



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting
 Wednesday, November 9, 2011
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 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 October 26, 2011 (3)**
- (2) **Approval of Warrant List – November 9, 2011 (16)**
- (3) **Recommendation by Mayor – Town Manager Employment Agreement (29)**
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Amendment No. 10 to the Town Manager Employment Agreement Between the Town of Portola Valley and Angela Howard (Resolution No. __)
- (4) **Recommendation by Interim Assistant Town Manager – Resolution Concerning Citizens' Option for Public Safety (COPS) Funding 2011-2012 (31)**
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Continuing the Supplemental Law Enforcement Services Fund through Citizens Options for Public Safety Program and Maintaining a Separate Budget Account for 2011-2012 Fiscal Year (Resolution No. __)
- (5) **Recommendation by Interim Assistant Town Manager – a Resolution Denying the Claim of Jane A. Hetrick (34)**
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Denying the Claim of Jane A. Hetrick (Resolution No. __)
- (6) **Recommendation by Town Planner - Second Reading of Proposed Wireless Communications Facilities Ordinance (41)**
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. __)
- (7) **Recommendation by Town Manager – Second Reading of Ordinance Repealing Chapter 10.08 [Administration] Of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (62)**
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Ordinance No. __)
- (8) **Recommendation by Public Works Director – Approve Contract with County of San Mateo for Continued National Pollution Discharge Elimination System (NPDES) Inspection Program for Commercial and Industrial Facilities (64)**
 - (a) Adopt a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of the Agreement Between Town of Portola Valley and County of San Mateo for Stormwater Inspection and Follow Up Services (Resolution No. __)

REGULAR AGENDA

- (9) **Recommendation by Town Manager** – Heather Renschler of Ralph Andersen and Associates with Proposed (66)
Town Manager Recruitment Brochure
- (10) **Recommendation by Interim Assistant Town Manager** – Authorize the Town Attorney to Prepare Deed (70)
Restrictions for Ford Field and authorize the Town Manager to sign new Grant Contracts and Deed Restrictions
on behalf of the Town

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (11) **Discussion and Council Action** - Request for Emergency Preparedness Consultant to assist in the Town's (110)
Emergency Preparedness
- (12) **Discussion and Council Action** – Proposed Letter to Congresswoman Anna Eshoo regarding Aircraft (113)
Overflights
- (13) **Reports from Commission and Committee Liaisons** (128)
There are no written materials for this item.

WRITTEN COMMUNICATIONS

- (14) **Town Council Weekly Digest** – October 28, 2011 (129)
- (15) **Town Council Weekly Digest** – November 4, 2011 (140)

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. 830 OCTOBER 26, 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
Denise Gilbert, Planning Commissioner
Tom Vlastic, Town Planner

Mayor Driscoll announced the presence of members of the Teen Committee, and welcomed them.

ORAL COMMUNICATIONS

Virginia Bacon, Golden Oak Drive, said that she's had an opportunity to walk the new C-1 Trail from Ford Field toward Arastradero Road. While she acknowledged the progress in cleaning up that area, she said that she's very concerned about the potential fire hazard along areas of the trail, particularly between the trail and the creek, and the liability it creates for the Town. She said she's also concerned about the area near the fish ladder, where she saw debris and eucalyptus very close to some of the Alpine Hills homes.

Jon Silver, Portola Road, said that he's concerned with the procedure the Town seems to be using to appoint new ASCC members. In this case, he said, if the Town Council just appoints a replacement for Jeff Aalfs (as he assumes his position as a Councilmember), procedurally that doesn't seem to be the right way to do it. Rather, it would be better to let the ASCC make the appointment as was done in the past.

CONSENT AGENDA [7:36 p.m.]

- (1) Approval of Minutes: Special Town Council Meeting of September 28, 2011 [*removed from Consent Agenda*]
- (2) Approval of Minutes: Special Town Council Meeting of October 5, 2011 (20)
- (3) Ratification of Warrant List: October 12, 2011 in the amount of \$167,015.83 (31)
- (4) Ratification of Warrant List: October 26, 2011 in the amount of \$552,783.26 (43)
- (5) Recommendation by Administrative Services Officer: Budget Amendment, COPS Funding restored (55)

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

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

No: None.

REGULAR AGENDA

- (1) Approval of Minutes: Special Town Council Meeting of September 28, 2011

Councilmember Toben moved to approve minutes of the Special Town Council Meeting of September 28, 2011. Seconded by Councilmember Wengert, the motion carried 5-0.

- (6) Public Hearing: First Reading of Proposed Wireless Communications Facilities Ordinance [7:40 p.m.]

- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. __)

Mr. Vlastic, referring to the October 16, 2011 staff report, indicated that the Town Council considered the Wireless Task Force's recommendations and reviewed a draft of the subject ordinance at its May 11, 2011 meeting. A joint Planning Commission/ASCC study session on June 15, 2011 led to some modifications and clarifications, after which the Planning Commission held a two-part public hearing on the revised proposed ordinance, on September 15 and September 21, 2011. Among those speaking were various Task Force members, including resident representative Marty Tenenbaum, who lives in the Peak Lane neighborhood, and Planning Commissioner Gilbert. Both supported the proposed ordinance, which the Planning Commission ultimately approved and forwarded to the Town Council in the form of Resolution 2011-0001.

In addition to the normal public notices, specific notices also went to carriers that do business in Town so they'd have a chance to comment on it, Mr. Vlastic said. During the Planning Commission hearing, he continued, a carrier representative commented on timeframes in regard to permits.

Mr. Vlastic also explained that the Town has already received some applications for new wireless facilities, and has made good use of some of the procedural provisions in the proposed ordinance, in terms of requesting additional information.

Mr. Vlastic told the Town Council that the ordinance doesn't prohibit consideration of wireless facilities within any zoning district, but it does provide guidance as regards the Town's preferences. It also provides a detailed approach for application processing.

Ms. Sloan added that the proposed ordinance goes about as far as the Town is able in the context of federal law. In response to a question from Councilmember Wengert regarding Chapter 18.41.070.C., Ms. Sloan affirmed that the language in terms of timing parameters in the ordinance have been revised to conform with FCC requirements.

Councilmember Wengert also asked about landscape maintenance being a joint responsibility of the permittee and the property owner in one place, and elsewhere that both parties would enter into an agreement with the Town. Ms. Sloan said that maintenance is the responsibility of the wireless provider, but if the provider fails to perform the maintenance, it falls to the property owner to step in.

