011	
SAN MATEO	BOA	45274	07/27/2011	0.00
CA 94402				1,300.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4222	Community Services	1,300.00	0.00

Check No.	45274	Total:	1,300.00
Total for	PENINSULA CONFLICT RESOLUTI		1,300.00

PERS HEALTH	August Health Premium	12170	07/27/2011	
VIA EFT	0108		07/27/2011	
	BOA	45275	07/27/2011	0.00
				14,644.59

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	14,644.59	0.00

Check No.	45275	Total:	14,644.59
Total for	PERS HEALTH		14,644.59

RON RAMIES AUTOMOTIVE, INC.	June Fuel Statement	12171	07/27/2011	
115 PORTOLA ROAD	422		07/27/2011	
PORTOLA VALLEY	BOA	45276	07/27/2011	0.00
CA 94028				420.59

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	420.59	0.00

RON RAMIES AUTOMOTIVE, INC.	Repair Door Handle, '00 Chev	12172	07/27/2011	
115 PORTOLA ROAD	422		07/27/2011	
PORTOLA VALLEY	BOA	45276	07/27/2011	0.00
CA 94028	36145			125.06

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4334	Vehicle Maintenance	125.06	0.00

Check No.	45276	Total:	545.65
Total for	RON RAMIES AUTOMOTIVE, INC.		545.65

ROSENDIN ELECTRIC INC	Repairs to Exit Sign	12173	07/27/2011	
P.O. BOX 49070	962		07/27/2011	
SAN JOSE	BOA	45277	07/27/2011	0.00
CA 95161-9070	85403			297.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	297.00	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 201

Date: 07/21/2011

Time: 9:42 am

Page: 9

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45277	Total:	297.00
Total for	ROSENDIN ELECTRIC INC		297.00

SAN FRANCISQUITO WATERSHED	2011-12 Contribution	12160	07/27/2011	
3921 EAST BAYSHORE ROAD	486		07/27/2011	
PALO ALTO	BOA	45278	07/27/2011	0.00
CA 94303-4303				5,200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4222	Community Services	5,200.00	0.00

Check No.	45278	Total:	5,200.00
Total for	SAN FRANCISQUITO WATERSHED		5,200.00

SHARP BUSINESS SYSTEMS	June Copies	12174	07/27/2011	
DEPT. LA 21510	0199		07/27/2011	
PASADENA	BOA	45279	07/27/2011	0.00
CA 91185-1510	C701964-541			52.24

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	52.24	0.00

Check No.	45279	Total:	52.24
Total for	SHARP BUSINESS SYSTEMS		52.24

SPARTAN ENGINEERING	Repairs to Alarm Panel	12175	07/27/2011	
510 PARROTT STREET #6	0095		07/27/2011	
SAN JOSE	BOA	45280	07/27/2011	0.00
CA 95112	22217			201.25

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	201.25	0.00

SPARTAN ENGINEERING	Repairs to Fire Alarm Panel	12176	07/27/2011	
510 PARROTT STREET #6	0095		07/27/2011	
SAN JOSE	BOA	45280	07/27/2011	0.00
CA 95112	22221			201.25

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	201.25	0.00

Check No.	45280	Total:	402.50
Total for	SPARTAN ENGINEERING		402.50

STAPLES	June Statement	12177	07/27/2011	
STAPLES CREDIT PLAN	430		07/27/2011	
DES MOINES	BOA	45281	07/27/2011	0.00
IA 50368-9020				498.76

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	498.76	0.00

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 201

Date: 07/21/2011
 Time: 9:42 am
 Page: 10

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45281	Total:	498.76
Total for	STAPLES		498.76

SUSTAINABLE SM COUNTY	2011-12 Contribution	12162	07/27/2011	
177 BOVET ROAD 6TH FLOOR	0170		07/27/2011	
SAN MATEO	BOA	45282	07/27/2011	0.00
CA 94402				3,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4222	Community Services	3,000.00	0.00

Check No.	45282	Total:	3,000.00
Total for	SUSTAINABLE SM COUNTY		3,000.00

TOWNSEND MGMT, INC	June Applicant Charges	12178	07/27/2011	
P.O. BOX 24442	609		07/27/2011	
SAN FRANCISCO	BOA	45283	07/27/2011	0.00
CA 94124				855.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	855.00	0.00

TOWNSEND MGMT, INC	CIP Road Preconstruction	12188	07/27/2011	
P.O. BOX 24442	609		07/27/2011	
SAN FRANCISCO	BOA	45283	07/27/2011	0.00
CA 94124	(3)			4,985.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4411	CIP10/11 Street Resurfacing	4,985.00	0.00

TOWNSEND MGMT, INC	CIP Road Proj Testing	12189	07/27/2011	
P.O. BOX 24442	April - June		07/27/2011	
SAN FRANCISCO	609		07/27/2011	
CA 94124	BOA	45283	07/27/2011	0.00
	(3)			29,865.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4411	CIP10/11 Street Resurfacing	29,865.00	0.00

Check No.	45283	Total:	35,705.00
Total for	TOWNSEND MGMT, INC		35,705.00

TRA ENVIRONMENTAL SCIENCES INC	CIP Springdown Pond Study	12191	07/27/2011	
545 MIDDLEFIELD ROAD	5/1 - 6/30/11		07/27/2011	
MENLO PARK	924		07/27/2011	
CA 94025	BOA	45284	07/27/2011	0.00
	11-2179			2,498.75

GL Number	Description	Invoice Amount	Amount Relieved
15-68-4414	CIP10/11 Spring Down OpSpa Imp	2,498.75	0.00

Check No.	45284	Total:	2,498.75
Total for	TRA ENVIRONMENTAL SCIENCES		2,498.75

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST
 JULY 27, 201

Date: 07/21/2011
 Time: 9:42 am
 Page: 11

TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

CHRISSY UNTRECHT	Community Hall Deposit Refund	12190	07/27/2011	
			07/27/2011	
197 MEADOWOOD DRIVE	822		07/27/2011	
PORTOLA VALLEY	BOA	45285	07/27/2011	0.00
CA 94028				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	1,000.00	0.00

Check No.	45285	Total:	1,000.00
Total for	CHRISSY UNTRECHT		1,000.00

VISION INTERNET PROVIDERS INC	June Web Host & Tech Support	12179	07/27/2011	
			07/27/2011	
P.O. BOX 251588	827		07/27/2011	
LOS ANGELES	BOA	45286	07/27/2011	0.00
CA 90025	20140			341.95

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4216	IT & Website Consultants	141.95	0.00
05-64-4311	Internet Service & Web Hosting	200.00	0.00

Check No.	45286	Total:	341.95
Total for	VISION INTERNET PROVIDERS IN		341.95

WOLFPACK INSURANCE	August Dental/Vision	12180	07/27/2011	
			07/27/2011	
SMALL BUSINESS BENEFIT PLAN	0132		07/27/2011	
BELMONT	BOA	45287	07/27/2011	0.00
CA 94402				2,293.20

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,293.20	0.00

Check No.	45287	Total:	2,293.20
Total for	WOLFPACK INSURANCE		2,293.20

Total Invoices:	51	Grand Total:	181,724.81
		Less Credit Memos:	0.00
		Net Total:	181,724.81
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	181,724.81

Warrant Disbursement Journal

July 27, 2011

Claims totalling \$181,724.81 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date: _____

 Angela Howard, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (date) _____

 Sharon Hanlon, Town Clerk

 Town Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director

DATE: July 27, 2011

RE: Acceptance of the 2010/2011 Resurfacing Project #2010-PW02


At its February 23, 2011 meeting, the Town Council approved the 2010/2011 Street Resurfacing plans and called for sealed bids for the project. Half Moon Bay Grading and Paving, Inc. was awarded the contract for the project. Construction on the project was started May 2011 and was substantially completed June 24, 2011. The contract still requires Half Moon Bay Grading and Paving, Inc. to warranty all improvements for 1 year.

The contractor and staff have performed a final inspection of the improvements. Staff recommends to the Town Council acceptance of the improvements as complete.

Recommendation

It is recommended that the Town Council adopt the attached resolution accepting as completed the 2010/2011 Resurfacing Project #2010-PW02, authorizing final payment concerning such work, and directing the Town Clerk to file a Notice of Completion.

Attachment

Approved: 
Angela Howard, Town Manager

RESOLUTION NO. _____-2011

RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY TO ACCEPT THE COMPLETED 2010/2011
RESURFACING PROJECT #2010-PW02 AND AUTHORIZING FINAL PAYMENT TO
“HALF MOON BAY GRADING AND PAVING, INC.” CONCERNING SUCH WORK,
AND DIRECTING TOWN CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Public Works Director of the Town of Portola Valley has, in writing, made and filed in the Office of Town Clerk his notice certifying that the work under the contract described above has been completed in conformance with the Plans and Specifications for said project, and has recommended that said work be accepted as complete and satisfactory,

NOW, THEREFORE, the Town Council of the Town of Portola Valley does RESOLVE as follows:

1. The above-described work as mentioned in the Notice of Completion of the Public Works Director is hereby accepted as substantially complete, and the appropriate officer of the Town is authorized to make final payment concerning the above-described work.
2. The Town Clerk is hereby authorized and directed to file with the County Recorder of the County of San Mateo, the Notice of Completion of said project within ten (10) days from the date of this resolution.

PASSED AND ADOPTED this _____ day of _____, 2011.

Mayor

ATTEST:

Town Clerk

This Document is Recorded
For the Benefit of the
Town of Portola Valley
And is Exempt from Fee
Per Government Code
Sections 6103 and 27383

When Recorded, Mail to:

Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Attn: Town Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that Half Moon Paving Grading and Paving, Inc., on April 22, 2011, did enter into a contract for the 2010/2011 Resurfacing Project # 2010-PW02, situated in San Mateo County, within the Town of Portola Valley. Said improvements were completed in accordance with the Plans and Specifications adopted by the Town Council and upon the terms and conditions set forth and identified by the written contract.

On the 24th day of December 2011, the work provided to be done under contract was fully completed in accordance with the terms of the contract.

NOTICE IS FURTHER GIVEN that the public board for whom the above-described work was done is the Town Council of the Town of Portola Valley, a municipal corporation of the State of California, and that the name and address of the political subdivision for which the above-described work was done is in the Town of Portola Valley, State of California, Town Hall, 765 Portola Road, Portola Valley, California 94028.

NOTICE IS FURTHER GIVEN that the name of the contractor by whom the above-described work was done is as follows:

CONTRACTOR: Half Moon Bay Grading and Paving, Inc.

Howard Young
Public Works Director
Town of Portola Valley

DATE: _____

I hereby certify the foregoing to be a full, true and correct copy of a resolution adopted by the Council of the Town of Portola Valley, California, at a meeting thereon held on the 27th day of July, 2011, by the following vote of the members thereof:

AYES, and in favor thereof, Council members:

NOES, Council members:

ABSENT, Council members:

Town Clerk of the
Town of Portola Valley
(SEAL)

APPROVED:

Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Council

FROM: Janet McDougall, Assistant Town Manager

DATE: July 27, 2011

RE: **A Resolution Denying the Claim of Allison McLaughlin**

Recommended Action:

Adopt resolution denying claim.

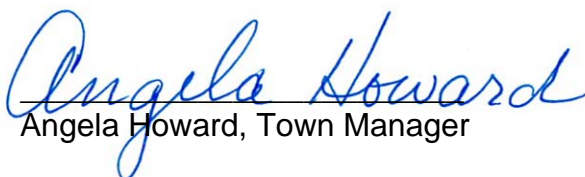
Issue Statement/Discussion:

On June 28, 2011, the Town received a claim from Allison McLaughlin seeking \$899.51 in monetary damages for replacement of two tires she alleges became necessary to replace as a result of driving over an asphalt lip during the road resurfacing project on and around Horseshoe Bend in May of this year. In her claim, Ms. McLaughlin indicates the sidewall of her tire blew out on Highway 101 after being damaged when she drove across a raised asphalt lip created by the road resurfacing project. The claim is attached as Exhibit "A".

The Town contracted with Half Moon Bay Grading and Paving to complete the road resurfacing project, and all work was performed to Caltrans specifications.

The proposed resolution denying the claim is attached as Exhibit "B".

Approved:


Angela Howard, Town Manager

Attachments: Exhibit "A" – Claim
Exhibit "B" – Resolution

Exhibit "A"

CLAIM AGAINST TOWN OF PORTOLA VALLEY



Please return to: Town Clerk, Portola Valley, 765 Portola Road, Portola Valley, CA 94028

COMPLETE THE FOLLOWING, ADDING ADDITIONAL SHEETS AS NECESSARY.

- 1. CLAIMANT'S NAME (Print): ALLISON MCLAUGHLIN
- 2. CLAIMANT'S ADDRESS:
(Street or P.O. Box Number - City - State - Zip Code) 25 POMONIO CT. PORTOLA VALLEY 94028
- 3. AMOUNT OF CLAIM \$ 899.51 HOME PHONE: 650-274-4643
(Attach Copies of bills/estimates) WORK PHONE: _____

IF AMOUNT CLAIMED IS MORE THAT \$10,000 INDICATE WHERE JURISDICTION RESTS:

Limited Civil Case _____
Unlimited Civil Case _____

- 4. ADDRESS TO WHICH NOTICES ARE TO BE SENT, IF DIFFERENT FROM LINES 1 AND 2 (PRINT):
(Name) _____
(Street or P.O. Box Number - City - State - Zip Code) _____

- 5. DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

LOCATION OF INCIDENT: PLEASE SEE ATTACHED

- 6. DESCRIBE THE INCIDENT OR ACCIDENT INCLUDING YOUR REASON FOR BELIEVING THAT THE CITY IS LIABLE FOR YOUR DAMAGES:

PLEASE SEE ATTACHED

- 7. DESCRIBE ALL DAMAGES WHICH YOU BELIEVE YOU HAVE INCURRED AS RESULT OF THE INCIDENT:

PLEASE SEE ATTACHED

- 8. NAMES(S) OF PUBLIC EMPLOYEE(S) CAUSING THE DAMAGES YOU ARE CLAIMING:

[Signature]
Signature of Claimant

6/27/11
Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: Claims must be filed within 180 days of incident. See Government Code Section 900 et seq.

Attachment to Claim for Reimbursement

Horseshoe Bend in Portola Valley was scheduled to be repaved over a 7 day time period. It was not completed in this time, and was left in a state of major disrepair. There were two 3 inch drops, one at the entrance to Pomponio Ct. and the second at the intersection of Indian Crossing and Horseshoe Bend. We phoned the Portola Valley council in regards to when the repaving would begin again, stated the repaving work was stopped due to weather, and the 3 inch drops should be at a 45 degree angle, not a vertical drop. As you will see from the pictures, the drops were in fact vertical not at an angle.

Horseshoe Bend was left ripped apart without any repaving work started. The road, based on the original letter we received was scheduled to be repaved from May 11-18. The only entrance to our home on Pomponio Ct. is from Horseshoe Bend, so we had no choice but to drive on the road in the condition it was left in.

On 5/25/11, after multiple calls to the Town of Portola Valley, (Janet McDougall) regarding damage to the tires and rims on both of our vehicles from the road damage, the repaving work began again. There was not any construction signs posted stating any damage to the road or to drive slowly until after the repaving work began.

However, during this time, I ended up with a flat tire while driving on 101. This situation put both myself and my daughter in danger. The tow truck driver who changed the tire for me, said it was definitely from damage from the road construction, not as a result of wear and tear on the tire.

The tire we need to replace the damaged tire was discontinued a year and a half ago. We have searched every source possible, and since we cannot replace just one, we need to purchase 2 as well as realign the tires, at the risk of causing further damage to the car.

As a result of the negligence and unorganized repaving project, we do not feel we should have to pay for the replacement tires or the realignment, but Portola Valley should be financially responsible.

Attached you will find the following:

- Pictures of the tire damage
- Pictures of the tread of the damaged tire show they did not need to be replaced
- Pictures of the condition the road was in which caused the damage
- A receipt for the tires & alignment
- On the receipt from the tire replacement is also a statement from Five Point Tires stating the damage to the tire was caused by the road.



Five Points Tire Imports, Inc.

