

TOWN COUNCIL MEETING NO. 827 SEPTEMBER 14, 2011

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

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

Absent: None

Others: Angela Howard, Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney

ORAL COMMUNICATIONS

Resident Danna Breen, Alpine Road, asked for the Council's help in resolving a noise issue that is frustrating her and others – what she described as strident, loud and frequent bells now ringing at Corte Madera School. Jon Silver, Portola Road, echoed her sentiments about the bells – which he said are more like "ersatz train whistles" than bells – and also requested Council aid with the dealing with the increasing stench emanating from the West Bay Sanitary District pump station.

CONSENT AGENDA [7:40 p.m.]

- (1) Approval of Minutes – Regular Town Council Meeting of August 24, 2011
- (2) Approval of Minutes – Special Town Council Meeting of August 31, 2011
- (3) Approval of Warrant List – September 14, 2011 in the amount of \$398,793.81
- (4) Recommendation by Town Attorney – Response to the 2011 Grand Jury Report, "Running on Empty" dated June 27, 2011

By motion of Councilmember Wengert, seconded by Vice Mayor Derwin, the Consent Agenda was approved with the following roll call vote:

Aye: Councilmembers Richards, Toben, Wengert, Vice Mayor Derwin, Mayor Driscoll (except Items 1 and 2)

No: None

Abstain: Mayor Driscoll (Items 1 and 2)

REGULAR AGENDA

- (5) Recommendation by Town Manager – Proclamation to commemorate the 30th anniversary of Woodland School [7:41 p.m.]

Mayor Driscoll presented the proclamation to Anita Grossman, Director of Advancement for Woodland School. She thanked the Council.

- (6) Discussion and Council Action – Request for additional budget from Nancy Lund with the Portola Valley School District 150th Anniversary Celebration group [7:43 p.m.]

Ms. Howard said this item could be removed from the agenda. The PVSD will donate the additional funds requested.

- (7) Recommendation by Town Manager – Proposed revisions to the Traffic Committee charter [7:43 p.m.]

As indicated in her September 14, 2011 memorandum, Ms. Howard said, the Council received public input relevant to this topic at the June 8, 2011 meeting. The draft she presented has been distributed to a number of people, including current Traffic Committee members Christopher Buja and Sonia Martinez, as well as Police Commissioner Ed Davis, Public Works Director Howard Young and Mayor Driscoll.

With further feedback from the Council, Ms. Howard said that she'd finalize the draft charter and also give the Council a draft ordinance to repeal outdated sections in Chapter 10.08 of the Portola Valley municipal code (Section 10.08.080, which established the Traffic Committee, and Section 10.08.090, which outlined Traffic Committee duties).

As Mayor Driscoll pointed out, the interaction between bicyclists and motorists is one of the Town's most important traffic issues and perhaps hasn't received sufficient attention.

Councilmember Wengert said that it may be important to follow up on the idea of putting bicycles ahead of traffic in the committee name to re-energize the group, with a broader mission than it's had historically and that's more likely to attract community interest. In response to a question from Mayor Driscoll, she said that she favors the name "Bicycle, Pedestrian and Traffic Safety Committee." Councilmember Richards agreed, adding that the new name also represents a fresh start.

Vice Mayor Derwin said that in general, she agrees as well – provided that the Committee doesn't become a bicycle advocacy group. Councilmember Wengert concurred about the importance of having committee members represent as much diversity as possible. Ms. Howard said that she envisioned a process similar to that used in the Trails and Paths Committee reorganization to ensure that the new committee membership comprises a well-rounded balance of interests.

Councilmember Wengert read No. 6 in the Duties and Responsibilities section of the draft charter: "Promote safety through public education. Educate children and the general public in State law pertaining to bicycling and traffic safety practices." She said another aspect to consider is helping sponsor local events, such as seminars, to teach residents more about bike safety, particularly in traffic. She also said that she would move the safety element higher on the list.

When Mayor Driscoll asked whether her suggestion is already covered by No. 5, "Promote and support programs for traffic, bicycle, and pedestrian safety, such as the 'Safe Routes to School' program," Councilmember Wengert said that it may, but she wants to be sure the emphasis is on locally based programs generated specifically to provide education for the Portola Valley community at various levels of skill and/or expertise. Vice Mayor Derwin said that since the new committee will be working with the Safe Routes to School Coalition, it would be a good idea to spell that out somewhere in the charter. Councilmembers agreed to add the word "Coalition" to No. 5.