Councilmember Toben said that the proposed ordinance is one of the most impressive pieces of new legislation that he's encountered in his eight years on the Town Council, and described the set of regulations as "highly protective." He also said that he wanted to be sure that residents are aware of how aggressively the Town responded to what they had to say about wireless facilities a year ago.

In terms of Chapter 18.41.070.D., Councilmember Toben asked 1) about the origin of the initial 10-year life for wireless permits, and 2) whether the Town could apply a much shorter time period, such as two years, upon renewal of a permit. Ms. Sloan explained that the original 10-year term comes from the FCC.

Mr. Vlasic said a permit holder seeking an extension or renewal would have to go through the same questions in terms of technology, because the Planning Commission was concerned about ensuring an opportunity to gauge the technology issues before considering a renewal.

Councilmember Toben also inquired about Chapter 18.41.080.B.3. which he said seems to prohibit outright installations on residentially zoned properties that are developed. Ms. Sloan said that although it's not yet been tested, she believes the Town could defend against an application to install the kinds of wireless facilities specified even on large residentially zoned properties if they already have at least one residential unit on them. As she also pointed out, such facilities would constitute a commercial use.

In regard to Chapter 18.41.080.B.1. Councilmember Toben pointed out that it might be useful to indicate either the Planning Commission or the ASCC in the phrase, ". . . the commission finds that the mitigations reduce impacts to acceptable levels."

With no further comments and questions from the Council, Mayor Driscoll opened the public hearing.

Ms. Virginia Bacon asked whether it would be possible for a residential property owner to demolish residential structures and be able to lease space on residentially zoned land for wireless facilities. Ms. Sloan said yes, but the Planning Commission would still have to approve the application. As well, Mayor Driscoll added, it would be an expensive teardown.

Vice Mayor Derwin said she agrees with Councilmember Toben. Councilmember Richards said the ordinance proposed is great. Despite the fact that the Town's hands are tied to a certain extent by federal legislation, Mayor Driscoll said it provides an opportunity for the Town to fully evaluate the potential effects of any proposed wireless installation.

With the minor revision included, Councilmember Toben moved to approve the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. ____). Seconded by Vice Mayor Derwin, the motion carried 5-0.

Mayor Driscoll closed the public hearing.

(7) Discussion: Planning Commission's Requested Clarification of the Meadow Preserve Provisions of the General Plan [7:58 p.m.]

Mr. Vlasic explained that the October 17, 2011 staff report was prepared to transmit the Planning Commission's questions about the Meadow Preserve. In considering the Neely/Myers use permit application for their property at 555 Portola Road, he said, the Planning Commission had identified certain issues with the General Plan language for which commissioners felt Council clarification was needed, particularly in light of changes the Council made at its May 25, 2011 meeting.

As Mr. Vlasic explained, in this case, the Town has the flexibility to consider either the General Plan as it existed at the time the application was filed or as it was revised through the Council's action. Among the issues of particular concern about the Meadow Preserve are agricultural uses, the presence of structures and their location, and the visual character.

Since distribution of the Council packets, Mr. Vlasic said that two additional documents have arrived, including one from Dr. Kirk Neely and Holly Myers (in attendance at tonight's meeting) giving their perspective of the planning conditions that they perceive in interpreting the language for the meadow area. The other document is a comment from Linda Elkind, Hawkview Street, who could not come to this meeting but wanted to offer her perspective.

The Planning Commission is hopeful that the Council's discussion will help provide guidance so that the Commission may bring closure to this longstanding use permit application.

Ms. Sloan said that while it's perfectly reasonable in this case for the Planning Commission ask for help in interpreting which General Plan language should apply, the Council should focus on the plan language generally without getting into any particular permit application.

Commissioner Gilbert, who worked with Planning staff to crafting the questions for the Council's consideration, said she'd be happy to answer any Council questions about the Commission's perspective.

Mr. Silver, who attended the Planning Commission meeting when the Commissioners discussed their approach to the questions for the Council, said that the staff report and related documents were impressive. He said that in this case, the pre-existing language in the General Plan should apply to the Neely/Myers application and any others that were in the pipeline at that time. He also said that it's important now to get the language right, to "really nail it" going forward. He said that reference to historical agricultural uses is an important element to include, and he suggested, too, that after discussing it the Council send it back to the Planning Commission to prepare another revision for the Council to review.

As Mr. Silver sees it, the public was blindsided when the Council received a letter that influenced its decision at a meeting that same night. He indicated that he didn't believe that was the intent, but that's what happened.

Ms. Sloan suggested that the Council begin by discussing whether the Planning Commission should apply language in effect at the time an application is deemed complete, or whether it should consider an application in accordance with any subsequent changes.

Councilmember Toben suggested that the principle about the old language is intended to support the applicants' interests, in that they think they're dealing with a certain set of rules. However, if an applicant considers later language more advantageous, he asked whether that same principle should apply. Ms. Sloan agreed about the principle he pointed out, adding that yes, the Town could work with the applicant to apply later language instead.

Councilmember Wengert said that in this case, the old version seems to favor the applicant's interest in some features while the new version favors that interest in other respects. Ms. Sloan said that the choice in terms of any particular application would be one or the other, but there could still be latitude in the interpretation.

In response to Councilmember Toben's inquiry about the change in language with respect to present agricultural uses in particular, Mr. Vlasic said that as it existed before the Planning Commission forwarded amendments to the Council for action at its May 2011 meeting, the General Plan didn't include the Meadow Preserve restrictions. Those restrictions, he explained, were contained in a Council resolution, and the Planning Commission's work on the General Plan amendments was undertaken in part to incorporate information so that the updated Open Space Element in the General Plan reflected the intent of that resolution.

Mayor Driscoll said that some of the terms used are imprecise. Using "natural" as an example, he pointed out that 2,000 years ago, what's now the Meadow Preserve probably was a redwood forest, which would be "natural." In its current state, he said, it's probably not "natural." He also noted that the idea of "keeping" the Meadow Preserve in a natural condition implies that it's already in a natural condition. Inevitably, he added, the general nature of such terms – particularly in light of the fact that a General Plan is intentionally general – requires interpretation. His own interpretation of "natural" in this context, Mayor Driscoll said, means it isn't "heavily modified recently by man," with structures, concrete, paving and such things.

Councilmember Richards agreed that the General Plan should be general in nature, and that the traditional approach of using language in effect at the time an application is deemed complete makes sense.

Councilmember Wengert said that although the language needs some fine-tuning; she also agrees that the old language should be the "default" position. She noted, too, that the Council's action in May 2011 had some unintended consequences and created some issues, particularly for the Planning Commission to deal with on any application going forward.