2115 El Camino Real
Redwood City, CA 94063
(650) 365-0280, Fax: (650) 365-0323
B.A.R. Reg No. AJ229723

Customer Copy
Invoice #211353

JOHN MAINES
25 POMPONIO CT.
PORTOLA VALLEY CA 94028

Saturday, June 18, 2011
8:18:43 AM
Ordered on
Wednesday, June 08, 2011

Workorder # 151854

MAKE & MODEL 2005 GMC YUKON DENALI	FLEET NO.	PHONE 650-279-0505 CELL	REP Mark Lewma	CSH JF	PO #	TERMS Cash
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LICENSE NO. 5RTG995	MILES IN/OUT 62618	VIN 1GKEK63U85J173188	TORQUE	ENGINE SIZE	TRANSMISSION	COLOR	PRD DATE
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CATALOG	DESCRIPTION	QTY	PARTS	LABOR	DISC	FET	TOTAL	Code
XXT	TOYO 285/40R24 PROXES STII	2	346.00				\$692.00	ML
ZZTBM17+	TIRE BALANCE 17" +	2		17.00			\$34.00	AM
PDFCA	DISP. FEE & CA RECYC. FEE							
DFCA	CALIF. RECYCLING FEE	2	1.75				\$3.50	
DF	** DISPOSAL FEE **	2	3.75				\$7.50	
ZZALLT	ALIGNMENT / UP TO 1/2 TON LT	1		98.50			\$98.50	JJ

***TIRE DAMAGED DUE TO IMPACT BREAK BREAK IN SIDEWALL

THANK YOU FOR YOUR BUSINESS.
HAVE A NICE DAY!

PAID BY	Parts	\$692.00	Taxable	\$692.00
Chk #1599 \$899.51	Labor	\$132.50	Non-Taxable	\$143.50
	Freight	\$0.00	9.25% Sales Tax	\$64.01
	Other	\$11.00		
	FET	\$0.00		
	Supplies	\$0.00		
	TOTAL			\$899.51

All parts and labor is warranteed for 4months or 4,000 miles, whichever comes first. If vehicle is dismantled for inspection and you chose not to have it repaired at our location, your vehicle will be reassembled within three working days of your decision. However, vehicle may not operate properly due to defective parts. We are not responsible for parts that break upon disassembly.

Print Name _____ Signature _____ Date _____

Please contact Mark at five point if you need additional information.



Shredded tire





Damage to Road



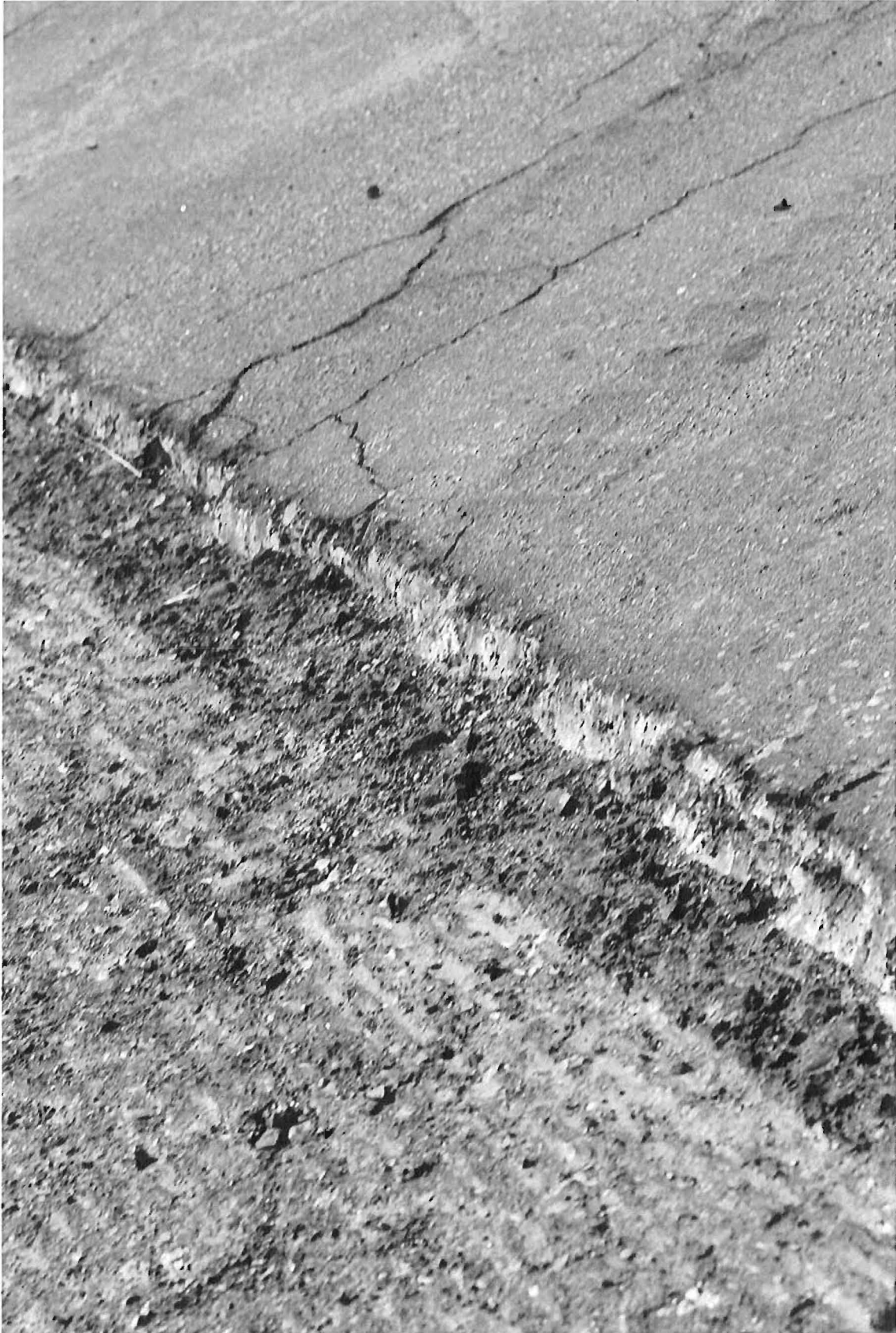
→

4" vertical drop with no angle











Sign Posted AFTER Verbal complaint
to Half Moon Bay Paving & Janet McDougal!





Corner of Horseshoe Bend & Pomponio Ct.



tread on tire

Exhibit "B"

RESOLUTION NO. _____-2011

**RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY DENYING THE CLAIM OF
ALLISON MC LAUGHLIN**

WHEREAS, Allison McLaughlin submitted a claim to the Town on June 28, 2011, seeking monetary damages for replacement of tires she alleges were damaged as a result of driving over a the lip of a road resurfacing project on and around Horseshoe Bend that occurred in May, 2011; and

WHEREAS, the Town Attorney and Town staff have reviewed the claim and recommend it be denied.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does RESOLVE:

That the claim submitted by Allison McLaughlin on June 28, 2011, in the amount of \$899.51 is hereby denied.

PASSED AND ADOPTED this 27th day of July, 2011.

By: _____
Mayor

ATTEST:

Town Clerk



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Stacie Nerdahl, Administrative Services Officer

DATE: July 27, 2011

RE: **General Fund Minimum Fund Balance Policy**

At its July 13 meeting, the Council considered a new financial policy designed to maintain the Town's general fund unreserved balance at a minimum of six months' reserve. As originally drafted, the *General Fund Minimum Fund Balance Policy* established that the Town's minimum general fund balance should be maintained at a minimum of 50% (or six months') budgeted operating expenditures within the General Fund.


After discussion, staff was asked to amend the policy to include the stated goal of increasing the minimum unreserved fund balance to 60% within five years. Upon application of the draft policy to the Town's recently adopted 2011-12 budget, it was discovered that the Town is already at the 60% threshold for unreserved fund balance within the general fund. Therefore, the draft policy has been amended to reflect a minimum rate of 60%.

As stated in the policy, these funds would be available for emergencies and/or replacement of major Town infrastructure.

Recommendation

After reviewing the *General Fund Minimum Fund Balance Policy*, it is recommended that the Council adopt this policy for inclusion within the Town's *Financial Policies & Procedures* handbook.

Attachment


Angela Howard, Town Manager



Town of Portola Valley General Fund Minimum Fund Balance Policy

Anticipated Adoption: July 27, 2011

Purpose

The purpose of this policy is to establish a target minimum level of unreserved and spendable fund balance to be maintained in the General Fund for use by the Town Council in the event of natural disaster, severe unforeseen emergencies, economic uncertainties and/or replacement of major Town infrastructure.

Background

In order to protect the fiscal solvency of the Town, it is important to maintain a minimum unreserved and spendable fund balance within the General Fund. Although the Town has acted prudently when arriving at budgetary decisions, a written policy establishing a target minimum fund balance assists both the Council and staff in focusing on this important fiscal consideration.

The current *Best Practices* recommendations of the Government Finance Officers' Association (GFOA) are that a minimum General Fund reserve of 5% to 15% of operating revenues or one to two months of operating expenditures (8-17%) be maintained. In a 2007 survey performed by the GFOA, most of the participating cities had a minimum or target between 10% and 30%.

The GFOA also recommends that the adequacy of unreserved fund balance in the general fund should be assessed based on upon a government's own specific circumstances, and that smaller cities with a less diversified tax base are advised to hold reserve percentages at the higher end of the suggested range.

A minimum General Fund operating/emergency fund balance amount can be calculated in a variety of ways, ie. as a percentage of the operating budget, appropriations, expenditures, or projected or actual revenues. It can also be calculated as a minimum flat amount that can be increased by the CPI each year.

Recommendation

As a small town with the historical precedence and risk of local natural disasters (landslides, earthquake, wildfires) and less diversified tax base, it is fiscally prudent for Portola Valley to maintain a minimum unreserved and spendable fund balance within the general fund at a higher level. It is therefore recommended that the Town maintain a minimum of 60% of its annual budgeted operating expenditures within the General Fund's unrestricted fund balance. This amount is to be calculated annually via the adopted budget.

Example:

2011-12 Adopted Budget General Fund Expenditures	\$3,724,101
Multiplied by 60%	\$2,234,461
Current general fund unrestricted fund balance	\$2,242,966



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Sharon Hanlon, Town Clerk

DATE: July 27, 2011

RE: 2010 / 2011 Grand Jury Reports and Responses

RECOMMENDATION:

It is recommended that the Town Council review and authorize Mayor Driscoll to send the attached letters of response to Honorable Joseph E. Bergeron, Judge of the Superior Court, regarding the recent Civil Grand Jury Reports on **TASER Standardizing to Save Lives and Reduce Injuries** and **Cell Towers: Public Opposition and Revenue Source**.

BACKGROUND:

Each year the County's Civil Grand Jury continues its historic role of providing oversight of the operations of local governments, school districts and special districts.

This year, the Grand Jury examined eleven issues, with reports regarding four of these issues having been forwarded to the Town for response within 90 days. Response letters for two of the four reports received by the Town are addressed in this memo. The additional two reports will come to the Council at a later date.

Received reports:

TASER Standardizing to Save Lives and Reduce Injuries
Cell Towers: Public Opposition and Revenue Source

Because the Town contacts with the San Mateo County Sheriff's Department for law enforcement services the Town will cooperate with the County Sheriff's Department for implementation of new TASER practice as determined.

The Town currently has in practice four of the five cell tower recommendations with the fifth recommendation, requesting the Town add a provision to the lease

agreements with service providers not applicable given that wireless communication facilities in the Town are not subject to a lease but a Conditional Use Permit. The Town continues to work to develop new policies and guidelines regarding wireless communication facilities and concurs with the Grand Jury's recommendation that as new technology becomes available the provider will upgrade the wireless communication facilities to minimize community impacts.

The Town Attorney's office has prepared the attached draft letters for the Mayor's signature in response to the Grand Jury's findings.

Approved:



Angela Howard, Town Manager

Attachments:

Letters of response.

Exhibit A – Grand Jury Report - TASER Standardizing to Save Lives and Reduce Injuries

Exhibit B – Grand Jury Report - Cell Towers: Public Opposition and Revenue Source

July 27, 2011

Honorable Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center
Redwood City, CA 94063-1655

**Re: Response to 2010–2011 Grand Jury Report
TASERS Standardizing to Save Lives and Reduce Injuries**

Dear Honorable Bergeron:

The Town Council for the Town of Portola Valley (“Town”) has reviewed the recommendations in the 2010–2011 Grand Jury Report that affect the Town and approved the following responses at the public meeting on July 27, 2011:

TASERS Standardizing to Save Lives and Reduce Injuries

Recommendation No. 1

Add a “deployment” only category to all Use of Force Reports and track the effect that this “lights up” mode has in assisting deputies to gain and maintain control over subjects.

Response No. 1

The Town contracts with the San Mateo County Sheriff’s Department for law enforcement services. Therefore, the Town is not in a position to implement this recommendation. The Town will cooperate with the Sheriff’s Department, as necessary, to implement the recommendation.

Recommendation No. 2

Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

Response No. 2

The Town contracts with the San Mateo County Sheriff’s Department for law enforcement services. Therefore, the Town is not in a position to implement this

Honorable Joseph E. Bergeron
Page 2

recommendation. The Town will cooperate with the Sheriff's Department, as necessary, to implement the recommendation.

The Town thanks the Grand Jury for bringing this complex issue to our attention in an informative and thorough manner. Please let me know if you require additional information.

Sincerely,

Ted Driscoll
Mayor

cc: Town Council
Town Manager
Town Attorney

July 27, 2011

Honorable Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center
Redwood City, CA 94063-1655

**Re: Response to 2010–2011 Grand Jury Report
Cell Towers: Public Opposition and Revenue Source**

Dear Honorable Bergeron:

The Town Council (“Respondent”) for the Town of Portola Valley (“Town”) has reviewed the recommendations in the 2010–2011 Grand Jury Report that affect the Town and approved the following responses at the public meeting on July 27, 2011:

Cell Towers: Public Opposition and Revenue Source

Recommendation No. 1

Review and revise, if needed, the current fee structure to recoup staff costs for processing cell tower applications.

Response No. 1

Respondent agrees with the recommendation. The Town’s current Zoning Ordinance includes the requirement that an applicant pay for all cell tower application processing fees. In addition, over the past several months, the Town has been working to develop new policies, guidelines and regulations for the placement of wireless communication facilities in the Town. This update includes revising the fee structure to recoup all staff costs for processing applications.

Recommendation No. 2

Negotiate lease agreements for future installations on public land that generate revenue or other tangible benefit to the community.

Response No. 2

Respondent agrees with the recommendation, in part. The Town is not legally entitled to lease or charge for installations in the public right-of-way. See Public Utilities Code Sections 7901 and 7901.1; see also Williams Communications,

Honorable Joseph E. Bergeron
Page 2

LLC v. City of Riverside (2004) 114 Cal.App.4th 642, indicating that a license requiring payment for use of utility poles in the right-of-way is illegal. If in the future there is an installation proposed on public land, not in the right-of-way, the Town will implement the recommendation.

Recommendation No. 3

Add cell tower maintenance and removal provisions if they are not already included in existing ordinances and lease agreements.

Response No. 3

Respondent agrees with the recommendation. The Town's current Zoning Ordinance includes cell tower maintenance and removal provisions. In addition, over the past several months, the Town has been working to develop new policies, guidelines and regulations for the placement of wireless communication facilities in the Town. This update includes updating the required maintenance and removal provisions.

Recommendation No. 4

Require that all new lease agreements contain a provision requiring service providers to install new technology as it becomes commercially available to reduce the footprint of cell towers.

Response No. 4

Respondent agrees with the recommendation, in part. In general, wireless communication facilities in the Town are not subject to a lease, but a Conditional Use Permit. Government Code Section 65964(b) indicates that absent public safety or substantial land use reasons a limitation of less than ten (10) years on a permit for a wireless communication facility is unreasonable. With this limitation in mind, the Town has been working to develop new policies, guidelines and regulations regarding wireless communication facilities that include the requirement that as new technology becomes available the provider will upgrade the wireless communication facilities to minimize community impacts.

Recommendation No. 5

Develop a webpage within County and city websites which clearly posts local ordinances, policies and procedures as well as federal regulations related to cell tower installations.

Response No. 5

The Town agrees with this recommendation. The Town's ordinances, policies and procedures regarding cell tower installations are currently available on the Town's website. Any updates to the Town's ordinances, policies and procedures will be provided on the website as well.

Honorable Joseph E. Bergeron
Page 3

Recommendation No. 6

Pursue new or amended leases for existing cell towers on public property that are not currently generating revenue or other community benefits.

Response No. 6

Respondent disagrees with the recommendation, in part. Currently, there are no cell towers on property or cell facilities on poles owned by the Town. The five (5) cell tower sites in Town listed in the Grand Jury Report are antenna and equipment mounted on utility poles located in the right-of-way. These utility poles are not owned by the Town. Pursuant to Public Utilities Code Sections 7901 and 7901.1, the Town may not charge for the use of utility poles in the right-of-way not owned by the Town. See also Williams Communications, LLC v. City of Riverside (2004) 114 Cal.App.4th 642, indicating that a license requiring payment for use of utility poles in the right-of-way is illegal. Government Code Section 50030 limits the Town to permit fees for a cell company's use of the right-of-way. The Town can and does require an encroachment permit for accessing the public right-of-way. If and when a cell tower becomes located on public property, the Town will implement this recommendation.

