

TOWN COUNCIL MEETING NO. 825 AUGUST 24, 2011

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

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

Absent: Mayor Ted Driscoll

Others: Angela Howard, Town Manager
Janet McDougall, Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney
George Mader, Town Planning Consultant
Nancy Lund, Town Historian

ORAL COMMUNICATIONS

None.

CONSENT AGENDA

- (1) Approval of Minutes – Special Town Council Meeting of July 27, 2011
- (2) Ratification of Warrant List – August 10, 2011 in the amount of \$250,168.37
- (3) Ratification of Warrant List – August 24, 2011 in the amount of \$155,617.89
- (4) Recommendation by Administrative Services Officer – Annual Report of Fiscal Year ending June 30, 2011 Budget and Interfund Transfers

By motion of Councilmember Toben, seconded by Councilmember Richards, the Consent Agenda was approved with the following roll call vote:

Aye: Councilmembers Richards, Toben, Vice Mayor Derwin (Councilmembers Richard and Wengert abstained on Item 1)

No: None

REGULAR AGENDA

- (5) Discussion and Council Action – Recommendation by Town Planning Consultant for Administration of CEQA (California Environmental Quality Act) Requirements regarding Historical Resources [7:33 p.m.]

Mr. Mader, referencing his memorandum to the Council dated July 6, 2011, asked the Council to consider its recommendations and proposed next steps. He also referred to his memorandum to the Planning Commission dated May 25, 2011 and the Planning Commission June 1, 2011 meeting minutes for background information.

As Mr. Mader explained, the Planning Commission generally favored the process described in his May 25, 2011 memorandum, offering two specific suggestions. First, given the difficulty of listing persons of importance who may have lived in Portola Valley houses 50-plus years ago, the Planning Commission recommended referring relevant situations to the Town Historian for comment. He reported that Ms. Lund, who serves in that capacity, has agreed to do so. Similarly, in terms of identifying notable architects

and/or building designers by name, the Planning Commission wanted Town staff to develop and maintain a list of such individuals for staff reference.

At the conclusion of the process that Mr. Mader's referenced documents define, he said in any cases in which further evaluation according to the CEQA is recommended, an Initial Study – in most instances reviewed by an architectural historian – would be required.

The screening process follows a decision-tree sequence based on CEQA criteria. It starts with determining the age of the building (50-plus years), then whether it's already designated as historic in the Historic Element, then whether it's been associated with the lives of someone important to the Town's history, and then whether it was designed by an architect or building designer of note.

Mr. Mader explained that a resource that makes it through to this stage of the process would then be referred to the ASCC for evaluation of the resource, the quality of the architecture and whether its condition warrants preservation. If it does warrant preservation, it would go on to an architectural historian for review pursuant to CEQA. If it doesn't, the final decision point in the process would be consideration of whether the resource has yielded – or may likely yield – important history or prehistory.

In his Planning Commission presentation, Mr. Mader said that he'd recommended consulting with the Northwest Information Center at Sonoma State University regarding resources in places that are likely to contain artifacts from an earlier period. As it turned out, however, the Center provides such services to qualified archeologists only, Mr. Mader said, so if the Town wants to do so, such an individual could be engaged to prepare a map of places in Portola Valley that are likely to contain such artifacts.

Mr. Mader went on to list the information applicants should provide, to the extent possible, when seeking building permits for exterior alteration of homes or demolition permits involving such homes. He also noted that this information should become part of the permanent parcel file for the property: original construction date (or approximation); names of original builder and architect/designer; dates/descriptions of any major modifications in the past; and names of prior owners. Applicants also should provide exterior photos showing the front, back and sides of the house.

Mr. Mader suggested that the Town Council consider whether the Town should try to build up a database by requesting such information on all building and demolition permit applications, or limit the request to properties that have potential historical significance at the time of the application. He also sought Council direction on creating other tools for staff use in reviewing resources for potential preservation, including expanding the initial list of outstanding architects and building designers who may have practiced in the Town 50 or more years ago and engaging an archeologist to produce the map he mentioned earlier.