Mayor Driscoll also indicated that the general policy of using ordinances and General Plan provisions in existence at the time of an application makes sense, although the Town would be open to an applicant's request for an interpretation based on subsequent changes.

In response to Councilmember Toben, Mr. Vlasic said that the Meadow Preserve has been identified as such in the General Plan for a long time. Councilmember Toben also asked how the phrase "present agricultural uses maintained" could apply when there are none. Ms. Sloan pointed out that the phrase had been in the General Plan for perhaps 20 years, so it wouldn't necessarily remain current. Councilmember Toben also said that it's a bit confusing to talk about changing the language in the provision being discussed for general reasons not necessarily related to a particular application, when the only Meadow Preserve in Town is located on a single property. He asked to hear from the applicant.

Ms. Myers said that she and Dr. Neely understand the struggles with the language in the General Plan, and that they're not able to state a preference of one version over the other. Dr. Neely added that both versions are full of ambiguities and inconsistencies.

Councilmember Toben suggested that Dr. Neely and Ms. Myers might choose to suspend the application until such time as the language issues are worked out. Ms. Sloan said they could do that, and that it's also possible for an applicant to request a General Plan amendment and propose language themselves.

Dr. Neely indicated that the application, although since revised, is three years old, and there's no way they could be sure the Town would agree to whatever language changes they might propose.

As Mayor Driscoll observed, an outcome cannot be preordained.

Ms. Sloan said that other questions to address involve the meanings of the terms "largely open" and "existing character" as well as "present agricultural uses."

In terms of "largely open," Councilmember Wengert said the Planning Commission needs to understand whether a) it's up to the Planning Commission to interpret the definition or whether b) the Council should provide guidance specifically with respect to structures in the context of "largely open." Mayor Driscoll said that if the Council intended to disallow structures in the Meadow Preserve, that would have been stated explicitly, and that to him, "largely open" provides some flexibility in terms of allowing some small structures that don't detract from the open appearance but are appropriate for property maintenance.

Rusty Day, Pinon Drive, said that the General Plan is a carefully crafted document that Portola Valley has invested 30 years in assembling and has amended it six times. Its structure should be understood and respected, he stated. There's been no discussion tonight of the General Plan's land use components, which he said govern the application that the Town Council and Planning Commission are trying to define in an ad-hoc way. In terms of land use, he continued, the parcel in question is assigned to two different categories of land-use, covered in Sections 11 and 12. He also claimed that both land-use and open-space portions of the General Plan define "open."

According to Mr. Day, Portola Valley adopted the General Plan as mandated by the state law, which also requires that building permits and subdivision maps be consistent with the General Plan. He said it's the Planning Commission's job to call upon Town counsel and staff, hear public comment, and apply the

General Plan to applications it receives. In contrast, he said that going through words in isolation is an ad-hoc approach of trying to tailor the General Plan to meet the perceived needs of an applicant.

Mr. Day also said he wanted to know why the Council added "property owned by the Town" language, because he believes that action "completely turned the General Plan on its head." The General Plan is specifically and explicitly designed to provide principles for the regulation of private land and the development thereof, he argued, and to set the framework for the application of Zoning Code provisions.

Mr. Silver, impressed by Mr. Day's observations and agreeing with his comments about the General Plan's application to privately owned lands, reiterated two earlier points: 1) in this case, the application should be governed by the old language, and 2) the Open Space element should go back to the Planning Commission to work on the wording and then come back to the Council.

Councilmember Wengert pointed out some of the history of the Council's action in May 2011. She said she participated in the Ad-Hoc Spring Down Master Plan Committee, which she described as one of the main drivers to the new definitions for open-space preserves that the Council adopted at its May 12, 2010 meeting (Resolution No. 2489-2010), which were to be applied to the Town-owned Spring Down property.

Councilmember Toben said he'd like to hear Commissioner Gilbert regarding whether she feels the Council has provided sufficient direction for the Planning Commission to undertake clarifying the language in the General Plan.

Commissioner Gilbert said that she understands the Council wants the Planning Commission to apply the Meadow Preserve definition that existed when CUP X7D-169 was filed, but she isn't clear whether the Council wants to provide guidance about how to interpret "present agricultural uses."

Councilmember Richards said that he believes the Planning Commission has latitude to consider historical agricultural uses as among the intentions of the General Plan. Mayor Driscoll agreed, noting that the character of the Meadow Preserve is "a visual thing."

Mr. Day said that before the Spring Down issue arose, the General Plan included land-use categorization of different residential areas. He said that the place to look in terms of the Meadow Preserve is the Land-Use Element of the General Plan (Section 2126), which says, "It should be possible and practical to preserve a large amount of the area in a natural state. In particular, it is desirable that the natural character of the open ridge leading up to the Windy Hill Open Space Preserve and the orchards and meadow adjacent to Portola Road and town center be retained." Mr. Vlasic said that the general characteristics noted in "orchards and meadow" are more specifically defined as "Orchard Preserve" and "Meadow Preserve" in the other elements in the General Plan.

Councilmember Toben likened the Planning Commission's task in applying the facts of the Neely/Myers application to the phrase "present agricultural uses maintained" to trying to fit a square peg into a round hole. In terms of policy, he said, when the Council considered the General Plan amendments in May 2011, he envisioned the potential for row gardening. In the same way that the Town has applied forward-thinking insights in terms of sustainability, with the first municipal LEED Platinum complex in California, and in its review of septic systems in light of greenhouse gas effects, etc., he noted that limited-impact agricultural production that enables local experimentation might be worthwhile in terms of augmenting the food supply, and it wouldn't harm the visual values of the meadow.

Mayor Driscoll said that in the end, the General Plan is trying to maintain a balance between private property rights and the public good, and attempting to avoid putting undue burdens on property owners without trying to turn the whole area into a giant national park. He said he appreciates the time and trouble the Planning Commission took to raise these issues for the Council.

Mr. Silver said that the Council's efforts are appreciated as well.

Ms. Myers said that the Planning Commission also raised questions about the language that existed in the General Plan when they filed their application, and those questions still remain.

Commissioner Gilbert explained that she's taking two things from this discussion: 1) general comments from various Councilmembers on interpretation of the terms, and 2) that the Planning Commission will continue to apply its judgment. She said that she believes the Council's broad guidance is sufficient to proceed. Mr. Vlasic said that staff also would offer recommendations to the Planning Commission based on tonight's discussion.