The Town thanks the Grand Jury for bringing this complex issue to our attention in an informative and thorough manner. Please let me know if you require additional information.

Sincerely,

Ted Driscoll
Mayor

cc: Town Council
Town Manager
Town Attorney



COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 599-1200
FAX (650) 363-4698
www.sanmateocourt.org

May 24, 2011



Town Council
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Re: TASERS Standardizing to Save Lives and Reduce Injuries

Dear Councilmembers:

The 2010-2011 Grand Jury filed a report on May 24, 2011 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Joseph E. Bergeron. Your agency's response is due no later than August 22, 2011. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
 - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Bergeron.

Hon. Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
 - Copy response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
 - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1200.

If you have any questions regarding these procedures, please do not hesitate to contact Brenda B. Carlson, Chief Deputy County Counsel, at (650) 363-4760.

Very truly yours,



John C. Fitton
Court Executive Officer

JCF:ck
Enclosure

cc: Hon. Joseph E. Bergeron
Brenda B. Carlson

Information Copy: Town Manager



TASERS

Standardizing to Save Lives and Reduce Injuries

Issue

Have the law enforcement agencies in San Mateo County adopted a standardized TASER[®] policy and, if so, is it effective?

Summary

This investigation focused on 20 uniformed police agencies of all cities/towns and the Sheriff's Department in San Mateo County, the California Highway Patrol, and BART (Bay Area Rapid Transit) Police. It was found that only two cities, Menlo Park and East Palo Alto, currently do not employ TASER devices. Standardizing TASER device use policies and training would provide law enforcement agencies with a unified understanding of appropriate response to events within and across jurisdictions in the County. Of those agencies using TASER devices, the use of force policies and training requirements are sufficiently similar to consider them standardized, with the exception of the Sheriff's Use of Force policy.

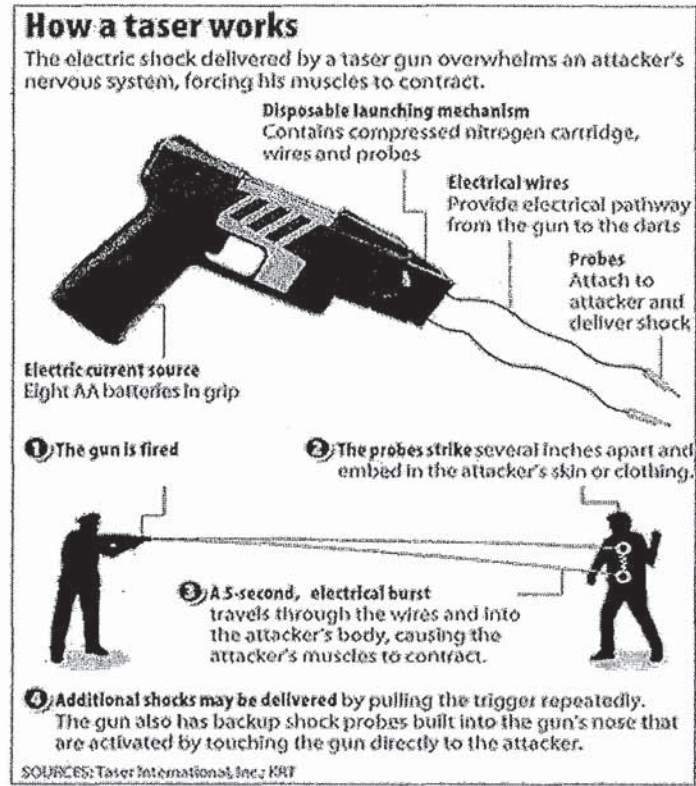
The 2011 San Mateo County Civil Grand Jury recommends that the Sheriff either adopt a Use of Force policy that is consistent with the other agencies in the County or reinstate the Sheriff's prior Use of Force policy dated April 10, 2008. It also recommended that uniformed officers across the County who are required to have a firearm while on duty carry this less-than-deadly force tool whenever they carry a firearm. It is further recommended that all agencies track the use of the TASER device to obtain control of subjects, even when the subject is not actually "tased."

Background

The TASER, a branded electronic control device (ECD), is a device manufactured by TASER International, Inc. that employs a high voltage, low amperage shock that is momentarily painful to the subject in a manner that causes the subject to lose muscle control and, if standing, fall to the ground. It works by the use of compressed gas to propel two barbs, attached by very thin wires, toward the subject. Once the barbs attach to skin or clothing, the shock is applied. It has an effective range of approximately 6 to 25 feet, thus allowing the officer to avoid immediate physical contact with the subject. The TASER device can also be used as a "stun gun" in what is called "drive stun" mode.¹ The TASER device is used by police officers to bring a subject under control, offering a less lethal option than a firearm.

¹ A TASER device can directly deliver an electrical shock from the device itself without the use of wires or barbs, but such requires physical contact with the subject. It does not incapacitate the subject, but uses momentary pain as the method of obtaining control. A "drive stun" is police terminology for approaching a subject to apply a TASER in the drive stun mode. The cartridge that is on the TASER device must be removed to use it in this way. This

The use of a TASER device in an instance where otherwise the officer would be required to use physical force to subdue a subject has been reported to reduce the incidence of officer injuries, and consequently the cost to taxpayers for insurance and disability payments.² The Association of Bay Area Governments (ABAG), which provides the insurance pool for all of the police agencies except the Sheriff's department and California Highway Patrol, encourages the use of TASER devices and provides grants for departments to obtain them at no charge. TASER devices are used by uniformed police officers in all law enforcement agencies in San Mateo County with two exceptions, the cities of East Palo Alto and Menlo Park. Peace officers³ in the Coroner's Office, District Attorney and Probation Department do not use TASER devices. No police agency uses an ECD made by any other company.



Although the TASER device is less lethal than a firearm, *no use of force is without lethal risk*. In the last two years in San Mateo County, TASER devices have been used approximately 130 times⁴ with no reported loss of life or serious injury attributable to the device. One agency reported an instance in which a TASER device was used under circumstances which, had it not been available and successfully activated, deadly force would have been used. The use of the TASER device likely saved the life of the subject.

The TASER device has a laser light that is used for aiming. This light is visible to a subject and when an officer "lights up" a subject with the laser light, this alone is often sufficient for the officer to gain the subject's immediate compliance.⁵

TASER devices can be misused by officers, just as any other use of force can be misused. The Grand Jury is unaware of any reported abuses by any of the law enforcement agencies in San Mateo County in the past 2 years which is the time frame studied here. The law enforcement agencies that use TASER devices have chosen to require extensive training, multi-level

practice is usually employed when the barbs of the TASER fail to attach, or when the officer is too close to use the TASER device at a distance.

² See Reduction in Injuries charts from several police agencies at http://www.taser.com/pages/le_overview.aspx

³ Sworn peace officers, as specified by statute, are authorized to use deadly force if needed.

⁴ See Appendix A.

⁵ For the purpose of this report we are calling this "deployment." "Activation" is when the officer actually uses, or attempts to use, the TASER device on a subject.

supervisory review, and reporting of any activation of the TASER device. The California Penal Code provides for criminal sanctions for the misuse of TASER devices.⁶

All of the law enforcement agencies in San Mateo County, except the Sheriff’s Office, use TASER protocols established by Lexipol, LLC of California. These protocols define the procedures for device deployment (use of force), activation, subject follow-up, reporting, and review policies. Lexipol is a private company that contracts by subscription service for the development and updating of policies with police departments across the United States. Lexipol defends its policies in court as meeting the “standard of care” when litigation regarding their use by local law enforcement agencies arises.⁷ The Sheriff’s Office does not use Lexipol and has developed its own comprehensive policies.

The Sheriff’s Office provides law enforcement services for much of the County, including the unincorporated areas of the County and now including, by contract, the cities of San Carlos and soon Half Moon Bay, which previously had their own TASER device policies. The officers working for these cities are, or soon will become Sheriff’s Deputies.

On February 22, 2010, the Sheriff’s department modified its policy to require a higher threshold for deployment and activation of TASER devices by deputies.

Sheriff’s Department Use of Force Ladder		
	<u>April 10, 2008</u>	<u>February 22, 2010</u>
1	Officer presence	Officer presence
2	Verbal commands	Verbal commands
3	Light touch	Light touch
4	Physical controls (restraint holds)	Physical controls (restraint holds)
5	Aerosol pepper projection	Aerosol pepper projection
6	Taser Electronic Control Device (ECD)	Impact weapons (ASP/Baton, flashlight)
7	Impact weapons (ASP/Baton, flashlight)	Specialty Impact Munitions (SIMs)
8	Specialty Impact Munitions (SIMs)	Taser Electronic Control Device (ECD)
9	Carotid Control	Carotid Control
10	Deadly force	Deadly force

The Sheriff’s Office employs a Use of Force Ladder (see diagram on previous page) that requires a deputy to use a baton or flashlight prod and Specialty Impact Munitions (e.g., rubber bullets) before deployment and activation of the TASER unless the deputy can articulate a reason to use the higher level of force presumably represented by the TASER. The Sheriff’s Use of Force Policy, dated April 10, 2008, placed the threshold for TASER devices use immediately prior to the use of a baton or flashlight prod, providing an opportunity to avoid physical contact with a subject. The Sheriff’s current Use of Force policy places the use of a TASER device after both the physical contact use of a baton or flashlight prod and the use of SIMS.

⁶ California Penal Code section 244.5.

⁷ More information about Lexipol can be found at <http://www.lexipol.com>.

Lexipol uses a toolbox⁸ approach, allowing the officer to use their best judgment based on the subject's behavior. The California Highway Patrol calls this the Use of Force Option Wheel. *See diagram at right.*

Investigation

The Grand Jury collected information regarding the extent of standardization, the use of TASER devices and the use of Lexipol in San Mateo County using a survey, analyzed reports and documents, and conducted interviews with several Police Chiefs, the Sheriff and other personnel within their respective agencies.

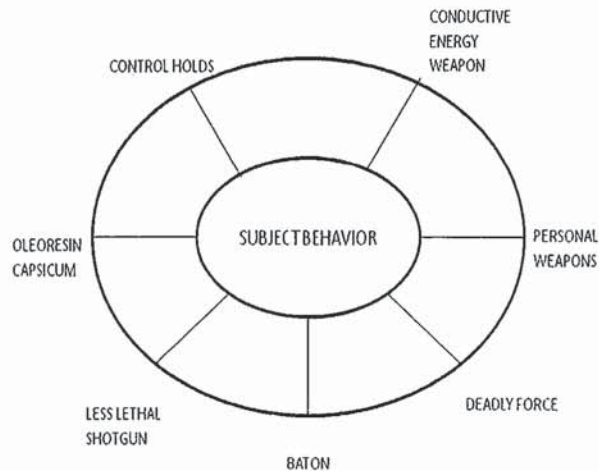
Officers who had actually deployed and activated a TASER in making an arrest were also interviewed. A chart summarizing information collected is provided in Appendix A.

To help understand the effectiveness and limitations of the TASER device, a local police agency conducted a demonstration of a TASER device deployment and activation for the Grand Jury. Among the documents reviewed were the *Use of Force* manuals published by the Police Department of each city, sample post-incident *Use of Force Reports*, Lexipol generic standards and protocols, and other relevant documents.

Findings

The 2011 San Mateo County Civil Grand Jury finds:

1. The Sheriff's Department has a Use of Force policy that is different than the standardized policies of the other uniformed law enforcement agencies in San Mateo County. The Sheriff Department's policy requires a deputy to make physical contact with subjects who are violent or threatening prior to the deployment and/or activation of the TASER device unless the deputy can identify and articulate a reason to move up the ladder to the TASER device use. Once engaged in physical contact, TASER use is limited to the "drive stun" mode.
2. Law Enforcement agencies often respond to calls outside their jurisdiction for mutual aid and joint task force operations, such as the San Mateo County Gang Task Force and Drug Task Force. In these joint operations the protocols for Taser use by the Sheriff are not the same as the other agencies in the county which also use TASERS:
3. Of the 18 uniformed police agencies using TASER devices in San Mateo County that the Grand Jury reviewed, the primary provider of Use of Force policies and TASER use



USE OF FORCE OPTION WHEEL DIAGRAM

Copied from the Highway Patrol Manual 70.6, page 1-2

⁸ Many interviewees stated that "the TASER device is a use of force tool," that should be used appropriately just like any other tool available to officers.

policies is Lexipol, LLC. Fifteen cities, BART and the CHP use Lexipol, or have policies that are similar, if not identical, to Lexipol.

4. All agencies using TASER devices require training prior to the issuance of a TASER to individual officers; require annual or more frequent retraining; require a "Use of Force Report" when a TASER device is activated;⁹ and require medical evaluation for a subject who has been "tased."
5. No agency requires reporting when a TASER device has been used in the "light up" deployment mode, but not activated.
6. No agency requires that an officer who has been issued a TASER device actually keep it on his/ her person. The TASER device may be kept secured in the patrol car for those officers on patrol duty.
7. The cities of Menlo Park and East Palo Alto are the only San Mateo County police agencies that do not supply TASER devices to their officers and therefore TASERS are not available as an alternative to lethal force.

Conclusions

The 2011 San Mateo County Civil Grand Jury concludes:

1. TASER devices can be a use of force alternative to the lethal force of a firearm.
2. With the exception of the Sheriff's Office, of those agencies using TASER devices, the use of force deployment and activation policies are sufficiently similar to consider them to be standardized.
3. Without standardized use of force policies across San Mateo County with respect to activation and deployment of TASER devices, police officers and Sheriff's deputies do not have a consistent approach in responding to potential use of force events. In addition, a lack of common policies (and training) could set inconsistent expectations with the public and law enforcement officers alike as to when and how TASER devices will be deployed and activated.
4. Lexipol, LLC provides the most-used set of standards for Use of Force policies in San Mateo County.
5. All agencies that are using TASER devices have adequate training, supervision, reporting, review, and medical evaluation of the subject when TASER devices are used.
6. TASER devices that are deployed, but not activated, are not included in Use of Force reports. This understates the effectiveness of Tasers because "lighting up" a subject with the laser light is often sufficient for the officer to gain the subject's immediate compliance. The absence of this reporting can result in future decision-makers not having sufficient information about the utility of carrying and deploying this device.
7. An officer who is trained in the use of TASER devices cannot make use of the device if he or she is not carrying it when it is needed.

⁹ Please see attached sample Use of Force report attached as Appendix B

8. The use of a TASER device, before being required to physically subdue a subject, would result in fewer injuries to both officers and subjects. When an officer goes “hands on” with a subject, in the form of the use of a baton, flashlight prod, or other device that can cause physical injury, it places the officer and the subject into a position where physical injury is more likely.

Recommendations

The 2011 San Mateo County Civil Grand Jury recommends that the Sheriff:

1. Adopt either the Lexipol standard policies and decision toolbox approach, establish similar policies, or reestablish the prior Use of Force policy dated April 10, 2008.
2. Add a “deployment only” category to all Use of Force Reports and track the effect that this “light up” mode has in assisting deputies to gain and maintain control over subjects.
3. Require uniformed deputies to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of the cities of Menlo Park and East Palo Alto:

1. Implement the use of TASER devices for their uniformed police officers.
2. Adopt Use of Force policies that are consistent with other San Matco County cities.
3. Implement policies that require training, supervision, reporting, multi-level supervisory review, and medical evaluation of subjects when TASER devices are used as well as “deployment only” tracking for in-field incidents.
4. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

The 2011 San Mateo County Civil Grand Jury recommends that the City Councils of all cities other than Menlo Park and East Palo Alto:

1. Add a “deployment only” category to all Use of Force Reports and track the effect that this “light up” mode has in assisting deputies to gain and maintain control over subjects.
2. Require uniformed officers to have TASER devices available to the same extent that the officers are required to have a firearm available for use.