In response to a question from Councilmember Wengert, Mr. Mader said that most structures identified in the General Plan's Historic Element are old homes, rather than commercial properties or public buildings. Ms. Lund said that some of those in the Historic Element are the Freeman house in Blue Oaks, the Fromhertz House near The Priory, the Mangini Roadhouse, and several Lauriston Villa structures, including the mansion and superintendent's house. In terms of other buildings, she mentioned the Historic Schoolhouse, Our Lady of the Wayside church and Rizzotti's. Mr. Mader added that a total of 29 structures are listed, some with notations to be preserved and others listed primarily to provide a record.

Councilmember Toben asked whether Mr. Mader had any sense of what it would cost to hire a qualified archeologist to create a map. He said no, but he could explore it further to get an idea. Councilmember Toben indicated that another mechanism for identifying archeological sites is the occasional discovery of relics and/or remains in the process of developing a project. Councilmember Richards pointed out that in some areas, the County requires hiring archeologists to survey sites, but he said he doesn't know how they identify those sites.

Ms. Lund said that Native American artifacts have been discovered at the top of Alpine Road, off of Los Trancos Road, near the creek behind Ormondale School and at the border of Westridge Drive and Hidden Valley, and the Kabcenell driveway, among other sites. On the other hand, she said that an

archeologist found nothing of a historical nature when working at Old Spanish Trail when Blue Oaks was being developed.

When Councilmember Wengert asked how other cities deal with the archeologist issue, Mr. Mader said he didn't have a good answer, aside from when artifacts are found during excavation work. Ms. Lund noted that when an Environmental Impact Report (EIR) is required, it's standard to examine archeological conditions, but otherwise she's not aware of any municipalities that have procedures regarding archeological issues when it comes to single-family homes.

As for identifying structures with potential historical (if not archeological) significance, however, Ms. Lund said it makes sense to have a process in place to avoid situations in which someone buys a home intending to tear it down and rebuild, only to find the home can't be demolished because it's deemed historical.

Councilmember Wengert suggested that the archeological question could be addressed on a case-by-case basis, in the event that something is discovered during excavation on a particular site. Alternatively, Ms. Lund said, the Town could add a standard clause to all building permits to advise applicants about any archeological considerations.

In response to a question from Vice Mayor Derwin, Ms. Lund said that given the fact that artifacts have turned up in so many parts of Town, she isn't sure how useful a map would be.

In terms of the list of notable architects that Mr. Mader offered, Councilmember Wengert asked for clarification whether it's intended as a starting point to be populated further. He replied yes, that the list is meant to be amplified as time goes along.

Councilmember Toben said that he's generally comfortable with the recommendations presented, but offered a caveat. While supporting the idea of a map identifying places where remains and relics are most likely to be found, he'd want to know more about what it would entail before committing to the idea.

Councilmember Wengert agreed, adding that she isn't convinced the archeology map is needed, considering Ms. Lund's point that artifacts found in the past have been so widely scattered around Town.

Councilmember Richards said the overall approach that Mr. Mader presented seems very reasonable. He also favors the idea of codifying a requirement that work on a project stop for further analysis if any artifacts are discovered during excavation.

Vice Mayor Derwin said the Council seems to be in agreement regarding the recommendations, and added that because she would like the Town to have an archeological map, she wondered if the idea could be explored at least to the extent of getting a cost estimate. Mr. Mader said that he would follow up.

(6) Recommendation by Town Clerk – November 2011 Election [8:00 p.m.]

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving canceling the November 8, 2011 General Election and appointing the two nominees to fill the two vacancies on the Town Council (Resolution No. 2532-2011)

Ms. Hanlon said that because the election is uncontested, the Town Council has the option to cancel it. Although this action would preclude the possibility of any write-in candidates, it would save the Town \$10,000 in budgeted election costs.

Councilmember Richards moved that the Town Council pass a resolution canceling the November 8, 2011 general election. Seconded by Councilmember Toben, the motion carried 3-0-1, with Councilmember Wengert abstaining.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (7) Appointment by Mayor – Request for Appointment of member to the Teen Committee [8:02 p.m.]