Mayor Driscoll said that the Council will put the matter on the agenda for discussion at a future Council meeting and then refer it back to the Planning Commission.

- (8) Recommendation by Town Manager: Introduction of Ordinance Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code [9:00 p.m.]
- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Ordinance No. ____)

As Ms. Howard explained, the ordinance – adopted in 1968 – is outdated and this proposal is basically a "housekeeping" change.

Councilmember Toben moved to approve the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Ordinance No. ____). Seconded by Vice Mayor Derwin, the motion carried 5-0.

The Second Reading is scheduled for the Town Council meeting of November 9, 2011.

- (9) Discussion and Council Action: Heather Renschler of Ralph Andersen and Associates with Development of Town Manager Recruitment Materials (147) [9:02 p.m.]

Ms. Howard invited the Council to make comments, suggest changes and/or ask questions about "The Ideal Candidate" recruiting materials for the Town Manager position.

Councilmember Toben said based on the qualities listed, no one could match the description, and he's concerned that the "idealization" would deter potential candidates. He said that the superlatives used didn't provide a measured enough description to be useful.

Mayor Driscoll pointed out that the description does in fact apply to the "ideal" candidate, but he asked Ms. Renschler whether this draft varies considerably from others that Ralph Andersen and Associates has done. She said that it does, and agreed that it includes a lot of qualities that would be difficult for one individual to possess. However, she noted that individuals would come forward with varying degrees of the qualities and attributes listed. She also said that she hoped to learn what Councilmembers feel most strongly about – e.g., general community development? Planning issues? Dealing with specific engagement? As Ms. Renschler explained, tonight's Council meeting was scheduled into the recruiting timeline as an introductory discussion, and the draft was intended to provide Councilmembers with a starting point. She said that the Council might consider assigning fine-tuning of the draft to a subcommittee.

Councilmember Toben said that the qualities might be prioritized, and that it might be helpful to identify the kinds of experiences that would be well-suited for the position – such as chief administrative officer for a medium-sized city, deputy planning director for a larger city, etc. – that might help stimulate the interest of appropriate candidates. Ms. Renschler said that a broad outreach is sometimes purposeful, because such people may be within a municipal department elsewhere, in county government, even in the private

sector. She said that her firm typically circulates information about a position electronically, via telephone and with selective advertising. She said, too, that it would be helpful to know whether the Council prefers to limit the geographic scope of recruitment – e.g., within California only? Throughout the western states? Because of the housing market situation, she said, her inclination would be to recruit within California, and California candidates also would be more likely to be knowledgeable about pertinent planning law, CEQA, and public finance issues. She said that likely candidates might be department heads, current town managers or city managers.

Vice Mayor Derwin pointed out that Portola Valley is a very small town with a very involved populace and limited staff, so the Town Manager must be able to work with volunteers. Ms. Renschler indicated that would be evident by virtue of the number of committees and commissions that the Town has, relative to its population.

Councilmember Toben asked how the "ideal candidate" material would be used. Ms. Renschler said that the final text would appear on the back page of the proposed brochure in the Council packets.

Vice Mayor Derwin said that the materials should include facts that indicate how progressive Portola Valley is, and how far ahead in terms of sustainability. Mayor Driscoll agreed that there should be more emphasis on being leaders. Councilmember Toben suggested that Vice Mayor Derwin apply her writing talent to helping fine-tune the materials.

Ms. Howard said that she wants to get revised materials back to the Council for its November 9, 2011 meeting. Vice Mayor Derwin said that she'd work on the materials with Ms. Howard and Ms. Renschler.

Councilmember Toben noted that qualifications call for a bachelor's degree with major course work in public administration, business administration, etc., which by implication would rule out a sharp English major who decides a few years after graduation to go for an MBA. Not at all, Ms. Renschler replied, because that same sentence includes the phrase "or a related field." Furthermore, she pointed out that the "Review of Qualifying Experience and Education" section that follows the educational qualifications section offers the opportunity to match related experience. Ms. Howard pointed out that the education qualifications also were included in the job specifications that she supplied to Ralph Andersen and Associates.

Vice Mayor Derwin agreed with Councilmember Toben that the wording should be changed to make it clearer.

Referring again to the proposed brochure, Councilmember Toben called attention to the "Position of Town Manager" panel. Noting that the first paragraph indicates that the Town Manager performs the functions of Finance and Purchasing Officer, Treasurer, Personnel Officer and Property Director, he suggested also listing Director of Emergency Operations. Mayor Driscoll agreed, adding that it should be at the top of the list.

Councilmember Wengert said she liked the "look and feel" of the brochure, and Mayor Driscoll said it corresponds well with the Town's website as well.

Mayor Driscoll said that during the interview process, it will be important to assess the potential longevity of candidates. Ms. Renschler said that while emphasizing that the position would be viable for a wide range of candidates, she also can use terminology such as "seasoned" and make references to years of experience to help address that issue.

In terms of the timetable, Ms. Renschler noted that the holidays usually bring a lull to recruitment, because so many people are focused on family and other things. Thus, she said, they're hoping to have applications in by January 16, 2012. She asked whether the Council would prefer having a subcommittee work with the recruiter on the review of résumés, or if the entire Council wants to be involved throughout the process. Mayor Driscoll said that when he and Councilmember Richards agreed to serve on a

recruitment subcommittee at the July 13, 2011 meeting of the Town Council, they expected to be involved in reviewing résumés.

Ms. Renschler asked at what point the process would then go back to the full Town Council. Would all Councilmembers want to meet and vet the finalists in person? Ms. Renschler said that Skype or some other Internet methodology at a subcommittee level might be used in lieu of face-to-face, saving time and money for both the employer and the potential employee.

Mayor Driscoll, who said he frequently runs CEO searches for companies, said that more and more recruiters at that level are tending to adopt that kind of process, whereby the recruiter conducts and records the first interview. Because recorded interviews conceivably could become public record, Ms. Renschler indicated that Ralph Andersen and Associates hasn't recorded the Skype interviews. Ms. Sloan agreed, stating that it's better to have the recruiter and subcommittee go through the applications. She also said that the Council need not decide on an approach yet, but wait to see how many people apply.

Ms. Renschler asked whether the Council wants to focus on people with California experience as a priority, or whether to consider others without that experience but from a similar community. Mayor Driscoll said that seems more a question about relocation costs than candidates' state knowledge, and that the Town probably doesn't want to get involved in major relocation expenditures. He said that the recruiter should look at all candidates, though. If someone clearly stands out, Councilmember Wengert said, the California experience may be less important.