Appendix A

Survey Results on Tasers

Standardized Taser use and Training Policies Survey results	Is the agency using Tasers	Are they using Lexipol? Directly or leveraging their policies?	# of incidents of Taser use in past 2 years	Frequency of taser training?	Any authorized use by Non-Peace Officers?
Police Dept:					
Atherton	YES	YES	0	Initial training; repeated if lapse of 6 months	NO
BART	YES	YES	17 (although unclear from response whether this is in SIMCO or across entire BART system)	Initial training; repeated if lapse of 6 months	NO
Brisbane	YES	YES	2	Unknown	NO
Broadmoor	YES	YES	0	Unknown	"Some officers do." Unclear what this actually means.
Burlingame	YES	YES	4	Unknown	NO
CHP (Redwood City)	YES	NO	15	quarterly review annually; repeated if lapse of 6 months	NO
Colma	YES	NO	2	annually	NO
Daly City	YES	NO	26	annually	NO
East Palo Alto	NO	N/A	N/A	N/A	N/A
Foster City	YES	YES	drawn 5 times, never fired	Initial 8 hr training, then periodic throughout the year; repeated if lapse of 6 months	NO
Hillsborough	YES	YES	drawn, never fired	Initial training; repeated if lapse of 6 months	NO
HMB	YES	YES	fired 4 times, with 2 misses	Initial training; repeated if lapse of 6 months	NO
Milbrae	YES	Yes	2	Initial training; repeated if lapse of 6 months	NO
Menlo Park	NO	N/A	N/A	N/A	N/A
Pacifica	YES	NO	14	initial training	NO
Redwood City	YES	NO	1	initial training	NO
San Bruno	YES	NO	12	initial training	NO
San Mateo	YES	NO	8	initial basic ops & policy subsequent on as needed basis	NO
Sheriff	YES	NO	14	initial followed by use review for trng needs	NO
South SF PD	YES	YES	11	initial training; repeated if lapse of 6 months	NO

Appendix B

REPORT	DATE	TIME
---------------	------	------

SUSPECT INFORMATION Arrested: Yes No, 51.50 Hold

Name: _____ Home ph#/Work #: _____

Home/Wk Address: _____

OFFICERS INVOLVED

Officer/Id#: _____ Officer/Id#: _____

Officer/Id#: _____ Supervisor/Id#: _____

WITNESSES (Name, Home/Bus. address, Home/Wk ph#)

FORCE RESPONSE (check the appropriate boxes)

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> 1 - Verbal | <input type="checkbox"/> 4 - Chemical agent | <input type="checkbox"/> 7 - Police Canine | <input type="checkbox"/> 10 - Carotid Control |
| <input type="checkbox"/> 2 - Control hold | <input type="checkbox"/> 5 - Taser* | <input type="checkbox"/> 8 - Flashlight | <input type="checkbox"/> 11 - Firearm |
| <input type="checkbox"/> 3 - Body force | <input type="checkbox"/> 6 - Baton | <input type="checkbox"/> 9 - Extended Range Impact Projectile | <input type="checkbox"/> 12 - Other instrument |

RESTRAINTS USED (check the appropriate boxes)

- | | | | |
|--|---|-----------------------------------|---|
| <input type="checkbox"/> 1 - Handcuffs/Leg Irons | <input type="checkbox"/> 2 - Flex cuffs | <input type="checkbox"/> 3 - Wrap | <input type="checkbox"/> 4 - Medical restraints |
|--|---|-----------------------------------|---|

Injuries sustained by Officer: _____

Injuries sustained by Suspect: Yes No Describe: _____

MEDICAL TREATMENT: Yes* No Refused by suspect * treated at the scene by: Fire Eng#: _____ Ambulance#: _____

Transported to:

- SMCo General Mills/Peninsula Sequoia Kaiser/RWC Kaiser/SSF Stanford SF General Other: _____

EMERGENCY ROOM INFORMATION

Attending Physician: _____ Nurses name: _____

Medical reports available? Yes No Photos taken? Yes No By whom: _____

Describe medical treatment: _____

Medical Waiver - Signed by suspect Suspect Refused

SUPERVISOR'S REVIEW AND ASSESSMENT

- | | | | |
|---|--|----------------------------|--|
| Incident report completely reviewed? | <input type="checkbox"/> Yes <input type="checkbox"/> No | Photo's of ofc's injuries? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Need for City Attorney notification? | <input type="checkbox"/> Yes <input type="checkbox"/> No | Dispatch/Radio CD's | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Use of force properly documented | <input type="checkbox"/> Yes <input type="checkbox"/> No | Administrator notified | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Copy of Report sent to Defensive Tactics Instructor | <input type="checkbox"/> Yes <input type="checkbox"/> No | * Taser X26 Use Report | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Photo's of suspect | <input type="checkbox"/> Yes <input type="checkbox"/> No | Policy followed? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Photo's of Scene | <input type="checkbox"/> Yes <input type="checkbox"/> No | Use of force justified? | <input type="checkbox"/> Yes <input type="checkbox"/> No |

SUPERVISORY INVESTIGATION CHECKLIST

- Detective notified when injury is life threatening, fatal or police firearm is used
- Ensure immediate medical attention is rendered to all injured parties and photographs taken of suspect, involved officer and scene.
- Ask involved Officer "What happened? Are there any outstanding suspects? Are there any outstanding injured citizens or suspects?"
- Locate, identify and secure the scene, witnesses, suspects and related evidence.
- Begin independent interviews and obtain statements from victims, witnesses and/or suspects.
- Start area canvass for other witnesses or unaccounted people, etc.....
- Interview injured parties at hospital, obtain additional photographs. Obtain required medical information for report and medical waiver signed if possible.
- Interview involved officer for complete statement of incident (Within guidelines of Government Code § 3300 - 3400. Fatal or life-threatening only!)
- Collect information and thoughts to begin report.
- Complete Resistance Management Survey.
- Complete the body of the investigation (Non-lethal use only)
- Attach a copy of the police report to the investigation and route to the Division Captain and Chief of Police.

Notes: _____

Investigating Supervisor: _____ Date: _____

Division Commander: _____ Date: _____

Chief of Police: _____ Date: _____

Sergeant/ Supervisor upon completion, note time in hours spent on entire investigation _____

Police Administration (Captain and Chief) upon completion, note time in hours spent on entire investigation _____

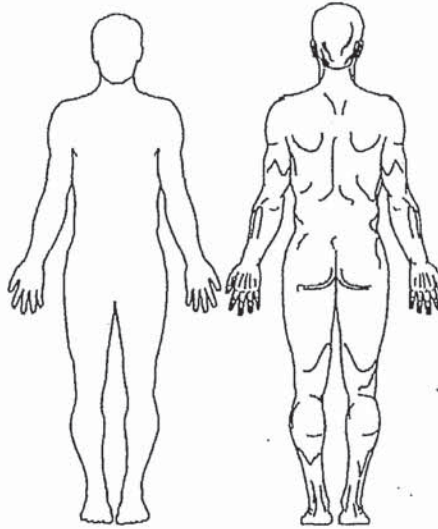
Report #: _____	Charge: _____
------------------------	----------------------

Subject: _____

Address: _____

Age: _____ Sex: _____ Height: _____ Weight: _____ DL: _____

APPLICATION AREAS
Please place "X's" on the points of contact



Comments: _____

Officer: _____ Date: _____

Supervisor: _____ Date: _____

Report #:	Charge:	
<p>Did dart contacts penetrate the subject's skin?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Did the application cause injury?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, was the subject treated for the injury?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Incident Type:</p> <p><input type="checkbox"/> Civil Disturbance <input type="checkbox"/> Suicidal <input type="checkbox"/> Violent Subject <input type="checkbox"/> Assaulted Officer <input type="checkbox"/> Barricaded <input type="checkbox"/> Warrant Service <input type="checkbox"/> Resisting Arrest <input type="checkbox"/> Other: _____</p> <p>General Appearance:</p> <p><input type="checkbox"/> Neat <input type="checkbox"/> Casual <input type="checkbox"/> Unkempt <input type="checkbox"/> Dirty <input type="checkbox"/> Sweaty</p> <p>Demeanor</p> <p><input type="checkbox"/> Nervous <input type="checkbox"/> Angry <input type="checkbox"/> Violent <input type="checkbox"/> Under Influence <input type="checkbox"/> Irrational <input type="checkbox"/> Combative</p>	<p>Speech</p> <p><input type="checkbox"/> Normal <input type="checkbox"/> Quiet <input type="checkbox"/> Slow <input type="checkbox"/> Talkative <input type="checkbox"/> Foreign Accent <input type="checkbox"/> Stutter <input type="checkbox"/> Slurred <input type="checkbox"/> Incoherent</p> <p>Influences</p> <p><input type="checkbox"/> PCP <input type="checkbox"/> Cocaine <input type="checkbox"/> Alcohol <input type="checkbox"/> Methamphetamine <input type="checkbox"/> Other Drug: _____</p> <p><input type="checkbox"/> Emotionally Disturbed <input type="checkbox"/> Other: _____ <input type="checkbox"/> Unknown</p> <p>Threat Level</p> <p><input type="checkbox"/> Verbal Non-Combative <input type="checkbox"/> Defensive Resistance <input type="checkbox"/> Active Aggression / Assaultive <input type="checkbox"/> Deadly Force Assault / Weapon</p> <p>Suspect Weapons</p> <p><input type="checkbox"/> Blunt Weapon <input type="checkbox"/> Edged Weapon <input type="checkbox"/> Firearm</p>	<p>Clothing</p> <p><input type="checkbox"/> Jacket / Coat <input type="checkbox"/> Heavy <input type="checkbox"/> Light <input type="checkbox"/> Cloth <input type="checkbox"/> Nylon <input type="checkbox"/> Leather <input type="checkbox"/> Shirt <input type="checkbox"/> T-Shirt <input type="checkbox"/> Tank top <input type="checkbox"/> Dress Shirt <input type="checkbox"/> Pants /Trousers <input type="checkbox"/> Jeans <input type="checkbox"/> Dockers <input type="checkbox"/> Slacks <input type="checkbox"/> Shorts <input type="checkbox"/> Other: _____</p>



Superior Court of California, County of San Mateo
Hall of Justice and Records
400 County Center
Redwood City, CA 94063-1655



COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

May 19, 2011

Town Council
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Re: Cell Towers: Public Opposition and Revenue Source

Dear Councilmembers:

The 2010-2011 Grand Jury filed a report on May 19, 2011 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Joseph E. Bergeron. Your agency's response is due no later than August 17, 2011. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
 - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Bergeron.

Hon. Joseph E. Bergeron
Judge of the Superior Court
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
 - Copy response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
 - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1200.

If you have any questions regarding these procedures, please do not hesitate to contact Brenda B. Carlson, Chief Deputy County Counsel, at (650) 363-4760.

Very truly yours,



John C. Fitton
Court Executive Officer

JCF:ck
Enclosure

cc: Hon. Joseph E. Bergeron
Brenda B. Carlson

Information Copy: Town Manager



Cell Towers: Public Opposition and Revenue Source

Issues

Do cities and the County of San Mateo (the County) have effective governing policies and/or ordinances for cell tower installations that provide the public with a clear understanding of how applications are adjudicated?¹ Are cell tower installations a source of revenue for cities and the County?

Summary

There are more than 450 cell tower installations in San Mateo County. Although people want reliable cell phone reception, community opposition to cell towers is common. The County and 18 of 20 cities reported public opposition to a cell tower application within the past 5 years.²

The County and 12 of 20 cities generate varying amounts of revenue from cell tower installations, primarily from the leasing of public lands.³ Although it may not pose a large source of revenue, cities that are not already taking advantage of lease agreements as a steady revenue source should negotiate such agreements with service providers in the future. In addition, any new leases should require service providers to maintain existing structures, remove unused or obsolete equipment, and replace structures with newer low profile structures as they become available.

Improving information available to the public and providing clearer communications can improve public response to future cell tower installation applications.

Background

While there is universal public demand for improved and more reliable cell phone transmissions, there exists a “not in my backyard” approach to having cell tower installations in close proximity to residences or commercial establishments. This statement is based on survey data and the number of incidences of public opposition recorded in local news articles or communications collected by members of the grand jury over a seven-month period in Fiscal Year 2010-2011. At least 8 of the 20 cities in San Mateo County had newspaper articles or communications of overt public opposition to cell tower applications during this timeframe.⁴

¹ For purposes of this report, “cell towers” refers to any wireless communications facility or structure erected for purposes of transmission on either public or private property.

² Only two cities, Colma and East Palo Alto, did not report incidences of public opposition.

³ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco.

⁴ Daly City, Half Moon Bay, Menlo Park, Pacifica, Portola Valley, San Bruno, San Carlos, South San Francisco.

Public opposition occurs most often from individuals living in close proximity to a proposed cell tower site. Individuals or homeowner associations may make their own case to the city or form new groups for the purpose of galvanizing opposition. These new groups typically exist only until a final decision is rendered, making it impractical for the grand jury to interview representatives.

Data shows opposition is typically based on perceived health risks such as electromagnetic radiation. To date such concern is regarded as scientifically unproven and has not been a legal basis for permit denial in accordance with provisions in the (federal) Telecommunications Act of 1996.⁵

An appellate court ruling in 2009 supported the decision by the City of Palos Verdes Estates in Southern California to deny the installation of cell towers on the basis of aesthetics alone. Service providers had argued that there must be a compelling “substantive” reason to deny an application or it must be approved in favor of communication expansion. The appellate court ruled that aesthetics were a valid reason to deny a cell tower application, so long as the denial does not cause a significant gap in service coverage that cannot feasibly be addressed by alternatives.⁶

Federal law governs some cell tower decision-making authority. For example, each application by a service provider to install a cell tower must be considered on an individual basis, and a government entity cannot favor one telecommunications provider over another under protections provided by the Telecommunications Act of 1996.⁷ Thus opposition is targeted to a specific application for cell tower installations.

Cell phone vendors compete for improved range, clarity of reception, and a reduction of dropped calls. Some cities report that cell tower installations have been increasing over the past five years to meet these demands.⁸

Investigation

The 2011 San Mateo County Civil Grand Jury collected information about cell towers via a survey sent to city managers and planning directors, or their counterparts, in the County and each of the 20 cities (see Attachment).

Online research was conducted, including a review of excerpts of the Telecommunications Act of 1996 and the United States Court of Appeals, Ninth Circuit decision in the *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*.

Newspaper articles and communications from neighborhood groups regarding cell tower placement were collected and reviewed.

⁵ Peter M. Degnan et al, *The Telecommunications Act of 1996: §704 of the Act and Protections Afforded the Telecommunications Provider in the Facilities Siting Context*, May 18, 1999, pps. 7-8.

⁶ No. 05-56106 – *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, argued and submitted July 6, 2009 – October 14, 2009.

⁷ Degnan et al., op. cit., p. 5.

⁸ Belmont, Brisbane, Daly City, East Palo Alto, Foster City, Menlo Park, Portola Valley, Redwood City, San Carlos, South San Francisco.

Discussion

The County and 15 of 20 cities in San Mateo County have ordinances in place related to cell tower installation.⁹ These ordinances vary considerably in scope and comprehensiveness. Whether or not the County or a particular city has an ordinance governing cell tower installations does not seem to insulate it from public opposition. Service providers must make application to the County or cities whether or not there is an ordinance in place.

The County and 6 of 20 cities reported public opposition to cell tower applications occurred more frequently than once a year.¹⁰ The primary opposition came from individuals living in close proximity to the proposed installation site. The most frequent reason cited for such opposition was public safety such as perceived health risks from electromagnetic radiation, although it is not a valid basis on which the County or city can deny a permit. Visual or aesthetic impacts, which are a valid issue upon which to base a decision regarding denial or modification of a cell tower application, were less frequently mentioned.¹¹

In the County and 7 of 20 cities, service providers have withdrawn applications for cell tower installation due to public opposition.¹² In 2008 (referred to as the “2007 decision”), a service provider filed a lawsuit against the County because of a denied cell tower renewal application subsequent to an appeal filed by residents which overturned the initial approval.¹³ There have been no incidences of litigation reported by cities because an application for cell tower installation was denied.

The County and 12 of 20 cities generate revenue from cell tower installations, primarily from the leasing of public lands.¹⁴ In most cases, revenue is deposited to the general fund with no specific use indicated. The revenue is paid by service providers in addition to application or permit fees. Costs to file an application vary widely, with many cities requiring a deposit toward staff time.

Some cities do not require service providers to maintain cell towers and/or remove installations when they are no longer used, become obsolete, or the permit expires. These provisions are important because wireless technology continues to innovate and may in the future be replaced by devices significantly smaller with improved range.¹⁵

⁹ Belmont, Brisbane, Daly City, East Palo Alto, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside.

¹⁰ Belmont, Daly City, Millbrae, Pacifica, Redwood City, San Carlos.

¹¹ *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, op. cit.

¹² Belmont, Burlingame, Daly City, Hillsborough, Pacifica, San Bruno, San Carlos.

¹³ Litigation pending ; case no. CV11 0056 *Sprint v. County of San Mateo et al*, amended complaint filed Jan. 6, 2011, U.S. District Court of Appeal, Northern District of CA.

¹⁴ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, San Francisco.

¹⁵ Svensson, Peter AP Technology Writer, *Wireless Advances Could Mean No More Cell Towers*, February 12, 2011, and Bloomberg Businessweek, *Alcatel-Lucent's Tiny Cell Tower*, February 28-March 6, 2011.