Councilmember Toben asked whether Maggie Law might be a descendant of Peggy Law. Vice Mayor Derwin said that she would inquire.

Councilmember Wengert moved concurrence with the Mayor's appointment of Maggie Law as a member of the Teen Committee. Seconded by Councilmember Toben, the motion carried 4-0.

- (8) Reports from Commission and Committee Liaisons [8:03 p.m.]

(a) Architectural and Site Control Commission (ASCC)

Councilmember Richards reported that the ASCC held a field meeting (with the Planning Commission) at the Neely/Myers property at 555 Portola Road as part of its review of their revised conditional use permit (CUP) application. ASCC members also heard a presentation on the Energy Upgrade program by Sustainability & Resource Efficiency (SURE) Coordinator Brandi de Garneau, continued their review of Applewood Lane site improvements, and discussed flood-plain issues.

(b) Conservation Committee

The Conservation Committee is documenting records of all open-space parcels in Town, Councilmember Richards said, and has scheduled a panel discussion with the Woodside Fire Protection District, Los Trancos Water District and the Midpeninsula Regional Open Space District (MROSD) to discuss the linkage of habitat protection and fire clearance. The event is slated for October 4, 2011. The Committee also discussed native plant garden cleanup at Town Center at its August 23, 2011 meeting.

(c) Nature & Science Committee

Councilmember Wengert said that the Nature & Science Committee, which met on August 11, 2011, is looking into Flight Night as an annual event. The group also plans to bring to the Council a recommendation to allow open flying at Town Center fields from sunrise until 8:00 a.m. daily. Members heard Ms. de Garneau's Energy Upgrade program presentation and also discussed plans for the Star Party and Insect Activity Day, scheduled for the night of September 16 and afternoon of September 18, 2011, respectively, as well as their possible involvement in a Stanford study related to ticks and Lyme disease.

(d) Planning Commission

Prior to visiting the Neely/Myers project site with the ASCC, Councilmember Wengert reported, the Planning Commission met on September 17, 2011, to work on a preliminary review of the revised CUP application, discuss various aspects of the proposal and hear public comments. Also on the meeting agenda was Ms. de Garneau with her Energy Upgrade program presentation.

In terms of the Neely/Myers application, Ms. Sloan told the Council that she and Town Planner Tom Vlasic have made arrangements to go over some of the issues raised during the Planning Commission meeting. Vice Mayor Derwin, who also attended the meeting, relayed some of the Commissioners' concerns about the language changes the Town Council introduced into the Open Space Element when approving that amendment to the General Plan.

(e) Parks and Recreation Committee

Councilmember Toben reported that the Parks and Recreation Committee discussed the desire to extend the turf portion of the softball field at Town Center, which also may help make it safer. According to Councilmember Toben, Lindsay Bowen, a member of the Public Works Committee and softball

enthusiast, indicated a problem with glare from solar panels and the sun at certain times of the day when the adult softball league plays and suggested that planting some trees in the foul territory along the third-base side of the field might help solve the problem.

In response to a question from Councilmember Toben, Ms. McDougall confirmed that funding to extend the turf may be available from the Association of Bay Area Governments (ABAG).

(f) Emergency Preparedness Committee

Although Councilmember Toben said that he missed the Emergency Preparedness Committee's August 11, 2011 meeting because he was out of town, but Ms. Howard and Mayor Driscoll attended. Ms. Howard reported that EPC continued discussion of the Town's possible acquisition of a Low Power FM (LPFM) broadcasting station, and two members have volunteered to look into the feasibility of that idea. Another possibility, she said, is teaming up with The Priory and using its LPFM facility in an emergency. She said that Committee members also reviewed their joint meeting with the Town Council, when Marin County emergency preparedness representatives made a presentation, discussed their relationship with CERPP (Citizens Emergency Response Preparedness Program), and heard from Woodside Fire Chief Dan Ghiorso about a Town evacuation drill being planning for the fall of 2012.