In terms of compensation and benefits, Ms. Renschler asked whether the Council is ready to indicate the level of compensation, or a range. The draft brochure says, "The salary for this position will be consistent with the Town's recent compensation practices and will include a benefit package with CalPERS retirement (2%@55)." She said the language also indicates that Portola Valley participates in Social Security and that the Town Council will negotiate an employment contract with the selected candidate which may include moving and relocation assistance. Mayor Driscoll said that he didn't think the Council would be willing to change the compensation structure tonight.

Ms. Renschler said a precise start date for a new Town Manager has yet to be determined, but she asked whether it's reasonable to expect to announce a decision and approve the contract in a public session around mid-March 2012. Mayor Driscoll said that he'd rather aim a month earlier. Ms. Renschler said that working with a subcommittee would make that feasible.

Revised recruitment materials will be presented at the Town Council meeting of November 9, 2011.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(10) Discussion – Proposed Naming of “C-1” Trail and Ribbon-Cutting Ceremony [9:30 p.m.]

Mayor Driscoll said that the Trails and Paths Committee members think highly of the C-1 Trail work that's been done so far, and would like to use the ribbon-cutting ceremony as an event to draw attention to Portola Valley's trail system. Although the trail has a name – the Dwight Crowder Trail – the Committee also has discussed possibly renaming the trail.

Councilmember Wengert suggested a name-the-trail contest among students at Corte Madera Elementary School. Mayor Driscoll said he'd mention that to the Committee, and suggest setting a ribbon-cutting date in the spring of 2012, once the landscaping is complete.

Council agreed to a Ribbon Cutting Ceremony in spring 2012 and discussed children from Corte Madera holding a contest to name the trail.

(11) Reports from Commission and Committee Liaisons [9:35 p.m.]

Vice Mayor Derwin:

(a) Resource Management Climate Protection Committee (RMCP)

The RMCP Committee meeting on October 14, 2011 revealed that:

- Copious funds are available for the Energy Upgrade Program, whereby residents can obtain up to \$8,000 for energy upgrades.
- Some cities are providing additional funds or incentives.
- The Association of Bay Area Governments (ABAG) is launching a rebate of \$300 toward an energy assessment (which runs about \$500).
- The San Mateo County California Housing Finance Agency (CHF) is offering 3% fixed-interest loans for 15 years for energy-efficiency work.
- The Climate Action Template tool is about ready, and Portola Valley will be among the communities to use it next year.

(b) Cultural Arts Committee

- A large crowd enjoyed music, hors d'oeuvres, wine and excellent art at the October 15, 2011 reception for the nine Portola Valley artists whose work is on display at The Priory's Kriewall-Haehl Gallery.
- Portola Valley musicians Angela Schillace and Kari Rust provided music for the event, with Thomas Fogarty Winery and Portola Vineyards pouring complimentary wine.
- Open from 3:00 to 6:00 p.m. Monday through Friday through November 5, 2011, the exhibit features works of Foster Beigler (linoleum wall sculptures), Brigitte Carnochan (photography), Deirdre Clark (paintings), Nina Else (ceramic sculptures), Kalani Engles (paintings), Candace Gaudiani (photography), Bonny Novesky (acrylic prints), Adele Seltzer (monotypes), and Roger White Stoller (sculptures).

(c) Housing Endowment and Regional Trust (HEART) of San Mateo County

- Vice Mayor Derwin attended a HEART meeting and a housing conference.

Councilmember Richards:

(d) Architectural and Site Control Commission (ASCC)

- During their meeting on October 10, 2011, ASCC members questioned why they hadn't been given an opportunity to review and comment on the C-1 Trail landscaping plan.
- Resident Linda Yates voiced concerns about driveway improvements at the October 24, 2011 ASCC meeting, and asked whether the Town should consider requiring more up-to-date, environmentally friendly materials.

- Also at the October 24, 2011 meeting, ASCC conducted a preliminary architectural review of a request for approval of plans for additions to and repair/remodeling of the existing historic Superintendent's House and Office and other site improvements at the Lauriston-Willowbrook Farm. The applicant is working with an architect who specializes in historic structures.

(e) Conservation Committee

- Members discussed the C-1 Trail at the Committee meeting on October 25, 2011.
- Judith Murphy is lined up to serve as the Committee's new chair.

Councilmember Wengert:

(f) Bicycle, Pedestrian & Traffic Safety Committee

- Although it wasn't a Committee meeting. Mayor Driscoll and Councilmember Wengert had an informal get-together with nearly two dozen local bicycling team leaders, and reported a positive discussion about the bicyclists' concerns, issues, and ideas. Police Commissioner Ed Davis and San Mateo County Sheriff Greg Munks also took part.
- Earlier in the Council meeting, when Item 8 discussion began, Mayor Driscoll noted that 19 applications for membership on the reorganized and renamed Bicycle, Pedestrian & Traffic Safety Committee had been submitted.

(g) Planning Commission

- At its October 19, 2011 meeting, the Planning Commission discussed the project on Santa Maria Avenue for which the applicant is requesting a deviation that would allow replacing a deteriorating carport with a two-car attached garage and increasing the living area of the residence by 327 square feet with minor kitchen, bedroom and bathroom additions. The addition has been designed to meet the 25% limit for a deviation as set forth in Town Resolution 2506-2010, applicable when work is being done to increase stability of improvements on a property.

Councilmember Toben:

(d) Emergency Preparedness Committee

- The main topic at the EPC's October 13, 2011 meeting was of the current condition of the Citizens Emergency Response Preparedness Program (CERPP), which has engaged a consultant to help with public relations designed to raise awareness and thus help recruit volunteers.
- Some of Portola Valley's ham-radio geniuses – including EPC Chair Chris Raanes, Secretary Derry Kabcenell and Ray Rothrock – are doing extensive technical testing on October 29, 2011 on facilities that might be brought to bear in terms of broadcast capability in the aftermath of a disaster. They've developed a matrix defining pros and cons of six different early-alert system options, Councilmember Toben explained, noting that an AM frequency may turn out to be a better solution for this purpose rather than a previously discussed low-power FM transmitter.

- Councilmember Toben indicated that the Town has some funds set aside that can be used to its emergency prep purposes, and he's developed specifications for a consultant to help "bulk up the troops." A discussion about this is on the agenda for the Council's meeting on November 9, 2011.