Findings

The 2011 San Mateo County Civil Grand Jury finds that:

1. There is no apparent correlation between the existence of policies and/or ordinances regarding cell towers and the likelihood of public resistance to an application.
2. Locating applicable cell tower ordinances and policies on County and city websites is cumbersome.
3. Federal law precludes the use of perceived health risk as a basis for denying an application¹⁶; visual or aesthetic impacts are a valid reason to deny or modify an application, so long as the denial does not cause a significant gap in service coverage that cannot feasibly be addressed by alternatives.¹⁷
4. Some cities do not require service providers to maintain cell towers and/or remove installations when they are no longer used, become obsolete, or the permit expires (see Attachment).
5. The County and all cities have varying filing and processing fees for processing cell tower applications (see Attachment).
6. The County and 12 of 20 cities generate widely varying amounts of revenue through cell tower lease agreements (see Attachment).¹⁸
7. Five cities which have cell towers on public property are not charging service providers for land use¹⁹; three cities do not currently have cell towers located on public property.²⁰

Conclusions

The 2011 San Mateo County Civil Grand Jury concludes that:

The County and most cities have governing policies and/or ordinances that prescribe cell tower installations. Having an ordinance in place does not reduce the likelihood of public opposition to a cell tower application.

The County and cities need to balance public desire for improved wireless reception with local concerns regarding health, aesthetics, and property values while recognizing the rights of service providers under federal law.

¹⁶ Telecommunications Act of 1996.

¹⁷ No. 05-56106 – *Sprint PCS Assets PCS LP v. City of Palos Verdes Estates*, op. cit.

¹⁸ Belmont, Brisbane, Burlingame, Foster City, Hillsborough, Menlo Park, Millbrae, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco.

¹⁹ Daly City, East Palo Alto, Half Moon Bay, Portola Valley, and Woodside have cell towers on public property and do not receive revenue for land use.

²⁰ Atherton, Colma, and Pacifica do not currently have cell towers located on public property.

The County and cities which have cell towers located on public property should establish lease agreements with service providers to generate revenue to the general fund.

The County and cities have varying cell tower application fees for recouping staff costs in processing these often complex applications and use permits.

There is no standard way of ensuring that cell towers are maintained or removed when they are no longer used or the permit expires. Cities which do not already have maintenance and removal provisions required of service providers may be responsible for cell tower maintenance and/or removal on public property.

Educating the public about applicable governmental regulations may help to alleviate some of the angst generated by cell tower installations.

Recommendations

The 2011 San Mateo County Civil Grand Jury recommends to the County Board of Supervisors and the City Councils of all cities in San Mateo County the following:

1. Review and revise, if needed, the current fee structure to recoup staff costs for processing cell tower applications;
2. Negotiate lease agreements for future installations on public land that generate revenue or other tangible benefit to the community;
3. Add cell tower maintenance and removal provisions if they are not already included in existing ordinances and lease agreements;
4. Require that all new lease agreements contain a provision requiring service providers to install newer technology as it becomes commercially available to reduce the footprint of cell towers; and
5. Develop a webpage within County and city websites which clearly posts local ordinances, policies and procedures as well as federal regulations related to cell tower installations.

The Grand Jury further recommends the City Councils of Daly City, East Palo Alto, Half Moon Bay, Portola Valley, and Woodside pursue new or amended leases for existing cell towers on public property that are not currently generating revenue or other community benefits.

Cell Tower Cities and County Survey Responses

	Number of cell towers on private property	Number of cell towers on public property	Does the city have codes or ordinances governing cell towers?	Does the city's code/ordinance cover both public and private property?	Is there a provision requiring service providers to maintain cell towers?	Is there a provision requiring service providers to remove cell towers if obsolete or a use permit ends?	Have you had applications withdrawn by service providers due to public resistance?	What is the current cost to file an application or permit for a cell tower structure?	Does the city generate revenue paid by service providers in addition to application or permit fees from cell towers installations?	If yes, what is the average annual revenue paid by service providers to the city that is generated from cell towers?	If yes, how is revenue generated by cell towers used by the city?
Atherton	3	0	NO	N/A	N/A	NO	NO	Conditional use permit - Fee \$1,919 plus \$2,000 deposit - \$3,919 total	NO	N/A	N/A
Belmont	18	7	YES	YES	NO	YES	YES. Public reviews from 2007-2009, now waiting for withdrawal from applicant.	Fees: -complex project fee \$13,272 (deposit) -new construction engineering fee \$2,691 or \$1,704 (equipment change only) -fire fee for plan check \$288 -Environmental review fee \$547 -county recording fee \$50 -3rd party review of RF exposure study (deposit during review).	YES. There are leases for cell towers placed on public properties (parks, city hall, etc.	Unknown	Deposited to general fund for a variety of uses
Brisbane	15	3	YES	YES	NO	YES	NO	\$851 -administrative permit. \$2,698- planning commission use permit	YES, land lease	\$1,500/month	Deposited to general fund for a variety of uses
Burlingame	Unknown	Unknown	NO	N/A	NO	NO	YES, once (2010)	Depends upon level of review and cost of installation	YES. Only in instances where city owned property is leased for the installation	\$25,000 (based on one installation on public property)	Deposited to general fund for a variety of uses
Colma	4	0	NO	N/A	NO	YES	NO	Minor use permit \$905	NO	N/A	N/A
Daly City	45	15	YES	YES	YES	YES	YES, once (2010)	\$3,700	NO	N/A	N/A
EPA	Unknown	Unknown	YES	YES	YES	YES standard condition of approval	NO	Staff level-minor cell tower cost-\$687. Conditional use permit-major cell tower cost-\$3,882	NO	N/A	N/A
Foster City	26	6	NO	N/A	YES	NO	NO	Architectural review \$200. Use permit \$200 deposit. Applicant pays for cost to process	YES	The City receives approximately \$96,000 per year in revenue from the leasing of 4 sites for cell towers	Deposited to general fund for a variety of uses
HMB	2	1	NO	N/A	YES as a condition of CDP approval	YES as a condition of CDP approval	NO	\$1,300 deposit (actual cost determined by time required to complete processing)	NO	N/A	N/A
Hillsborough	0	11	YES	YES	YES	YES	YES, once (2006/07)	\$2,500	YES, if lease of public property is needed	The town collects \$162,120 annually for 7 sites. (\$1,930 monthly per site.)	Deposited to general fund for a variety of uses
Menlo Park	39	9	YES	NO, private property only	NO	NO	NO	Use permit deposit is \$1,500 subject to hourly billing rates for actual staff time expended toward the project	YES. Currently only one site in the Public ROW is subject to a lease agreement with the City.	\$2,500/month for the one cell site subject to a lease agreement	Deposited to general fund for a variety of uses
Millbrae	14	5	YES	YES	YES	YES	NO	\$7,000 on private property; \$2,000 on property	YES. Leases for facilities on city property	\$15,000/year per facility on city property	Deposited to general fund for a variety of uses
Pacifica	40	0	YES	No, private property only	YES	YES	YES, on more than one occasion	\$3,750	NO	N/A	N/A
Portola Valley	5	5	YES	YES	YES	YES	NO	\$420/fee; \$7,500/ Deposit	NO	N/A	N/A
Redwood City	Unknown	Unknown	YES	YES	YES	NO	NO	If property > 1/4 acre \$5k deposit; < 1/4 acre \$1k for Arch. Permit, \$2,830 for use permit	YES. One cell installation is on city land; a monthly or yearly lease is paid to the city	\$1k - \$1,666 per month	Deposited to general fund for a variety of uses
San Bruno	Unknown	Unknown	YES	YES	YES	YES	Yes, on more than one occasion	Use permit: \$2,145 Admin Approval: \$1,320	YES. Only if built on city owned parcel (e.g., water tank, park, etc.)	\$24,000 per year on average	Deposited to general fund for a variety of uses
San Carlos	9	3	YES	YES	YES	YES	YES, on more than one occasion	\$5,660.00	YES. Land lease of city property	\$2,000-\$3,000/mo \$24,000-\$36,000/yr.	Deposited to general fund for a variety of uses
San Mateo	Unknown	Unknown	YES not specific	YES	NO	NO	NO	Deposit amount of \$2,079; could ultimately be more based on staff time	YES. If in city parks or ROW on city equipment/poles, a lease is negotiated	The city is still negotiating its first lease	If in parks, used for Park & Rec purposes. If on city poles, used for Public Works purposes
SSF	Approx 30	Approx 8	YES	YES	YES	YES	NO	Use permit application - \$4,070	YES. Revenue ranges from \$1,500-\$3,000 per month per site	Approximately \$168,000/year	Deposited to general fund for a variety of uses
Woodside	8	9	YES	YES	YES	YES	NO	\$1,790 for CUP and Building permit fees	NO	N/A	N/A
County	71	42	YES	YES	YES	YES	YES, on more than one occasion	Varies - generally about \$7,813	YES. Administrative review by the Planning and Building Dept is occasionally required. The County (Real Property) also receives revenue from carriers located on County Property	\$600 to the Planning and Building Dept. Unknown amount to the County.	Revenue for Administrative reviews allocated to the Planning and Building Dept. Revenue to the County unknown as to how it is allocated

#7

There are no written materials for this agenda item.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garreaux, Sustainability & Resource Efficiency Coordinator

DATE: July 27, 2011

RE: Green Business Certificate Awarded to the Sequoias

Town Staff would like to congratulate the Sequoias on becoming the first business in Portola Valley to become certified as a Green Business! In addition, the Sequoias Portola Valley is now the first senior living facility to become a certified green business in San Mateo County! We applaud the effort the Sequoias' staff and Green Committee put forth over the last two years to look at their operations and take steps to become more efficient and environmentally friendly.

The Green Business Certification process was initiated by the Sequoias' Green Committee in September 2009. The certification process included a water audit conducted by CalWater, an energy audit conducted by PG&E, a pollution prevention audit conducted by the County and a solid waste reduction & recycling audit conducted by the Town's Sustainability Coordinator. Once all the measures were complete, the County's Green Business Coordinator conducted a final review and audit.

The Sequoias had already completed significant energy upgrades with PG&E, so they passed the energy audit with flying colors. For the water audit, most of the toilet fixtures, washing machines and faucets were in compliance; however CalWater recommended that several of the shower fixtures be replaced with more water efficient fixtures. This would have been a significant expense and waste of existing water fixtures. Jim Dunne, the Director of Environmental Services at the Sequoias, developed a win-win solution. He ordered a shower flow controller that was installed on the 62 existing fixtures to bring them into compliance.

For the solid waste reduction and recycling portion of the certification, the Sequoias needed to find an alternative to the polystyrene clamshells provided to residents for take-away meals. Shortly after the Sequoias started the Green Business Certification process, Gary Gomez came on board as their Food Services Director. Gary enthusiastically identified and implemented a reusable alternative as well as a potato-based alternative for special situations (e.g., large events), eliminating all polystyrene.

Additional significant achievements related to the Green Business Certification include ordering 30% post-consumer waste paper for all of the Sequoias' printing and copying needs, recycling decades old chemicals through a contracted hazardous waste company and eliminating aerosols.

The Green Business Certification includes the Sequoias' main building (Dining Hall, Library, offices and maintenance facility) as well as the health center, the assisted living center and all the communal areas, such as laundry and meeting rooms. Town Staff would like to again congratulate the Sequoias on this significant achievement and encourage the Sequoias staff to use the Green Business checklist as a path to continued progress in making your operations and maintenance as environmentally friendly as possible. We would also like to specifically acknowledge the effort and encouragement of Sequoias resident and Green Committee member, Onnolee Trapp.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garreaux, Sustainability & Resource Efficiency Coordinator

DATE: July 27, 2011

RE: Energy Upgrade California – New Statewide Program offering Rebates for Home Energy Improvements

Town Staff and the Sustainability Committee have been busy working to fully implement Energy Upgrade Portola Valley. We held a soft launch of the program at the Earth Day Fair on April 16th, with 32 people visiting our booth and entering our contest for a free home energy assessment. There were six Energy Upgrade California qualified home performance contractors educating the community about the benefits of a home energy assessment and retrofit. We held a contractor workshop on May 5th to connect local contractors with our home performance partners. The Contractor Workshop was attended by over 50 local contractors! The official program kick-off on May 10th was attended by over 40 residents. We had a lot of positive feedback and follow-up calls from interested residents. In June, we continued to develop our marketing materials including posters that you will begin seeing around town. Acterra hosted a home-based outreach event at the home of a local resident who achieved significant saving through the Acterra High Energy Home program. In July and August, we are working to finalize a Smart Strip Guide, the Did You Consider flyers and the Home Energy Detective Kit. You will also see us around town at Home Owner's Association meetings, Town Committee meetings and the summer concerts.

To keep you posted on the Energy Upgrade California activity at the state and county level, Douglas Alfaro from the San Mateo County Manager's Office and Napallo Gomez-Somer from Ecology Action, will be give a brief presentation at the Council Meeting. Related materials are attached.

Energy Upgrade Supports California

Property Owners

- Rebates and incentives
- Financing
- Tools and resources
- Consumer protection
- Online information

Local Governments

- Federal stimulus dollars
- Thousands of good local jobs in the building industry
- Resources to implement program in cities and counties
- Marketing and advertising tools for local outreach

Building Professionals

- Workforce training
- Business development
- New methods
- Marketing support

A Collaborative Investment

The first phase of the program is funded by more than \$350 million in public and private investments. The long-term vision is to develop a sustained program for energy and water efficiency, green building and renewable energy. This vision seeks to overcome market barriers and build a robust energy efficiency retrofit sector. Energy Upgrade California is an unprecedented alliance among:

- California counties and cities
- Non-profit organizations
- Government agencies
- Pacific Gas & Electric, Southern California Edison, Southern California Gas Company, and San Diego Gas & Electric
- Publicly owned utilities



MAJOR FUNDING SOURCES	\$ MILLION
State Energy Program/American Reinvestment and Recovery Act	\$133M
Investor Owned Utility Whole House Retrofit Program	\$116M
Energy Commission-administered Energy Efficiency and Conservation Block Grants to Los Angeles County, San Diego County and City of Fresno	\$12.9M
Better Buildings Program	\$30M
Employment Development Department Workforce Investment Act	\$13M

Energy Upgrade California

Reduce energy use. Save money. Create jobs.

For decades, California has led the nation in finding ways to reduce our use of precious resources and enhance the environment. Now an innovative new program continues that tradition—and promises to revitalize local economies across the state. Energy Upgrade California is an unprecedented statewide collaboration that advances energy efficiency and resource conservation through upgrades of thousands of existing buildings throughout the state.

Key Program Goals



Reduce Energy Use

The program aims to improve the energy efficiency of thousands of single and multi-family residential and commercial buildings.



Create Jobs

The program will create thousands of good paying local jobs for contractors, one of the sectors hardest hit by the economy.



Revitalize Local Economies

Investment in energy upgrades will increase business for building suppliers and retailers.



Reduce Greenhouse Gas Emissions

Energy Upgrade California will reduce greenhouse gas emissions and dependence on fossil fuels, helping counties reach AB32 goals.



Improve Air Quality and Health

Upgraded homes will have improved indoor air quality.



Train Contractors

Significant workforce training will give contractors new skills in the latest home performance methods.



Create a Financial Clearinghouse

The program will provide a financial clearinghouse of affordable financing options to help property owners pay for the upfront cost of upgrades.



Build Awareness

Marketing and outreach will educate property owners about the “whole house” approach to energy efficiency upgrades, and lead to long-term behavior changes.

The “Whole House” Approach

Energy Upgrade California encourages property owners to take a “whole house” approach.

This approach sees the home as a complete system, where all of the elements work together effectively to help lower energy and water use.

By completing basic measures first, such as sealing and insulating, the whole house approach improves energy efficiency and gets the most out of elements such as new windows, air conditioners and furnaces.

Participating is Easy

The Energy Upgrade California program makes it easy for property owners to complete projects and qualify for rebates and incentives.