In No. 8, "Coordinate planning of Town bicycling facilities with surrounding communities and San Mateo County," Vice Mayor Derwin asked for clarification of the meaning of "bicycling facilities." Ms. Howard said it meant bike lanes. Councilmember Wengert inferred bike racks. Mayor Driscoll said that the point of this statement was to say that the new committee would work with other groups on bicycle matters. He mentioned a bicycle coalition in San Mateo County as an example. Councilmembers agreed that inserting "regional" before "planning" and changing "facilities" to "facilities and programs" would work.

George Comstock, Alamos Road, asked about pedestrian interaction with traffic – including bicycles. He recalled when his wife worked with the Traffic Committee in an attempt to lower the speed limit on the upper reach of Alpine Road to 20 mph, where the gentle slope is nice for walking. Mayor Driscoll responded that the charter seems to address that. Its objectives statement reads, "To foster a community for all users of the public roads. To advise the Town in ways and means for safer conditions regarding motor vehicles, bicycles, pedestrians and road conditions." Mayor Driscoll also noted that the use of bicycles on trails comes under the aegis of the Trails and Paths Committee; this new committee will focus on the interaction of the various users of streets and roads.

Andy Browne, Santa Maria Avenue, said that in a Town that prides itself on having no sidewalks, it's particularly important to pay attention to pedestrian safety.

Councilmember Wengert moved approval of the Bicycle, Pedestrian and Traffic Safety Committee charter, as amended. Seconded by Councilmember Toben, the motion carried 5-0.

Committee vacancy ads will be posted and publicized; Councilmember Wengert and Mayor Driscoll will interview candidates.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (8) Discussion and Council Action – Request from the Nature and Science Committee to reserve athletic field at Town Center for radio-controlled flying [8:00 p.m.]

Mr. Comstock asked whether there are any questions, thoughts, reservations or suggestions concerning the Nature & Science Committee's September 2, 2011 memorandum requesting approval of radio-controlled flying on the Town Center athletic field.

Noting that no particular times are designated for use of the field for baseball, Mayor Driscoll said that there seems to be a naturally exclusive aspect to uses. In that context, he asked if it would be sufficient for pilots to use the field if it isn't otherwise occupied. Mr. Comstock gave three reasons why specially designated hours would be preferable:

- (1) For planning purposes; pilots wouldn't be packing up their equipment and bringing it to the field without being able to fly.
- (2) Pilots won't be showing up at the athletic field at all hours thinking that they will be able to fly.
- (3) The proposed hours (sunrise until 9:00 a.m.) span a time period when wind is less likely to be problematic to pilots. He said Recreational Facilities Coordinator Tony Macias told him that activities are never booked before 9:00 a.m.

Councilmember Richards said that to date, experience has suggested no problems with the radio-controlled flying, but since he also understands that some of the planes are loud, he asked how noise problems will be avoided. Mr. Comstock said that a permanent sign that posts rules and regulations would advise flyers regarding what they can and cannot do. He indicated that the sign is patterned after one posted at the popular Rancho San Antonio flying field on Cristo Rey Drive in Cupertino.

In terms of liability issues raised by Vice Mayor Derwin, Ms. Sloan said it shouldn't be any worse than with people just "doing their own thing" on the field. In fact, she said that it's probably helpful to have certain time periods specified. Also, Ms. Sloan pointed out, one of the conditions listed in the Nature & Science Committee's September 2, 2011 memorandum states that The Town will not be responsible for planes lost in the trees. In terms of liability, Mr. Comstock said that one of the conditions the Committee wants to put on the rules-and-regulations sign specifies membership in the AMA (Academy of Model Aeronautics), which comes with liability insurance.

Councilmember Toben asked whether the Town would have any exposure in the case of a pilot who falls out of a tree and breaks his neck trying to retrieve his aircraft. Ms. Sloan said that it would be no different than if anyone else fell out of a tree.

Vice Mayor Derwin asked about policing and enforcement of the rules. Mr. Comstock said that there would be some measure of self-policing by pilots, because they won't want to lose the privilege as a result of someone violating the rules. In response to her inquiry about how many pilots are expected to use the Town Center athletic field, Mr. Comstock provided some background behind the request for use of the field – to spark more interest in science and technology, particularly among young people (and their parents). In pushing its educational objective, he said the Committee is more worried about too little use of the field for flying rather than too much. Addressing a follow-up question from Councilmember Wengert, Mr. Comstock said that he didn't expect a significant number of pilots would switch from flying at the Cupertino field to come to Portola Valley.