(e) Parks and Recreation Committee

- Meeting on October 17, 2011, the Parks and Recreation Committee discussed the possibility of installing a skateboard ramp park on the Corte Madera Elementary School campus. Councilmember Toben noted that resident Patrick Sullivan and other proponents have some serious outreach still to do, because the subject hasn't been broached yet with Portola Valley School District Superintendent Tim Hanretty. Ms. Sloan said that she'd research liability issues.
- It appears that there may be a window of opportunity to obtain on-again, off-again grant money for the Ford Field renovation. The plan is to complete renovations in time for the spring 2013 season. Councilmember Toben said that as with the Town Center project, when he and Mayor Driscoll were embedded in the fundraising team, the Council needs an embedded presence in the Ford Field fundraising effort.

(f) SFO Airport/Community Roundtable

- An Airport Roundtable Committee meeting is scheduled for November 7, 2011.
- Councilmember Toben said that he's working on drafting a letter to U.S. Representative Anna Eshoo asking for her involvement with respect to sharing information from the FAA.

Mayor Driscoll:

(g) Trails and Paths Committee

- Equestrians are requesting equestrian crossings with appropriate signage. One is at the base of Hayfields Road where it meets Portola Road, and another in the vicinity where Sausal and Hillbrook Drives meet Alpine Road.
- Mayor Driscoll said that Public Works Director Howard Young has created a plan to build a platform at road level where Hayfields and Portola Roads intersect, where there's good visibility, but he's reluctant to make a formal equestrian crossing there for liability reasons.
- A signage alternative that Mayor Driscoll said that equestrian members of the Committee seemed to like would be posting CalTrans-standard signs at the entrances to Town that say something such as, "Horse-Friendly Community – Be Cautious."

WRITTEN COMMUNICATIONS [10:00 p.m.]

(12) Town Council October 7, 2011 Weekly Digest – None

(13) Town Council October 14, 2011 Weekly Digest 165

- a) #1 – Memorandum to Town Council from Leslie Lambert regarding Architectural & Site Control Commission Recruitment – October 13, 2011

ASCC member Jeff Aalfs will leave his ASCC post when he begins his term as a Councilmember in December 2012, and Jeff Clark's term expires at the end of that month. To date, Ms. Howard said, Mr. Clark has expressed interest but no other candidates have yet come forward. She noted that in addition to normal outreach on the Town website and via PV Forum, recruiting ads have appeared in the *Almanac*. With only two more Council meetings expected before year-end, the October 28, 2011 deadline will be extended to the end of November 2011 and interviews conducted in January 2012.

- b) #2 – Mailing to all Portola Valley residents regarding Sudden Oak Death

Mayor Driscoll indicated reading that an alarming 70% of SOD testing in Portola Valley is positive, up from a 26% average over the 2008-2010 period. According to an October 21, 2011 *Almanac* article, the 2011 results, posted on UC-Berkeley's Forest Pathology and Mycology Lab website, showed that 242 of the 344 samples gathered in Woodside and Portola Valley tested positive for the disease.

- (14) Town Council October 21, 2011 Weekly Digest – None

- a) #3 – E-mail from Howard Young to Sonia Dhillon-Marty regarding final signoff on the permit – October 14, 2011

ADJOURNMENT [10:08 p.m.]

Mayor

Town Clerk

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Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

ANNETTE ACHERMANN	Dep Refund-4860 Alpine	12538	11/09/2011	
			11/09/2011	
794 BERRYESSA	0206		11/09/2011	0.00
MILPITAS	BOA	45785	11/09/2011	0.00
CA 95035				1,416.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,416.00	0.00

Check No.	45785	Total:	1,416.00
Total for	ANNETTE ACHERMANN		1,416.00

ROBERT ALLEN	Dep Refund-211 Nathhorst	12539	11/09/2011	
			11/09/2011	
	570		11/09/2011	0.00
	BOA	45786	11/09/2011	0.00
CA 94028				3,294.90

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	3,294.90	0.00

Check No.	45786	Total:	3,294.90
Total for	ROBERT ALLEN		3,294.90

ANIMAL DAMAGE MGMT INC	October Pest Control	12565	11/09/2011	
			11/09/2011	
16170 VINEYARD BLVD. #150	804		11/09/2011	0.00
MORGAN HILL	BOA	45787	11/09/2011	0.00
CA 95037	55538			310.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	310.00	0.00

Check No.	45787	Total:	310.00
Total for	ANIMAL DAMAGE MGMT INC		310.00

ARROWHEAD MT SPRING WATER	October Statement	12566	11/09/2011	
			11/09/2011	
P.O. BOX 856158	463		11/09/2011	0.00
LOUISVILLE	BOA	45788	11/09/2011	0.00
KY 40285-6158	01J5743876004			109.84

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	109.84	0.00

Check No.	45788	Total:	109.84
Total for	ARROWHEAD MT SPRING WATER		109.84

AT&T (2)	October Microwave	12567	11/09/2011	
			11/09/2011	
P.O. BOX 5025	877		11/09/2011	0.00
CAROL STREAM	BOA	45789	11/09/2011	0.00
IL 60197-5025				63.72

GL Number	Description	Invoice Amount	Amount Relieved
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City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-52-4152	Emerq Preparedness Committee	63.72	0.00	
		Check No. 45789	Total:	63.72
		Total for AT&T (2)		63.72

BANK OF AMERICA	October Statement	12563	11/09/2011	
Bank Card Center			11/09/2011	
P.O. BOX 53155	0022		11/09/2011	0.00
PHOENIX	BOA	45790	11/09/2011	0.00
AZ 85072-3155				1,488.52

GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4152	Emerq Preparedness Committee	121.17	0.00	
05-52-4165	Sustainability Committee	328.42	0.00	
05-58-4240	Parks & Fields Maintenance	154.55	0.00	
05-64-4311	Internet Service & Web Hosting	9.99	0.00	
05-64-4336	Miscellaneous	355.59	0.00	
08-64-4335	Sustainability	518.80	0.00	

		Check No. 45790	Total:	1,488.52
		Total for BANK OF AMERICA		1,488.52

BAY AREA PAVING CO	Woodside Highlands M.D.	12521	11/09/2011	
			11/09/2011	
P.O. BOX 6339	567		11/09/2011	0.00
SAN MATEO	BOA	45791	11/09/2011	0.00
CA 94403				29,557.00

GL Number	Description	Invoice Amount	Amount Relieved	
90-00-4375	General Expenses	29,557.00	0.00	

		Check No. 45791	Total:	29,557.00
		Total for BAY AREA PAVING CO		29,557.00

KAY BLOCKER	Facility Deposit Refund	12561	11/09/2011	
			11/09/2011	
390 GOLDEN HILLS DRIVE	0225		11/09/2011	0.00
PORTOLA VALLEY	BOA	45792	11/09/2011	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. 45792	Total:	1,000.00
		Total for KAY BLOCKER		1,000.00