Basic Upgrade Package

The program’s Basic Upgrade Package consists of several required elements with rebates and incentives up to \$1,000. This package results in an average 10% energy savings with these measures:

- Air sealing
- Attic insulation
- Duct sealing
- Hot water pipe insulation
- Low-flow showerhead with thermostatic control
- Smoke alarms and carbon monoxide detectors
- Combustion safety testing



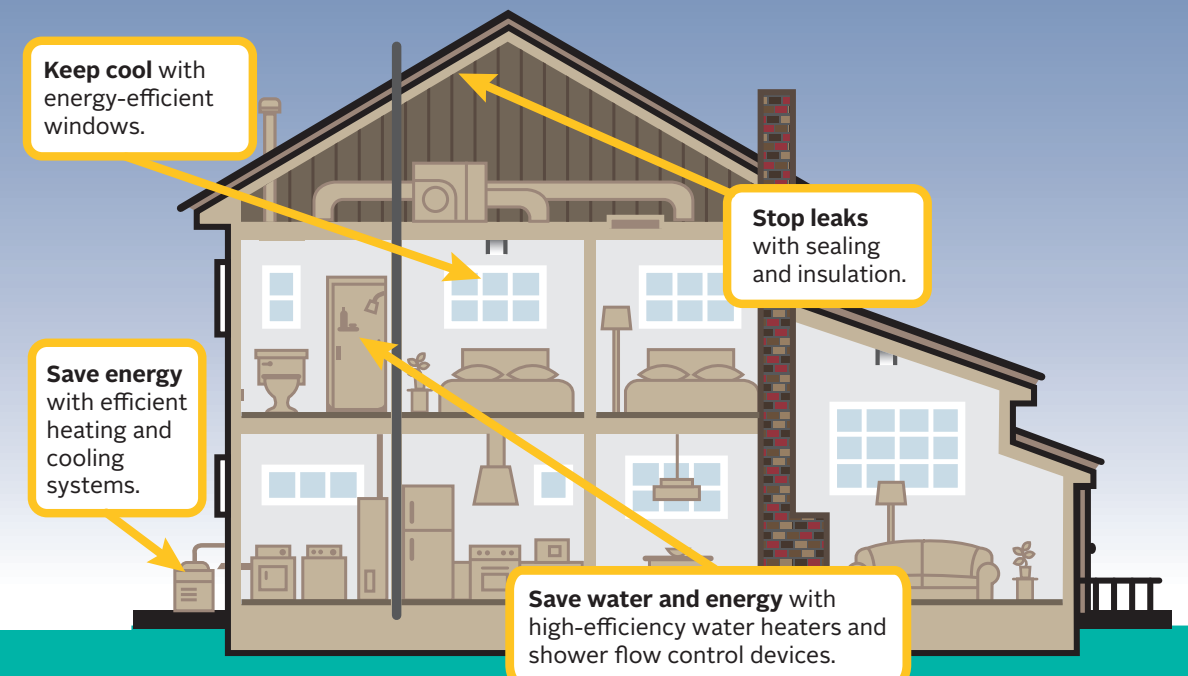
Advanced Upgrade Package

The Program’s Advanced Upgrade Package can incorporate a variety of energy efficiency elements that together achieve 15% to 40% energy savings. Rebates and incentives range from \$1,500 to over \$4,000 depending on the county and utility provider. Eligible measures include:

- High-efficiency furnaces
- Energy-efficient cooling systems
- Energy-efficient water heaters
- Wall insulation
- Energy-efficient pool pumps
- Dual pane energy-efficient windows
- Cool roofs

Enhanced Options

Property owners can add Enhanced Options such as solar and renewable energy measures, green building or water efficiency measures. These options are not eligible for utility incentives, but may qualify for rebates and incentives from other sources.



#10

There are no written materials for this agenda item.

TOWN COUNCIL WEEKLY DIGEST

Friday – July 15, 2011

- ☐ 1. Letter to Town Council from John Silver regarding alteration of the trail in front of 10 Grove Drive – July 13, 2011
- ☐ 2. E-mail to Council from Linda Yates regarding FSC Award Application – July 13, 2011
- ☐ 3. Letter to Danielle Hutchings from Sally Ziolkowski of FEMA indicating formal approval of the Town's Local Hazard Mitigation Plan – July 11, 2011
- ☐ 4. Agenda – Sustainability Committee Meeting – Monday, July 18, 2011
- ☐ 5. Notice of Cancellation of Parks and Recreation Committee Meeting scheduled for Monday, July 18, 2011
- ☐ 6. Agenda – Regular Planning Commission Meeting – Wednesday, July 20, 2011
- ☐ 7. Agenda – Special Meeting of the Emergency Preparedness Committee – Thursday, July 21, 2011
- ☐ 8. Notice of Cancellation of the Traffic Committee Special Meeting scheduled for Thursday, July 21, 2011

Attached Separates (Council Only)

- ☐ 1. Invitation to attend the 10th Annual North Fair Oaks Community Festival on Sunday, August 21, 2011
- ☐ 2. ABAG's Service Matters – July/August 2011

JON C. SILVER 355 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

TEL or FAX: 650/851-7519 CELL: 650/868-4310 EMAIL: jon3silver@yahoo.com

Mayor Driscoll and Town Councilmembers

Town of Portola Valley

765 Portola Road

Portola Valley, CA 94028

July 13, 2011

Dear Mayor Driscoll and Councilmembers,

I am writing concerning the denigration of an existing, longstanding public trail in our Town. Admittedly only a short section of trail has been affected. But, nonetheless I find it a matter of concern for two reasons: first, it is a backward step, that needn't have been taken, to a less desirable trail; second, to the best of my knowledge, this backward step was taken without consulting our Town Trails Committee or the public, trail-users included. Such a procedure would not be optimal in any community and is especially undesirable in ours.

The trail section in question is the portion of the Grove Drive trail between Portola Road and the driveway at 10 Grove Drive. From the late 1960s until late last week this rustic trail enjoyed a generous separation from the paved road. It meandered on the largely undeveloped shoulder within the public right-of-way. On the frontage of 10 Grove Drive the centerline of this trail typically was between six and eight feet from the edge of the roadway and in one spot as far as twelve feet from the road. This gave the trail a relaxed and safe feeling.

Now this freshly rocked trail is jammed right up next to the road, it's centerline between 25 and 26 inches from the roadway edge. The now much more urban feeling, arrow-straight trail is wedged between the roadway and new armored-looking landscaping, protected by massive tree-rounds. This *may* comply with minimum Town trail standards, but it is definitely a step backward from what had existed for many years. It is not in the public interest.

Additionally there is a possible problem with new work done immediately uphill from the driveway. Some very attractive stonework and landscaping has been installed in this location. Unfortunately the stonework "squeezes" the trail adjacent to the mailbox. At the closest point the new stonework is only 3 feet and 5 inches from the corner of the mailbox. This may be less than ideal clearance to allow for the comfortable passage of a horse or a parent with young kids in tow.

My understanding is that the work in question was undertaken pursuant to an encroachment permit granted by our Town. If this is the case, I am disappointed that a permit would have been granted to allow such work, particularly without involving the Town Trails Committee and the public. (It would be a simple matter to post a sign on a Trail stating that changes to the trail were being considered and that more information was available at Town Hall and/or online—and that comments would be welcomed.) If we are to serve the public interest we must involve the public.

The denigration to this section of the Grove Drive trail is especially disappointing because it was (perhaps) the only section of trail through the old subdivision that optimally met Town standards. Most of Grove Drive (from Portola Road through the 200 numbers) was developed as part of the Stonegate subdivision in (I believe) 1948. Sixteen years before our Town's incorporation, San Mateo County was not planning for trails when the road was laid out. The resulting design and topography didn't leave much room for an optimal trail, even if the generous right-of-way did. The only substantial exception was the frontage at 10 Grove Drive.

I hope that the Council will investigate what steps can be taken to return this trail to its previous, more desirable condition. Even more importantly I urge you to adopt (or revive) procedures that will guarantee that similar decisions that potentially downgrade trails cannot be made without involving the public, appropriate Town committees and, perhaps, yourselves.

Thank you for your consideration and for your service to our community.

Sincerely,

[signed: Jon C. Silver]

P.S. When I initially noticed work going on in the vicinity of the trail, I had no idea what was being contemplated. Largish amounts of construction and landscaping materials were piled on, and adjacent to, the trail section in question—so much so that at times the trail was completely blocked. It appeared to me that these materials were being stockpiled for use on the property itself at 10 Grove Drive. While forcing trail-users out into the road was not ideal, I figured it was only temporary so I didn't squawk. Also, I was fairly sure that I would have received notice if something new was being considered here. Going back over many years I had asked Town staff add me to the notification list for this property. Unfortunately, my reliance wasn't justified.

Also, I probably should clarify that while this section of has existed as an official Town trail since the late 60s, for many years before that it was a trail in common use, particularly by children. It had substantially the same characteristics and appearance that it did before its denigration late last week. My earliest memories of it are from 1956 or 1957.

Michele Arana

From: Angela Howard
Sent: Wednesday, July 13, 2011 2:41 PM
To: Michele Arana
Subject: FW: FSC Award App - need your input ASAP

For the digest

From: Tom Vlastic User [<mailto:vlasic@spangleassociates.com>]
Sent: Wednesday, July 13, 2011 12:59 PM
To: Angela Howard
Subject: FW: FSC Award App - need your input ASAP

Hi Angie,

From Linda Yates. I just got this and see it was sent to all council members. Thought you should be aware too of Linda's request. I didn't include all of the attachments because the files are too big.

Tom

----- Forwarded Message

From: Linda Yates <linda@hollandyates.com>
Date: Wed, 13 Jul 2011 12:26:30 -0700
To: "Ted Driscoll" <ted@driscoll.com>, Maryann Derwin <maryann@derwin.com>, Steve Toben <stoben@florafamily.org>, "jrichards@portolavalley.net" <jrichards@portolavalley.net>, "awengert@portolavalley.net" <awengert@portolavalley.net>
Cc: "pvlily@aol.com" <pvlily@aol.com>, Tom Vlastic <vlasic@spangleassociates.com>, "Ann V. Edminster (ann@designavenues.net)" <ann@designavenues.net>
Conversation: FSC Award App - need your input ASAP
Subject: FW: FSC Award App - need your input ASAP

Greetings all,

Our house is actually finished and the move in process has begun. We are finalizing all of our certification submissions and are excited. We are now beginning to submit for awards. The first one is The Forest Stewardship Council (FSC) US & FSC Canada 7th Annual Design & Build with FSC Award. The requirement is that 50% of the new wood in the house be FSC and we are at 100%. In addition to all the criteria which we meet, the application requires the following:

A) Please include a letter of endorsement from someone familiar with your project (a local non-profit organization, a government agency, etc).

In following up with them, you only need to be familiar with the project you don't need to cite all the specifics, rather just a letter endorsing the project, its influence in helping drive the sustainability agenda in town and its potential impact it might have. It doesn't have to be long they told us, really just an endorsement. We are hoping that we could get such a letter from one of you as Mayor/Town Council member or, even better, signed by all of you. Our other option is to have the ASCC write a letter (have copied Danna and Tom as well if there are any issues with town council writing a letter). The deadline for submission is August 1st (they have a short window and we weren't sure we would be finished in time). Besides the link to the award below if interested, am attaching a couple of documents if interested. The first set are the two LEED submissions, one the "official" document where innovation points are limited to 4. The other lists all the innovation and tallying the points we would be given if they didn't cap innovation points. No official results but we will have greenest home designation from what we hear (closest one is renovation in Chicago at 119 pt.s we are at 122.5 on the official checklist and 156 with all innovation points added and that is just LEED, we are now filling out BIG forms and will have to wait a year for our Living Building Challenge submission as they require year of proof before submission). The last document is the executive summary of the project highlighting the green goals and features (I am updating this as we speak but this is close enough should you be interested in reviewing any information but again you don't have to be that detailed ☺). Thanks so much for any help you are willing to give us. (Am copying our green goddess Ann Edminster, who helped some of you on the town center project, if you have any questions). An electronic copy of the letter to Ann and/or I would be great. Thanks

tons, Linda

http://www.fscus.org/green_building/award.php

-----Original Message-----

From: Erin Scholl [<mailto:erinescholl@gmail.com>]

Sent: Wednesday, July 13, 2011 9:16 AM

To: Linda Yates

Subject: FSC Award App - need your input ASAP

Hi Linda,

Looking for your input on the FSC Award:

1) The prompt is:

"Explain the ways in which this project expands and advances the FSC market transformation. For example, did a landowner or manufacturer become FSC certified to sell products for this project? Were new linkages made along the FSC supply chain that previously did not exist? Does this project serve to catalyze other projects that will use FSC-certified material?" (Answer "with as much specificity as possible".)

2) We also need a "letter of endorsement from someone familiar with the project (a local non-profit, organization, a government agency, etc.)" Who can you suggest to contact for this? The White House? :)

The application deadline is Aug 1, so we need to request the letter ASAP.

Thanks,
Erin

----- End of Forwarded Message

U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

July 11, 2011

Danielle Hutchings
Earthquake and Hazards Program Coordinator
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Dear Ms. Hutchings:

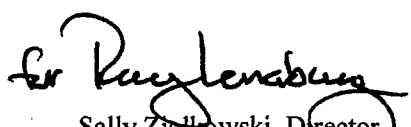
We have received documentation from the cities of Fairfield, Vacaville, Belvedere, Town of Portola Valley and the Contra Costa Water District jurisdictions, California, confirming their adoption of the *Association of Bay Area Government Local Hazard Mitigation Plan*. These jurisdictions are now in compliance with the planning requirements of the Disaster Mitigation Act of 2000.

The *Association of Bay Area Government Local Hazard Mitigation Plans* are valid for five years from the approval date, March 24, 2011, for all approved participants. The plan must be reviewed, updated and submitted to FEMA Region IX for approval at least once every five years. An updated list of the current status of participating jurisdictions is enclosed with this letter.

The approval of these plans ensures the City of Fairfield, City of Vacaville, City of Belvedere, Town of Portola Valley and the Contra Costa Water District continued eligibility for project grants under FEMA's hazard mitigation assistance programs, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance and Severe Repetitive Loss grant programs. All requests for funding, however, will be evaluated individually according to the specific eligibility, and other requirements of the particular program under which applications are submitted. Approved mitigation plans are eligible for points under the National Flood Insurance Program's Community Rating System (CRS). Additional information regarding the CRS can be found at www.fema.gov/business/nfip/crs.shtm or through your local floodplain manager.

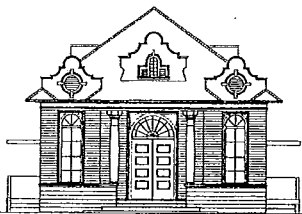
If you have any questions regarding the planning or review processes, please contact Juliette Hayes, Community Planner at (510) 627-7211, or by email at juliette.hayes@dhs.gov.

Sincerely,


Sally Ziolkowski, Director
Mitigation Division

Enclosure

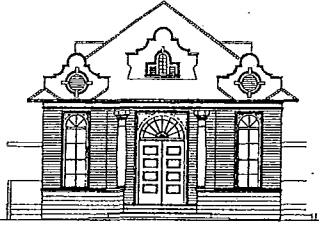
cc: Ken Worman, California Emergency Management Agency, Mitigation Planning



TOWN OF PORTOLA VALLEY
Sustainability Committee Meeting
Monday, July 18, 2011 – 4:00 PM
Town Hall, Conference Room
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. Call To Order
2. Oral Communications
3. Approval of Minutes from June 13, 2011
4. Update on Programs
 - a. Acterra High Energy Home Program
 - b. Energy Upgrade Portola Valley
5. Review of Outreach & Events
 - a. Committee Meetings
 - b. ASCC & Planning Commission Meetings
 - c. Summer Concert Series
6. Tuesday Speaker Series
 - a. Decide on Name
 - b. Review list of topics
7. Review of Projects
 - a. Did You Consider Flyers
 - b. SmartMeter Guide
 - c. Pilot Program
 - d. Profile Postcards
8. Next Steps, Next Meeting Date & Reminders
 - a. Next Meeting scheduled for Monday, August 15th at 4:00 p.m.
9. Announcements
10. Adjournment by 5:30 p.m.



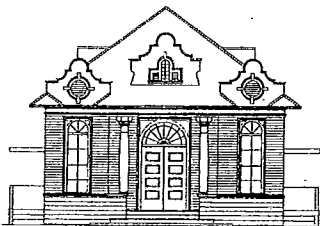
Parks & Recreation Committee
Notice of Cancellation
Monday, July 18, 2011

PARKS AND RECREATION COMMITTEE MEETING

NOTICE OF CANCELLATION

Monday, July 18, 2011

The Parks and Recreation Committee meeting regularly scheduled for Monday, July 18, 2011 has been cancelled.



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, July 20, 2011 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. *Continued Public Hearing:* 3 Lot Subdivision X6D-210 and Planned Unit Development (PUD) X7D-171 and Proposed Mitigated Negative Declaration, 1260 Westridge Drive, Shorestein

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: June 15, 2011

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Planning Commission Agenda
July 20, 2011
Page Two

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

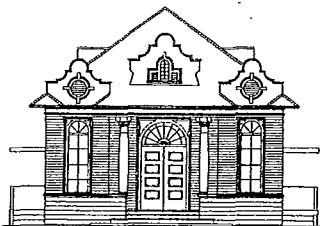
PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is posted in compliance with the Government Code of the State of California.