Councilmember Toben, also trying to get a feel for the volume of use for radio-controlled flying, recalled some 200 people signing a petition to create a dog park. He said it clearly established interest, and he doesn't have a sense of such a level of interest among the flying community that it would justify an exclusive use. Mr. Comstock said that his intention is to create an environment for an organized activity, comparable to a practice session for a soccer or softball team.

As it stands today, Mayor Driscoll said, people could fly their model airplanes around the clock every day of the week. Ms. Sloan agreed, and beyond no such ban in Portola Valley, she said that to her knowledge, neither county nor state prohibitions would come into play either. Thus, Mayor Driscoll, deduced, this request effectively confines the use of the athletic field for flying model planes to specific times. He said, too, that there's the "build it and they will come" factor to consider. While he said he isn't opposed to the notion of what the Nature and Science Committee wants to do, he also said he wondered whether it wouldn't be something more appropriately handled by the schools, whether it warrants special designation by the Town, and whether – considering the fact that there's an ideal place to fly in Cupertino – it's needed. He also said that nothing prevents pilots from flying their planes at Corte Madera and Rossotti playing fields.

Mr. Silver thanked Mr. Comstock and the Nature and Science Committee for Flight Night in May 2011, a "fascinating, very good community event." He said that even though the Town Center athletic field might not have the ideal characteristics vis-à-vis the Rancho San Antonio facility, it would be great to encourage this activity at the Town Center.

Councilmember Richards suggested that posting the sign would be a good idea, without necessarily carving out specific timeframes.

Councilmember Wengert said that as a "trial balloon," the approach described in the request is reasonable. She also said that she can foresee an opportunity to work with the schools, pairing experienced flyers with students. Nature and Science Committee Chair Yvonne Tryce, Joaquin Road, pointed out that a Corte Madera School science teacher serves on the Committee, and she'll talk with her about the possibility of a tie-in with students. Vice Mayor Derwin suggested that if the school bus stops at Town Center, it could drop students off before school.

Mayor Driscoll suggested that the Town Council might want to agree to a six-month trial period to be reassessed in spring of 2012. Although Mr. Comstock campaigned for a daily schedule, Mayor Driscoll said he'd rather see it expand rather than shrink, so suggested specifying Tuesday, Thursday and Saturday flying times.

In addition to specifying days and times, Councilmember Toben said that the trial should include the posting of temporary signs to make it very clear that it's a trial period.

Councilmember Richards moved to approve a six-month trial specifying use of the Town Center athletic field for radio-controlled flying from sunrise until 9:00 a.m. on Tuesdays, Thursdays and Saturdays, with that information included on a temporary sign. Seconded by Vice Mayor Derwin, the motion carried 5-0.

- (9) Discussion and Council Action – Request from Yvonne Tryce for the Town to continue to sponsor a State Department of Fish and Game permit held in her name [8:35 p.m.]

In connection with her participation in the Nature and Science Committee, Ms. Tryce has held the State Department of Fish and Game permit in her name, as she has custody of a collection of nature artifacts. At a special Nature and Science Committee meeting on August 26, 2011, members agreed to ask the Town Council to approve permit renewal. Ms. Sloan said that she first became aware of the permit when the Nature and Science Committee was seeking a place to store the collection in a room at Community Hall. She is concerned that the permit suggests that Ms. Tryce is a Town employee serving in the capacity as director of the "Portola Valley Nature Center," when neither such entity nor position actually exist. She said that Ms. Tryce should clarify that she is a contract science teacher with the Town or an individual citizen. Noting that the Town is obligated neither to retain nor display this collection, she said that it should be identified as an individual's collection.

In response to a question from Mayor Driscoll, Ms. Sloan said that the issue is not one of liability.

Ms. Tryce explained that the state does not want people to keep such collections as private belongings, and the reason for requiring public sponsorship is to ensure that collections are available to the public. She said that the collection, which has been in her care for years, originally came from the Los Altos School District, where she was working at the time. When a teacher is a permittee, she said, the school principal as the sponsor ensures that the collection is available to other teachers. The Nature and Science Committee, she added, wants the collection to remain in Portola Valley. The group has been in contact with the Midpeninsula Regional Open Space District about the possibility of MROSD taking over sponsorship.