CALIFORNIA WATER SERVICE CO	Statements, 9/15 - 10/14	12573	11/09/2011	
			11/09/2011	
3351 EL CAMINO REAL	0011		11/09/2011	0.00
ATHERTON	BOA	45793	11/09/2011	0.00
CA 94027-3844				5,015.44

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4330	Utilities	5,015.44	0.00	

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State/Province Zip/Postal	Invoice Number			Check Amount

Check No.	45793	Total:	5,015.44
Total for	CALIFORNIA WATER SERVICE CC		5,015.44

CASCADIA CONSULTING GROUP	2011 Solid Waste Report	12562	11/09/2011	
1109 FIRST AVENUE	1041		11/09/2011	0.00
SEATTLE	BOA	45794	11/09/2011	0.00
WA 98101	2158			680.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4212	Waste Management Consultants	680.00	0.00

Check No.	45794	Total:	680.00
Total for	CASCADIA CONSULTING GROUP		680.00

CITY OF MILLBRAE	Refund for Dinner Meeting	12555	11/09/2011	
621 MAGNOLIA AVENUE	438		11/09/2011	0.00
MILLBRAE	BOA	45795	11/09/2011	0.00
CA 94030				40.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4228	Miscellaneous Refunds	40.00	0.00

Check No.	45795	Total:	40.00
Total for	CITY OF MILLBRAE		40.00

DEIRDRE CLARK	Reimbursement for Art Show	12523	11/09/2011	
149 CORTE MADERA	687		11/09/2011	0.00
PORTOLA VALLEY	BOA	45796	11/09/2011	0.00
CA 94028				67.50

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4150	Cultural Arts Committee	67.50	0.00

Check No.	45796	Total:	67.50
Total for	DEIRDRE CLARK		67.50

COTTON SHIRES & ASSOC. INC.	September Applicant Charges	12552	11/09/2011	
330 VILLAGE LANE	0047		11/09/2011	0.00
LOS GATOS	BOA	45797	11/09/2011	0.00
CA 95030-7218	104362-104366			7,960.25

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geologist - Charges to Appls	7,960.25	0.00

Check No.	45797	Total:	7,960.25
Total for	COTTON SHIRES & ASSOC. INC.		7,960.25

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

CSG CONSULTANTS INC	Bldg Inspection, Sept 1,8,9	12524	11/09/2011	
			11/09/2011	
1700 S. AMPHLETT BLVD	622		11/09/2011	0.00
SAN MATEO	BOA	45798	11/09/2011	0.00
CA 94402	021031			936.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4062	Temp Bldg Inspection	936.00	0.00

Check No.	45798	Total:	936.00
Total for	CSG CONSULTANTS INC		936.00

AMY DEBENEDICTIS	Fall Instructor Fees	12556	11/09/2011	
			11/09/2011	
819 LAUREL AVENUE	2130		11/09/2011	0.00
MENLO PARK	BOA	45799	11/09/2011	0.00
CA 94025				1,152.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	1,152.00	0.00

Check No.	45799	Total:	1,152.00
Total for	AMY DEBENEDICTIS		1,152.00

BRANDI DEGARMEUX	Energy Climate Sem-DeGarmeux	12550	11/09/2011	
			11/09/2011	
17 LAUSSAT STREET	614		11/09/2011	0.00
SAN FRANCISCO	BOA	45800	11/09/2011	0.00
CA 94102				525.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4326	Education & Training	525.00	0.00

Check No.	45800	Total:	525.00
Total for	BRANDI DEGARMEUX		525.00

DELL MARKETING L.P.	Computer, Young	12525	11/09/2011	
c/o DELL USA L.P.			11/09/2011	
P.O. BOX 910916	0194		11/09/2011	0.00
PASADENA	BOA	45801	11/09/2011	0.00
CA 91110-0916	XFJMPP1X4			985.75

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	985.75	0.00

Check No.	45801	Total:	985.75
Total for	DELL MARKETING L.P.		985.75

EASTMAN ROOFING	C&D Dep Ref 345 Corte Madera	12537	11/09/2011	
			11/09/2011	
1418 DOUGLAS ST	725		11/09/2011	0.00
SAN JOSE	BOA	45802	11/09/2011	0.00
CA 95126				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

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

Check No.	45802	Total:	1,000.00
Total for	EASTMAN ROOFING		1,000.00

PATRICK ENRIGHT	Dep Refund-171 Mapache	12543	11/09/2011	
			11/09/2011	
229 CORTE MADERA RD	0236		11/09/2011	0.00
PORTOLA VALLEY	BOA	45803	11/09/2011	0.00
CA 94028				4,535.34

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	4,535.34	0.00

Check No.	45803	Total:	4,535.34
Total for	PATRICK ENRIGHT		4,535.34

FILCO EVENTS	Litter Deposit Refund	12536	11/09/2011	
ATTN: Sammarye Lewis			11/09/2011	
15651 LOMA VISTA	0231		11/09/2011	0.00
LOS GATOS	BOA	45804	11/09/2011	0.00
CA 95032				100.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	100.00	0.00

Check No.	45804	Total:	100.00
Total for	FILCO EVENTS		100.00

FRANCOTYP-POSTALIA, INC.	Meter Rental, 10/9 - 1/8	12526	11/09/2011	
			11/09/2011	
PO BOX 4272	0172		11/09/2011	0.00
CAROL STREAM	BOA	45805	11/09/2011	0.00
IL 60197-4272	R1100789534			87.68

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4314	Equipment Services Contracts	87.68	0.00

Check No.	45805	Total:	87.68
Total for	FRANCOTYP-POSTALIA, INC.		87.68

GOLDEN ROOFING	C & D Dep Ref-125 LaSandra	12535	11/09/2011	
			11/09/2011	
828 WILLOW STREET	0239		11/09/2011	0.00
REDWOOD CITY	BOA	45806	11/09/2011	0.00
CA 94063				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	45806	Total:	1,000.00
Total for	GOLDEN ROOFING		1,000.00

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

HIGHWAY TECHNOLOGIES, INC	Signage for Road Maintenance	12571	11/09/2011	
			11/09/2011	
P.O. BOX 51581	0067		11/09/2011	0.00
LOS ANGELES	BOA	45807	11/09/2011	0.00
CA 90051-5881	65091216			196.32