Date: July 14, 2011

CheyAnne Brown
Planning & Building Assistant



TOWN OF PORTOLA VALLEY
Special Meeting of the
Emergency Preparedness Committee
Thursday, July 21, 2011 - 8:00 AM
EOC / Town Hall Conference Room
765 Portola Road, Portola Valley, CA 94028

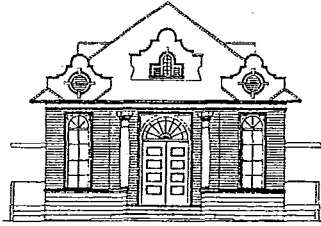
Chair, Chris Raanes will be participating in the EPC meeting by Video Conference

Video Conference Location:
1240 Deming Way / Madison, Wisconsin 53717 (608) 824-3422

AGENDA

1. Call to order
2. Oral communications
3. Review and approve minutes of regular June meeting
4. Discuss Special August Emergency Exercise
5. Discuss County Animal Rescue Plan (Jeff Norris to present)
 - Other County updates
6. Review and discuss the June 29 Town Council/EPC joint meeting
 - Lessons learned
 - Follow up?
7. Discuss CERPP relationship and Fall exercise
8. Review outreach plans, new efforts to attract new members
9. Subcommittee reports
10. Other Business
11. Adjourn promptly at 9AM

***This Special Meeting supersedes
the Cancelled
Regular Meeting of July 14, 2011***



Town of Portola Valley
Traffic Committee
Notice of Cancellation
Thursday, July 21, 2011

**TRAFFIC COMMITTEE
SPECIAL MEETING
SCHEDULED FOR**

Thursday, July 21, 2011

NOTICE OF CANCELLATION

The Traffic Committee special meeting scheduled for Thursday, July 21, 2011 at 8:15 a.m. has been cancelled.

TOWN COUNCIL WEEKLY DIGEST

Friday – July 22, 2011

-
- ☐ 1. Letter to Mayor Driscoll from Supervisor Adrienne Tissier regarding the survival of Caltrain – July 18, 2011
 - ☐ 2. Letter to Town Council from Jon Silver regarding the trail in front of 10 Grove Drive - July 19, 2011
 - ☐ 3. Memorandum from Howard Young in response to Jon Silver's July 13, 2011 and July 19, 2011 letters regarding the trail in front of 10 Grove Drive – July 22, 2011
 - ☐ 4. E-mail to Town Council from Stacie Nerdahl regarding the 2011-2012 Adopted Budget – July 20, 2011
 - ☐ 5. E-mail chain regarding the use of the Community Hall for Shelly Sweeney's exercise class – July 18, 2011 (3 pages)
 - ☐ 6. Memorandum to Town Council from Susan Gold regarding Proposed Nature Trail – Dengler Preserve – July 14, 2011
 - ☐ 7. Mailing that will go to all residents on Monday, July 25, 2011 regarding Portola Valley's 2011-2012 Budget
 - ☐ 8. Notice of Cancellation of the Planning Commission Meeting scheduled for Wednesday, July 20, 2011
 - ☐ 9. Agenda – Regular ASCC Meeting – Monday, July 25, 2011
 - ☐ 10. Agenda – Conservation Committee Meeting – Tuesday, July 26, 2011
 - ☐ 11. Action Agenda – Regular Town Council Meeting – Wednesday, July 13, 2011

Attached Separates (Council Only)

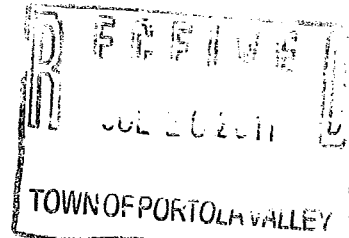
- ☐ 1. Invitation to attend Packard 101 on October 27 – 28, 2011
- ☐ 2. Invitation to attend Energy Upgrade California Community Forum on Friday, July 29, 2011
- ☐ 3. Information from HIP Housing regarding Bruce Hamilton's retirement and his replacement, Ms. Comfort Harr – July 18, 2011
- ☐ 4. San Mateo County Mosquito and Vector Control's Entomology Report – June 2011

Adrienne J. Tissier

Member • Board of Supervisors • San Mateo County

July 18, 2011

Hon. Ted Driscoll
Portola Valley Town Hall
765 Portola Road
Portola Valley, CA 94028



Dear Mayor Driscoll,

We are all concerned about the future of Caltrain, the critical transportation spine of our community, and that future is by no means assured.

With that in mind, I write to you today as a member of the Board of Supervisors, but also as a member of the Board of Directors Caltrain and SamTrans and as chair of the Metropolitan Transportation Commission to ask that we begin working together to help ensure a Caltrain that not only survives, but thrives.

With the essential financial assistance of MTC and the partners in Caltrain— SamTrans, Muni and the Santa Clara Valley Transportation Authority -- considerable progress has been achieved in resolving the rail agency's immediate budget crisis and averting drastic cuts to what could be the most successful transit system in the region.

Caltrain, however, will never be the stable, well-funded entity we need it to be without a permanent, dedicated source of funding. Significant efforts are underway to explore options for just such a source of revenue.

As this effort goes forward, we must assure that there is a meaningful San Mateo County presence so that the unique concerns and interests of our constituents are heard and that public support is built and maintained.

We have a role to play in any coalition that comes together to save Caltrain, and we should begin now to understand the issues, define that role and begin to participate in the positive, constructive way that characterizes San Mateo County policy-making.

As the first step toward rallying around Caltrain, I would like to invite you or your designee to a meeting with your colleagues to hear a presentation on the current and future conditions affecting Caltrain and Samtrans, and to discuss building a coalition of community leaders and the public. The meeting will be held from 8:00 a.m. to 10:00 a.m. on Wednesday, August 3rd, 2011, at SamTrans, 2nd Floor Auditorium, 1250 San Carlos Avenue, San Carlos.

Please let me know as soon as possible if you or your designee will be participating in this meeting. I look forward to working with you.

Sincerely,

Supervisor Adrienne J. Tissier

400 County Center, Redwood City, California 94063

Direct Line (650) 363-4572 • Fax (650) 599-1027

Michele Arana

From: Angela Howard
Sent: Wednesday, July 20, 2011 5:00 PM
To: Michele Arana
Subject: FW: Clarify the situation regarding damage to public trail in right-of-way
Attachments: Letter to Town Council_JCS_07-19-11.doc

For digest

From: Jon Silver [<mailto:jon3silver@yahoo.com>]
Sent: Wednesday, July 20, 2011 4:33 PM
To: Ted Driscoll; Maryann Derwin; Ann Wengert; John Richards; Steve Toben
Cc: Angela Howard; TownCenter; Howard Young; CheyAnne Brown
Subject: Clarify the situation regarding damage to public trail in right-of-way

[The letter below is also attached to maintain formatting.]

JON C. SILVER 355 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

TEL or FAX: 650/851-7519 CELL: 650/868-4310 EMAIL: jon3silver@yahoo.com

Mayor Driscoll and Town Councilmembers
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

July 19, 2011

Dear Mayor Driscoll and Councilmembers,

I wish to update and clarify the situation regarding the damage to the public trail in the right-of-way in front of 10 Grove Drive. After I wrote my letter of July 13th, I met with the Town’s Public Works Director. At this meeting he told me that the work done in the right-of-way at 10 Grove Drive does not conform to the encroachment permit that was issued by the Town. (This had not been included in the voicemail he left me on July 12th in response to my earlier call.) Obviously this is crucial information. Viewing the plan sketch and reading the conditions that were part of the approved permit make it crystal-clear: changes to the trail were outside of the work authorized by the permit. The approved plan only showed planting close to the applicant’s existing fence and no changes to the public trail whatsoever.

Clearly there was no need to refer this permit application to our Town Trails Committee – or to obtain public comment from trail-users.* If the permitted plan had been followed there would not have been a problem; the trail would not have been denigrated—or *even* affected, for that matter.

Unfortunately, the permit has been violated. I hope that the Town will take prompt steps to enforce the conditions of the encroachment permit. If not already done, the applicant should be given formal notice that the permit has been violated. If the applicant chooses not to promptly correct the violation by retuning the trail to its previous condition and location, I hope that the Town will take steps to do this since this trail is in the public right-of-way. Correction of this violation should not be allowed to drag-on for weeks or months.

We may not like it, but I have heard it said by some, that the way to get something done is simply to do it and if caught (or if there are complaints), to “negotiate” with the Town (or other jurisdiction) as to the after-the-fact “solution”. While I do not contend that that was a motivation here, we must not reward the violation of an approved permit, particularly when our Town trail system is involved.

Thank you for your attention to this small, but important matter.

Sincerely,



[signed: Jon C. Silver]

* In light of the extensive development that is in need of better screening at 10 Grove Drive, consideration could have been given to referring the encroachment permit application to the ASCC; if the Town was going to issue a permit allowing the private use of the public right-of-way, consideration should have been given to requiring that the plantings, that were to be installed pursuant to this permit, would be such that they would provide the appropriate screening.



MEMORANDUM

TO: Mayor and Members of the Town Council
FROM: Howard Young, Public Works Director
DATE: July 22, 2011
RE: Letter dated July 13, 2011 concerning the trail at 10 Grove Drive

Background:

An encroachment permit was issued in December 2010 for 10 Grove Drive to remove and replace the existing driveway and plantings directly in front of the existing fence for screening purposes. There are many conditions within the permit. The two site specific conditions written in the permit were that plantings were to be staked and inspected by Public Works prior to any planting and that the trail, if disturbed, was to be repaired to like or better condition. The permit did not include trail work. The driveway work was completed and inspected 1/26/11. However, since the plantings were not completed, Public Works did not perform a final inspection or final the permit.

At the beginning of July, it appears that additional landscaping work was performed within the Town's right of way. Shortly after the work occurred, the Town received calls, some anonymously, concerning the work. Town staff has indicated to the homeowner that she has violated the permit and is working with her to resolve the issues. The current condition of the trail is usable and does not pose a hazard. The homeowner has indicated to staff that she is preparing her response as to why she had work done that is not contained in the permit.

Summary:

Two letters were addressed to the Town Council by a concerned resident relating to an approximately 150' section of trail in front of 10 Grove Drive. Letters were placed in the 7/15/11 and 7/22/11 digest. The first letter dated 7/13/11 was written without benefit of actual discussion with Town staff. On 7/14/11, the concerned resident came to Town Hall to discuss with staff the details of the encroachment permit and events that occurred. This answered and clarified the resident's understanding. The concerned resident then followed up with the second letter to the Town Council that dismissed some of the original concerns.

The encroachment permit issued to 10 Grove Drive did not include trail work. The work that was performed recently is outside of the scope of the permit. Town staff has already made contact with the homeowner to begin discussions to address the issue. The homeowner has responded with concerns about consistency with the rest of the trail on Grove Drive, and whether or not she is being treated unfairly or bullied by others.

Town staff will address the permit violations. To assist in resolving the issue, staff is in the process of setting up a field meeting next Monday with the Chair of the Trails Committee, homeowner, and the concerned resident. Depending on the outcome of the meeting, the issue may be placed on the next Trails Committee meeting agenda.

Comments to letter #1:

The first letter was written without benefit of actual discussion with Town staff. Therefore, the concerned items could be or already have been addressed.

1. Concern: That there was a Town permit issued for trail the work
 Comment: The Permit was not issued for trail work. Therefore, it did not involve the Trails Committee or public process.
2. Concern: That the trail was realigned
 Comment: Town staff is investigating this. The homeowner has indicated that the Trail is located where it was originally. It appears that the surface scoring location on the original driveway surface did provide validity to this.
3. Concern: That there should be a public process for trail work
 Comment: Refer to response #1
4. Concern: The author indicated that in the past, he has requested he be notified of all actions concerning this address at 10 Grove.
 Comment: Town staff always provides notice to residents within 300' of a project when required by the municipal code.

Comments to letter #2:

1. Concern: That the Town take prompt steps to enforce the conditions of the encroachment permit.
 Comment: Town staff has been in contact with the concerned resident, homeowner, and Chair of the Trails Committee. The Town staff will take the appropriate actions to resolve the matter.
2. Concern: Planting in the right of way
 Comment: Planting in the Town right of way is reviewed on a case by case basis. In this case, the original plan was both reviewed by Public Works and Planning staff.

Michele Arana

From: Angela Howard
Sent: Wednesday, July 20, 2011 8:46 AM
To: Michele Arana
Cc: Stacie Nerdahl
Subject: FW: 2011-12 Adopted Budget

for the digest

From: Stacie Nerdahl
Sent: Wednesday, July 20, 2011 8:14 AM
To: Ann Wengert; John Richards; Maryann Derwin; Steve Toben; Ted Driscoll
Cc: Angela Howard
Subject: 2011-12 Adopted Budget

Hello all,

The 2011-12 Adopted Budget document is now available [via the website](#). This is a pdf document in which I have created internal links via the Table of Contents and Revenues/Expenditures title pages, making it easily navigable on-screen. While I have historically provided each Council member a hard copy of this document, I am now asking you to please advise if this is still necessary. I am happy to print the pdf version for you, or you may actually find it preferable and easier to simply bookmark the budget document for future reference during the 2011-12 fiscal year.

For your information, the budget document is available via the "Town Government" main navigation tab, and then at the dropdown menu, select "Town Finance." This newly revised page contains links to the 2011-12 adopted budget, last year's budget and financial statements for the past seven years.



Town Organizational Chart

Town Staff

Town Council

Planning Commission

Architectural & Site Control

Commission

Town Committees

Town Center

► TOWN FINANCE

Election Information

General Plan

Municipal Code

Forms and Documents

Town Government

Town Finance

The Town Council adopted the **2011-2012 Adopted Budget** at its June 30 meeting to review this document.



Digital versions of prior years' Annual Financial Statements and Adopted Budgets below. For questions or comments, please contact Administrative Services Office 1700 ext 219.

Financial Statements for Fiscal Year Ending (FYE):

June 30, 2011 (available late 2011)
June 30, 2010

Adopted Budgets:

FY 2010-11
n/a via pdf

StacieBNerdahl
Administrative Services Officer
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Tel: 650.851.1700 ex.219
Fax: 650.851.4677
www.portolavalley.net

Janet McDougall

From: Ted Driscoll [Ted@Claremontcreek.com]
Sent: Monday, July 18, 2011 5:19 PM
To: Janet McDougall
Cc: John Richards; Maryann Derwin Home; Ann Wengert; Steve Toben; Angela Howard
Subject: Re: room at town center

Thx Janet.

On Jul 18, 2011, at 5:05 PM, Janet McDougall wrote:

Hello everyone,

Shelley and I have spoken and worked out an arrangement for her class to continue, so this is a non-issue at this point.

Best,

Janet

From: Maryann Derwin [mailto:maryann@derwin.com]
Sent: Monday, July 18, 2011 4:33 PM
To: Angela Howard
Subject: Fwd: room at town center

Sent from my iPhone

Begin forwarded message:

Resent-From: <mderwin@portolavalley.net>
From: Lina Swisher <linacpa@sbcglobal.net>
Date: July 18, 2011 4:19:22 PM PDT
To: Ted Driscoll <ted@driscoll.com>
Cc: <mderwin@portolavalley.net>, <jrichards@portolavalley.net>, <stoben@portolavalley.net>, <awengert@portolavalley.net>
Subject: Fw: Re: room at town center

Dear Ted,

I was wondering if you were aware that our long-time exercise class has been denied use of the Town Center multi-use room for the quarter beginning July 2011. We have been meeting from 7-8 am on M-W-F in that room ever since the new Town Center opened and before that for many years in the old PV multi-use room until it was torn down. Our instructor, Shelly Sweeney, had overlooked the one email sent to remind her of the registration due date. She had been preoccupied with her father's illness. Sadly, he had just been transferred to VA hospice; he died there on July 1st.

We students are surprised that an exception could not have been made for our class, especially since the room sits empty. At the least, why doesn't the town administration have a follow-up procedure when they don't hear from an instructor who has been teaching the same class at the same time for so many years. A courtesy phone call seems in order before canceling such a class out of hand.

The majority of us are Portola Valley residents. Not only do we regret missing our class for the next three months, but, as taxpayers, it seems wasteful that the town is not collecting its use fee for that period. We appeal to the council to make an exception and allow our class to continue.

Thank you.

Sincerely,
Lina Swisher

-- On Wed, 7/13/11, sbsthrock@aol.com <sbsthrock@aol.com> wrote:

From: sbsthrock@aol.com <sbsthrock@aol.com>
Subject: Re: room at town center
To: CRodas@portolavalley.net
Date: Wednesday, July 13, 2011, 1:32 PM

Hi Cindy,

Thank you for checking. I am surprised by this, and deeply disappointed that an exception to the rule, especially due to the circumstances, could not be made. I looked at the calendar, and there isn't another class using the space, during that time or during those months, so as a long time member and teacher of this class (14 years) and community it is shocking that an exception could not be made. You have my registration for October, November and December, so if you need anything else before your maternity leave let me know. If there is anyone else I need to contact regarding this please let me know. I will get the key back to the office by Friday.
Shelly Sweeney

-----Original Message-----

From: Cindy Rodas <CRodas@portolavalley.net>
To: 'sbsthrock@aol.com' <sbsthrock@aol.com>
Sent: Wed, Jul 13, 2011 12:01 pm
Subject: RE: room?