Bernie Bayuk, Paloma Road, said that he was alarmed to think about the collection losing Portola Valley sponsorship, which would be a step backward. He said that the Town should serve as an example of fostering an interest in nature among young people, and that wording and titles should be secondary to the benefits the Town and its residents derive from the availability of this collection.

Foster Beigler, Zapata Way, said that she's a member of the Nature and Science Committee and an artist who's interested in insects. She echoed Mr. Bayuk's sentiments, that it would be a loss to the community if this collection weren't available. She said there is also a possibility of a real "Nature Center" in Town, with the MROSD's acquisition of the Woods Estate (the Hawthornes), which it plans to operate as part of the Windy Hill Preserve.

Mr. Browne, displaying a California condor feather that he picked up about 50 years ago, said that the collection Ms. Tryce has maintained would get the attention of young people. He said that he objects to anything that would jeopardize the accessibility of this local resource.

Mr. Silver said that he agreed with the statements expressed, and although this collection isn't the same as the Town's historical archives, it is equally important to retain and maintain. He also said that the wording can be changed to avoid the things that concern Ms. Sloan.

Leslie Field, Wayside Road, another member of the Nature and Science Committee, said that the collection has enriched the lives of both of her children, and its presence is consonant with what she understands Portola Valley is and has been – to appreciate and remain connected with the natural setting that surrounds the Town.

Councilmember Wengert said that the primary disconnect seems to concern the ownership of the collection and the impact that entity – or lack thereof – has on this permit application. Ms. Sloan said that

it isn't easy to form a nonprofit corporation. Ms. Tryce said that she might be able to leave out the "affiliation" information the application requests; she also said that she believes the "affiliation" wouldn't necessarily have to be a nonprofit organization in the legal sense. However, she said that because she holds it as an individual, the permit does require two sponsor signatures.

Ms. Sloan said she thinks it would be fine for the Town to sponsor Ms. Tryce, as long as it's clear that the collection isn't the Town's. Councilmember Richards indicated that he doesn't object to Town sponsorship, but agrees that the wording should not lead to any misunderstandings. Ms. Tryce said that she would contact the State Department of Fish and Game to check whether the requirement for sponsor signatures can be eliminated in this case. However, she asked for Council approval in the event that the State tells her that such signatures are needed.

In response to Vice Mayor Derwin, Ms. Sloan confirmed that she would be comfortable with removal of the "Portola Valley Nature Center" affiliation and the title "Director." Ms. Sloan suggested that Ms. Tryce simply submit an amended application to the State Department of Fish and Game.

Mayor Driscoll said that it's the consensus of the Council to agree to sponsorship, provided the ambiguity in language is addressed appropriately.

(10) Reports from Commission and Committee Liaisons [9:00 p.m.]

Councilmember Toben:

(a) Emergency Preparedness Committee

- Committee member Ray Rothrock introduced Terri Dinardo, who attended the August 31, 2011, simulation exercise; she may be interested in supporting emergency preparedness for the Town on a contract basis.
- Citizens Emergency Response Preparedness Program (CERPP) needs increased attention.
- Red Cross representatives will come to a future meeting to discuss emergency shelter.
- Committee member Diana Koin will speak to The Sequoias regarding the infirmary.
- Subcommittee is looking into the possibility of a low-power FM station.

(b) SFO Airport/Community Roundtable

- Discussed the San Mateo County Grand Jury Report, "County Officials Need to Make Noise about Aircraft Noise," released July 6, 2011.
- Discussed increased air traffic over Brisbane.

Councilmember Toben said that he'll attend the next Roundtable meeting on October 5, 2011, and he's preparing Portola Valley's response to the Grand Jury report.

Councilmember Wengert:

(c) Planning Commission

- Reviewed lot-line adjustment on Alpine Road, subject to ASCC review.
- Honored time-extension request for co-location planning to Verizon and AT&T for existing antenna facilities at The Priory.
- Reviewed proposed wireless communication facilities ordinance.
- Will prepare for its joint meeting with the Town Council (scheduled for October 5, 2011) at the September 21, 2011 Planning Commission meeting.