Following the EPC meeting, Ms. Howard said, a subcommittee remained to talk about the EPC's special meeting with the Town Council on August 31, 2011, for an emergency earthquake simulation exercise at Town Center.

Councilmember Toben told the Council that a specific provision of the Federal Communications Act permits emergency broadcasting over LPFM when all other media are down – even without a license – and that Ms. Sloan has reviewed the relevant statute.

(g) Cultural Arts Committee

Vice Mayor Derwin reported that the Cultural Arts Committee will hold an art show at The Priory from October 3 to November 4, 2011, with a reception scheduled for October 15, 2011. She also said that no one has yet stepped forward to serve as Committee chair and secretary, and the group discussed the pros and cons of merging with the Community Events Committee.

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

At the latest C/CAG meeting, Vice Mayor Derwin said, PG&E and San Bruno representatives, including Jess Brown, PG&E's Director of Customer Care, Enterprise Energy Solutions and Service, talked about the San Bruno gas explosion disaster. Vice Mayor Derwin also mentioned authorization to execute an agreement through C/CAG for software for the Climate Action Plan, and that work is progressing on development of tools that will customize data for participating cities and help track progress toward meeting targets.

(i) Sustainability Committee

Vice Mayor Derwin said that the Sustainability Committee continues working on the smart strip brochure and has received updated information on the Acterra High-Energy Homes Program (indicating 49 total participants from five communities, including 24 from Portola Valley, and a lowering of the program's eligibility threshold. In addition, she pointed out that homeowners may now receive up to \$8,000 in rebates if they take part in the Energy Upgrade Program. Committee member Virginia Bacon suggested incorporating fire safety improvements into the Energy Upgrade program's "Did You Consider" efforts. The first of two events in the Sustainability Committee's Tuesday Speaker Series will take place in the fall.

(j) Resource Management and Climate Protection Committee (RMCP)

Vice Mayor Derwin reported that in conjunction with Energy Watch, CCAG's RMCP Committee reviewed the design and content of a snapshot page of each city's energy use to be posted on the website. Kim Springer updated the group on the Climate Action Template Project which has generated interest from Santa Clara County, ABAG and the Bay Area Air Quality Management Air District.

WRITTEN COMMUNICATIONS [8:46 p.m.]

(9) Town Council July 29, 2011 Weekly Digest – None

(10) Town Council August 5, 2011 Weekly Digest

- a) #2 – Article written by Don Knapp entitled "A Comeback for PACE Programs? Fingers are crossed" – July 20, 2011

Councilmember Toben asked whether there is an intention to support the PACE legislation, anticipating that both U.S. Representatives Anna Eshoo and Jackie Speier would be strongly in favor. Vice Mayor Derwin said that she hasn't heard about any organized support, but will follow up.

(11) Town Council August 12, 2011 Weekly Digest

- a) #1 – Memorandum to Town Council from Janet McDougall regarding analysis of field user fees – August 10, 2011

Councilmember Toben expressed appreciation to Ms. McDougall for her work in identifying the amounts recovered from user fees for field maintenance, and also for tracking the overall savings in field maintenance expenses. The entire Council concurred.

- b) Attached Separates #1 – Invitation to attend the Council of Cities dinner meeting on Friday, August 26, 2011

Vice Mayor Derwin, indicating that she'd attend the August 26, 2011 meeting, said that Kamala Harris, California's Attorney General, will be featured at the Council of Cities' meeting in East Palo Alto on September 23, 2011, and that Portola Valley is slated to host the Council of Cities dinner meeting in the Community Hall on October 28, 2011.

(11) Town Council August 19, 2011 Weekly Digest

- a) #1 – Memorandum to Town Council from Howard Young regarding Alpine Road Paved Path/C-1 Trail – General Update 2 – August 19, 2011

Ms. Howard noted that work on the C-1 trail is progressing very well and staff is receiving a lot of positive comments about it.

ADJOURNMENT [8:50 p.m.]

Vice Mayor

Town Clerk