Hello Shelly,

Thank you for your email, I have had a chance to speak with Janet now that she is back from vacation. She mentioned that unfortunately the Town would not be able to make that exception and allow you the use of the room without having your class listed on the Town's class summer quarter schedule; this is due to audit reasons as well as the council's adopted policies regarding Town sponsored classes (page 3 of attached policy document, also found on our website).

Also, in regards to the question you made the last time we spoke on the timing of submitting your Instructor Agreement form; Janet mentioned that we would also only accept Instructor Agreements during the specified period for each quarter. The Town will not allow the submission of various agreements for the entire year of classes in advance. As of now I can tell you that the deadline for the winter session of Instructor Agreements will be October 24th. Please submit your agreement in by this date to Teresa Bowerman as she will be handling classes and events in my absence (agreement form attached).

I will continue to be in the office until Friday the 15th, we also spoke about the return of the key which was checked out to you for access to the community hall for your scheduled classes. At the moment since your classes will not be taking place in the hall it is necessary that we have the key returned to us as soon as possible as we will be able to have use for it with other instructors and renters of the space. Please return the key that was checked out to you before end of business day (5pm) on Friday.

Please contact me for further questions or concerns. Thank you

Cindy Rodas

Office Assistant
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
(650) 851-1700 ext. 200
(650) 851-4677 fax

Teresa Bowerman

Office Assistant
Town of Portola Valley
650.851.1700, ext. 200

From: sbsthrock@aol.com [<mailto:sbsthrock@aol.com>]

Sent: Tuesday, July 12, 2011 4:20 PM

To: Cindy Rodas

Subject: room?

Hi Cindy,

I was wondering if you had talked with Janet regarding making an exception to the registration rule, and the use of the room from 7-8am. I am hoping your still around and had not left for maternity leave, but I was not sure. Let me know when you can.

Thanks

Shelly Sweeney
766-1319

Date: July 14, 2011

Re: Proposed Nature Trail—Dengler Preserve

To: Members of the Town Council

As a longtime member of the Trails Committee (although I am writing this letter as a private citizen) I have the following questions and concerns about the proposed Dengler Preserve Nature Trail:

- 1.) Is a plethora of signs appropriate on a wilderness trail?
- 2.) Why further “develop” a trail with limited accessibility and parking issues?
- 3.) Why propose paper brochures when the Town is going paperless?

Directional and identification signs are being proposed, around twenty in total. My vision of a wilderness trail does not include signage and the Trails Committee’s longstanding policy is to minimize signage.

In addition, plant communities and other features of nature are subject to change; there needs to be regular monitoring to ensure that the cited plants are still present. The signs need to be maintained for both wear and tear and accuracy. (I spoke to J. Chung at Mid-Peninsula Regional Open Space who told me that even with their rather adequate staff these are issues that they face and one of the reasons why they have so few of these sorts of trails.)

A member of the Open Space Committee told me that they do not expect the nature trail to get a high amount of usage.

Why then place a nature trail here?

An alternative site, Spring Down Open Space presents a wonderful opportunity to “teach” nature.

A valuable lesson--that nature is all around us and that we need not enter remote areas to find it—can be modeled. Parking is available. The area is accessible. In vicinity we have the Library, playground, playing fields, restrooms, community rooms, restored creek and picnic benches.

During the Spring Down Master Plan Committee process a nature trail was discussed and we felt that this would fit as a use for this property. It seems to me that an easily accessible nature trail, centrally located and surrounded by amenities to encourage its use and enhance its purpose present a better choice than the proposed Dengler Preserve site.

Susan Gold, 70 Pineridge Way, PV

Summary: Portola Valley's 2011-2012 Budget



Town's primary revenue sources of property tax, building permits and utility users' taxes remain stable, with operating expenditures decreasing by 0.4% over prior year's budget. (Review the entire budget at www.portolavalley.net.)

The Town Council adopted a balanced budget of \$6.6 million for 2011-2012 at its special June 30 meeting. Reserve funds within the Safety Tax, Gas Tax, and Road Impact funds will again be tapped to meet expenditures relating to public safety and capital improvement projects. The Alpine Road C-1 Trail project is also slated for construction, and is a capital improvements project that is fully funded by Stanford University.

Current Revenues Highlights

- Overall Budget: \$6,579,578**
General Fund Budget: \$3,860,520
- Sales tax revenues are predicted to increase by 9%.
 - Building permit activity and property tax revenues have not been negatively impacted by economy.
 - Staff successfully applied for nearly \$24,000 in grant funds relating to San Mateo County's *Energy Upgrade* program.
 - New county-based revenues provide additional funding for improvements to local roads.

Current Expenditures Highlights

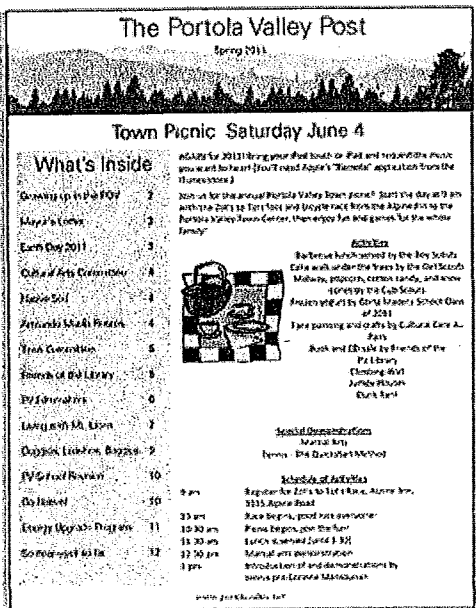
- Overall Budget: \$6,675,566**
General Fund Budget: \$3,859,601
- The Town has budgeted funds to complete the fee study that was started in the prior year. The Town's building permit and related fees were last reviewed in 2000.
 - The Town will again use some reserve funds from its Safety Tax fund to help offset costs relating to additional traffic patrols.
 - With some adjusted field maintenance procedures, expenditures related to parks & fields maintenance have been trimmed by 10%.
 - The Town has again budgeted additional monies to increase wood chipping services for residents, adding two additional chipping days in October.
 - Capital Improvement projects include annual street resurfacing, improvements to the Spring Down open space parcel, repair and replacement of the Town's storm drains, and the self-funded Stanford C-1 trail. There is no Capital Equipment budget.

HAVE YOU BOOKMARKED THE TOWN'S WEBSITE YET?

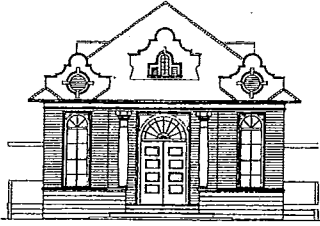
The Town's website (www.portolavalley.net) is the only source for the newly *digital only* bi-annual Portola Valley Post. Book[mark] it, Danno!

Town of Portola Valley
 765 Portola Road
 Portola Valley, CA 94028

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MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: CheyAnne Brown, Planning & Building Assistant

DATE: July 18, 2011

RE: Cancellation of Planning Commission Meeting

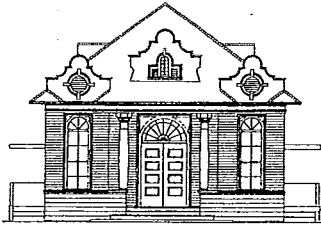
The Regular Meeting of the Planning Commission scheduled for Wednesday, July 20, 2011 has been cancelled. The next regular meeting of the Planning Commission is scheduled for Wednesday, August 3, 2011 at 7:30 p.m.

cc: Town Manager
Town Council
Town Planner
Country Almanac
Barbara Templeton

This Notice is posted in compliance with Section 54955 of the Government Code of the State of California.

Date: July 18, 2011

CheyAnne Brown
Planning & Building Assistant



TOWN OF PORTOLA VALLEY
 ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
 Monday, July 25, 2011
 7:30 PM – Regular ASCC Meeting
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

7:30 PM - REGULAR AGENDA*

1. Call to Order:
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr
3. Oral Communications:

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

4. Old Business:
 - a. Architectural Review for New Driveway Entry Gate and Fencing, 4 Grove Court, Howe
5. New Business:
 - a. Site Development Permit X9H-631, Repair to Corte Madera Creek Bank, 245 Grove Drive, Walker
 - b. Architectural Review for Replacement of Detached Garage with New Detached Garage and Loft, 155 Grove Drive, Reimund
6. Approval of Minutes: July 11, 2011
7. Adjournment

*For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

PROPERTY OWNER ATTENDANCE. The ASCC strongly encourages a property owner whose application is being heard by the ASCC to attend the ASCC meeting. Often issues arise that only property owners can responsibly address. In such cases, if the property owner is not present it may be necessary to delay action until the property owner can meet with the ASCC.

WRITTEN MATERIALS. Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700, extension 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

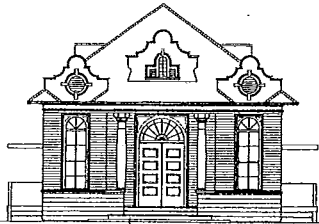
PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is Posted in Compliance with the Government Code of the State of California.

Date: July 22, 2011

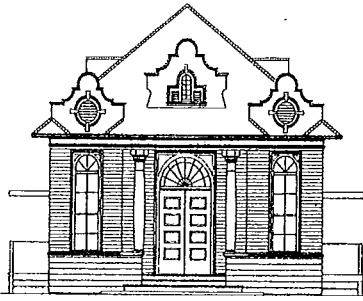
CheyAnne Brown
Planning & Building Assistant



TOWN OF PORTOLA VALLEY
Conservation Committee
Tuesday, July 26, 2011 - 8:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

AGENDA

1. **Call to Order**
2. **Oral Communications**
3. **Approval of Minutes** – June 28, 2011
4. **Old Business**
 - A. Update Town Open Space parcel management / owners:
 - July focus parcel: Ford Field
 - B. Tip of the month
 - C. Weeding checklist / creek maintenance / creek traffic
 - D. Portola Road view shed
 - Mid Penn permission
 - E. Town panel event / habitat protection vs. fire clearance
 - F. 8 Applewood – waiting for new landscaping plan
 - G. Subcommittee – Wildlife incentive garden program
 - H. Intern to help CC
5. **New Business**
 - A. Residential energy efficiency campaign / Energy Upgrade / Brandi guest
 - B. Site permits
 - 245 Grove Drive
 - C. Tree permits
 - 244 Canyon Drive
 - 1111 Portola Road
6. **Announcements**
7. **Adjournment**



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, July 13, 2011

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

Councilmember Ann Wengert will be participating in the Council meeting by teleconference

Teleconference Location:

Governor's Inn / 700 West Sioux Ave. / Pierre, South Dakota 57501 (605) 224-4200

ACTION AGENDA

7:32 PM – CALL TO ORDER AND ROLL CALL

Vice Mayor Derwin, Mayor Driscoll, Councilmember Richards, Councilmember Toben, Councilmember Wengert

Town Councilmember Ann Wengert teleconferenced from Governor's Inn, Pierre, South Dakota

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

Councilmember Steve Toben announced that he will not seek reelection at the end of his term.

(1) **PRESENTATION** – Recognition of 10 year Anniversary of Sharon Hanlon, Town Clerk

Ms. Howard spoke of the accomplishments of Clerk Hanlon over the past ten years. Mayor Driscoll then presented Clerk Hanlon with her ten year anniversary plaque. Clerk Hanlon thanked the Council and said she enjoys working for the Town and with fellow co-workers.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

(2) **Approval of Minutes** – Regular Town Council Meeting of June 8, 2011

Approved as Amended 5-0

(3) **Approval of Minutes** – Special Town Council Meeting of June 29, 2011

(4) **Ratification of Warrant List** – June 22, 2011

(5) **Approval of Warrant List** – July 13, 2011

(6) **Recommendation by Administrative Services Officer** – Annual Adoption of the Town's Investment Policy

(a) Adoption of a Resolution of the Town of Portola Valley Adopting Town Investment Policy
(Resolution No.2527-2011)

(7) **Recommendation by Administrative Services Officer** – Adoption of the 2011-2012 Appropriations Limit

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Determining and Establishing the Appropriations Limit for 2011-2012 (Resolution No.2528-2011)

(8) **Recommendation by Assistant Town Manager** – Adoption of Ordinance Regulating Commercial Activity on Town Center Property

(a) Second Reading of Title, Waive Further Reading, and Adopt 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.2011-392)

Items 3, 4, 5, 6, 7 and 8 Approved 5-0

REGULAR AGENDA

Moved to Item #13 – *Approval of the 2011-2012 Planning Program. Approved 5-0. (7:45 pm)*

Moved to Item #12 – *Amended Consultant Agreement between the Town of Portola Valley and Spangle Associates. Approved 5-0 (7:50 pm)*

(9) **Recommendation by Administrative Services Officer** – Adoption of a General Fund Minimum Fund Balance Policy (Reserves Policy) for the Town (7:52 pm)

Council directed policy back to staff for additional language to adopt a policy with 50% reserve and to grow that reserve to 60% within the next five or ten years. Revised policy will be on the July 27 Council agenda.

(10) **Recommendation by Administrative Services Officer** – First Amendment to Agreement to provide Information Technology Services and Support to Town Hall

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of First Amendment to Agreement between the Town of Portola Valley and the City of Redwood City (Resolution No. 2529-2)

Staff will research the possibility of adding a confidentiality clause to next amended agreement. Approved 5-0

(11) **Recommendation by Administrative Services Officer and Town Clerk** – Approval of Town Manager Recruitment Schedule and Request for Proposals (RFP) for Town Manager Executive Search Services

Council approved the RFP and Tentative Recruitment Schedule 5-0. Council liaisons for sub-committee are Mayor Ted Driscoll and Councilmember John Richards.

(12) **Recommendation by Assistant Town Manager** – Amendment to Consultant Service Agreement Between the Town of Portola Valley and Spangle Associates for Planning Services

(13) **Recommendation by Town Manager** – Approval of the 2011-2012 Planning Program

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(14) **Reports from Commission and Committee Liaisons**

There are no written materials for this item.

Mayor Toben - Trails Committee meeting considered the nature trail in Dengler Preserve. The Committee could not recommend the nature trail in this location. Issues with signage, access and lack of parking.

Vice Mayor Derwin – The Sustainability Committee met and announced that the Acterra High Energy Home is now active on their website. PG&E contractor workshop was a success with approximately fifty in attendance. The Committee working on profile postcards which would feature a resident who has had energy upgrades to their home.

Council of Cities met to hold elections. Jeff Gee with City of Redwood City won the SamTrans seat.

Teen Committee continues to work on the Sharing the Bounty project, an upcoming dance, a new applicant and continue to move forward with the Bill and Jean Lane civic involvement project.

Councilmember Richards – San Mateo County Emergency Services Council held a meeting on June 16 and announced the Web EOC classes in cities is coming soon. The Preparedness Day at County Expo Center was well attended. Belmont Fire Department will run the county Hazmat team on a provisional basis, to be reviewed in three months and alternatives reviewed. The American Red Cross launches its 'Ready Neighborhoods' Program in East Palo Alto on June 23.

The Conservation Committee would like earlier notification about ASCC projects.

The ASCC gave conditional approval for design of a remodel on Golden Hills. The Shoreinstein PUD discussion was regarding vegetation management plan and debate over how much non-confirming vegetation/fencing to remove.

Councilmember Toben – Parks & Recreation Committee's main discussion was on the recovery of income for maintenance of the fields.

The Emergency Preparedness Committee held a class for Ham radio operators for residents at Town Center.

The Committee will pursue the idea of obtaining a low power FM transmitter for the town, assuming the FCC will license it.

The League of California Cities Peninsula Division dinner meeting presentation was given by the San Bruno City Manager and Mayor regarding how electeds have a critical media outreach and community relations role. Important to stay calm, competent and clearheaded.

WRITTEN COMMUNICATIONS

(15) Town Council Weekly Digest – June 10, 2011

(16) Town Council Weekly Digest – June 17, 2011

#1 – Council approved proposed Not-for-Profit funding

#5 – Mayor Driscoll will attend and Vice Mayor Derwin as alternate

(17) Town Council Weekly Digest – June 24, 2011

#2 – Council agrees with phased approach to ban polystyrene within the Town of Portola Valley

(18) Town Council Weekly Digest – July 1, 2011

#1 – Staff will write a letter of response to the June 27 Grand Jury Report

(19) Town Council Weekly Digest – July 8, 2011

#1 – Councilmember Toben will write a letter of response

CLOSED SESSION: 8:55 pm

(20) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(a)

Michael and Lisa Douglas vs. Town of Portola Valley

Case No: CIV 484299 (State Case)

Michael and Lisa Douglas vs. Town of Portola Valley

Case No: 10-17804 (Federal Case)

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT 9:10 pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).