Councilmember Richards:

(d) Cable & Utilities Undergrounding Committee

- Introduced new member Bob Bondy, retired electrical construction supervisor for PG&E.
- Continuing work on proposed undergrounding zone to bring to the Council at a later date.

(e) Architectural and Site Control Commission (ASCC)

- Unable to attend.

Vice Mayor Derwin:

(f) Council of Cities

- Met in South San Francisco; Metropolitan Transportation Commission (MTC) Director of Legislation and Public Affairs Randy Rentschler was the speaker.
- September 23, 2011 meeting in East Palo Alto will feature California Attorney General Kamala Harris.
- October 28, 2011 meeting at Community Hall in Portola Valley.

(g) Cultural Arts Committee

- Jeannette Fowler chaired the meeting.
- Their interest prompted by the Committee's music series, four guests came to the meeting.
- Discussed possibility of canceling this year's Holiday Art Fair.
- The Community Art Show at The Priory Gallery will run October 3–November 5, 2011, with a reception from 4:00-6:00 p.m. on October 15, 2011. Nine Portola Valley artists will participate.

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

- Distributed final San Mateo County Comprehensive Bicycle and Pedestrian Plan.
- Linda Koelling, Foster City, wrote a letter to the Public Utilities Commission about PG&E.

(i) (RMCP) Resource Management Climate Protection Committee (C/CAG Subcommittee)

- PG&E representatives delivered a PowerPoint presentation and introduced a new energy data tool that breaks usage down into municipal, residential, commercial and industrial categories.

(j) Library JPA Governing Board

- Reviewed and accepted the 2011–2012 budget, investment report and library fund balance.
- Several county libraries are undergoing renovations, including Pacifica and San Carlos. Atherton's project is stalled.

(k) Sustainability Committee

- Representatives of a number of communities (Portola Valley, Atherton, Woodside, Menlo Park) met with the Cal Water Bear Gulch District to work on ways to meet water conservation goals.

Mayor Driscoll:

(l) Trails and Paths Committee

- Considerable interest in performing volunteer trail maintenance work is coming from the community, particularly from people involved with Safe Routes to School.
- Corte Madera students, who use a trail for their exercise class, may fix some of the potholes that have developed on the trail.
- The C-1 trail is largely finished with the exception of landscaping. The Committee wants Council advice about a formal ribbon-cutting ceremony once the work is complete (late October or early November) and is discussing the possibility of changing the trail's name. (Mayor Driscoll said that the trail is technically now called the Dwight Crowder Path, and if the name is changed, perhaps it should be the Stanford Trail inasmuch as Stanford is paying for it.)

Ms. Howard reported that the hitching post has been installed.

WRITTEN COMMUNICATIONS [9:28 p.m.]

(11) Town Council August 26, 2011 Weekly Digest

a) #2 – Information regarding Community Meetings on the Alpine Trail

Ms. Howard will attend a community meeting on the condition of the Lower Alpine Trail and ideas for potential improvements on September 20, 2011. She said that she would stress that the Town's experience with Stanford was very positive, with Stanford receptive to a design that works within Portola Valley's culture. Another community meeting was held on September 15, 2011.

(12) Town Council September 2, 2011 Weekly Digest

a) #1 – Memorandum to Town Council from Brandi de Garmeaux (and others) regarding Environmentally Preferable Purchasing Policy Status Report – September 2, 2011

Ms. Howard and the Council commended the detailed and excellent work of Ms. de Garmeaux and the "Green Team"

b) #4 – Month-End Financial Report for August 2011

Ms. Howard noted a new Fiscal Health Summary that's now included in the report. It shows the unreserved/spendable percentage of General Fund (62.83% for August 2011) and days of running liquidity of spendable General Fund (229 days; GASB recommends at least 60 days).

(13) Town Council September 9, 2011 Weekly Digest – None

a) #3 – SamTrans/Caltrain – overview – August 3, 2011

Mayor Driscoll said that he went to a presentation. He noted that at this time, Caltrain is not in a long-term sustainable position and needs a consistent revenue stream.

CLOSED SESSION: [9:35 p.m.]

- (14) Public Employee Performance Evaluation

Government Code Section 54957
Title – Town Attorney

- (15) Public Employee Performance Evaluation

Government Code Section 54957
Title – Town Manager

REPORT OUT OF CLOSED SESSION

No reportable actions.

ADJOURNMENT: [11:10 p.m.]

Mayor

Town Clerk