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	196.32	0.00

Check No.	45807	Total:	196.32
Total for	HIGHWAY TECHNOLOGIES, INC		196.32

HORIZON	Field Supplies	12551	11/09/2011	
			11/09/2011	
P.O. BOX 52758	0289		11/09/2011	0.00
PHOENIX	BOA	45808	11/09/2011	0.00
AZ 85072-2758				362.10

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	362.10	0.00

Check No.	45808	Total:	362.10
Total for	HORIZON		362.10

ICLEI	2012 Dues	12528	11/09/2011	
Local Gov'ts for Sustainabilit			11/09/2011	
436 - 14TH STREET	929		11/09/2011	0.00
OAKLAND	BOA	45809	11/09/2011	0.00
CA 94612	M2012-3742			600.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	600.00	0.00

Check No.	45809	Total:	600.00
Total for	ICLEI		600.00

JENSEN LANDSCAPE SERVICES INC	Fall 2011 Seed Application	12530	11/09/2011	
			11/09/2011	
1983 CONCOURSE DRIVE	849		11/09/2011	0.00
SAN JOSE	BOA	45810	11/09/2011	0.00
CA 95131	098982			3,266.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	3,266.00	0.00

Check No.	45810	Total:	3,266.00
Total for	JENSEN LANDSCAPE SERVICES I		3,266.00

MARTIN KIM	Dep Refund-5 Grove	12545	11/09/2011	
			11/09/2011	
5 GROVE COURT	717		11/09/2011	0.00
PORTOLA VALLEY	BOA	45811	11/09/2011	0.00
CA 94028				1,951.40

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	1,951.40	0.00

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

Check No.	45811	Total:	1,951.40
Total for	MARTIN KIM		1,951.40

GIL KLIMAN	Dep Refund-128 Goya	12540	11/09/2011	
128 GOYA ROAD	0222		11/09/2011	0.00
PORTOLA VALLEY	BOA	45812	11/09/2011	0.00
CA 94028				3,694.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	3,694.50	0.00

Check No.	45812	Total:	3,694.50
Total for	GIL KLIMAN		3,694.50

LESLIE LAMBERT	Aug-Oct Mileage Reimbursement	12568	11/09/2011	
501 MOORPARK WAY	0291		11/09/2011	0.00
MOUNTAIN VIEW	BOA	45813	11/09/2011	0.00
CA 94041				74.37

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4328	Mileage Reimbursement	74.37	0.00

Check No.	45813	Total:	74.37
Total for	LESLIE LAMBERT		74.37

LAUREN E LEE	Sust. Intern 10/11-10/25/11	12557	11/09/2011	
2089 QUEENS LANE	0354		11/09/2011	0.00
SAN MATEO	BOA	45814	11/09/2011	0.00
CA 94402	10			555.00

GL Number	Description	Invoice Amount	Amount Relieved
08-64-4335	Sustainability	555.00	0.00

Check No.	45814	Total:	555.00
Total for	LAUREN E LEE		555.00

LJH ENTERPRISES, LLC	Catering/Council of Cities Din	12553	11/09/2011	
170 CHEROKEE WAY	707		11/09/2011	0.00
PORTOLA VALLEY	BOA	45783	11/09/2011	0.00
CA 94028				2,200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4326	Education & Training	160.00	0.00
05-64-4327	Educ/Train: Council & Commissn	240.00	0.00
05-64-4336	Miscellaneous	1,800.00	0.00

Check No.	45783	Total:	2,200.00 H
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

LJH ENTERPRISES, LLC	Catering/Council of Cities Din	12554	11/09/2011	
			11/09/2011	
170 CHEROKEE WAY	707		11/09/2011	0.00
PORTOLA VALLEY	BOA	45784	11/09/2011	0.00
CA 94028				20.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	20.00	0.00

Check No.	45784	Total:	20.00 H
Total for	LJH ENTERPRISES, LLC		2,220.00

HOWARD MARSHALL	Dep Refund-22 Grove	12544	11/09/2011	
			11/09/2011	
22 GROVE DRIVE	699		11/09/2011	0.00
PORTOLA VALLEY	BOA	45815	11/09/2011	0.00
CA 94028				4,134.50

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	4,134.50	0.00

Check No.	45815	Total:	4,134.50
Total for	HOWARD MARSHALL		4,134.50

MINTON DOOR COMPANY	Insulation at TH Doors	12532	11/09/2011	
		5969	11/09/2011	
1150 ELKO DRIVE	988		11/09/2011	0.00
SUNNYVALE	BOA	45816	11/09/2011	0.00
CA 94089	0011810-IN			525.73

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	525.73	0.00

Check No.	45816	Total:	525.73
Total for	MINTON DOOR COMPANY		525.73

KAREN MOBLEY	Reimb PVSD Anniv	12531	11/09/2011	
			11/09/2011	
9 APPLEWOOD LANE	0298		11/09/2011	0.00
PORTOLA VALLEY	BOA	45817	11/09/2011	0.00
CA 94028				685.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4147	Picnic/Holiday Party	685.00	0.00

Check No.	45817	Total:	685.00
Total for	KAREN MOBLEY		685.00

NOLTE ASSOCIATES INC.	September Applicant Charges	12560	11/09/2011	
			11/09/2011	
P.O. BOX 93243	0104		11/09/2011	0.00
LAS VEGAS	BOA	45818	11/09/2011	0.00
NV 89193-3243	11100121			891.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	891.00	0.00

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

Check No.	45818	Total:	891.00
Total for	NOLTE ASSOCIATES INC.		891.00

PACIFIC COAST SEED INC	Wildflower Mix, Springdown	12574	11/09/2011	
		5972	11/09/2011	
533 HAWTHORNE PLACE	714		11/09/2011	0.00
LIVERMORE	BOA	45819	11/09/2011	0.00
CA 94550	11-10087-B			1,200.26

GL Number	Description	Invoice Amount	Amount Relieved
15-68-4414	CIP Spring Down OpSpa Imp	1,200.26	0.00

Check No.	45819	Total:	1,200.26
Total for	PACIFIC COAST SEED INC		1,200.26

PACIFIC GEOTECHNICAL ENG'G	C-1 Trail Inspects Sept 2011	12548	11/09/2011	
			11/09/2011	
16055-D CAPUTO DRIVE	737		11/09/2011	0.00
MORGAN HILL	BOA	45820	11/09/2011	0.00
CA 95037	124188			2,875.00

GL Number	Description	Invoice Amount	Amount Relieved
96-00-4528	C-1 Trail	2,875.00	0.00

Check No.	45820	Total:	2,875.00
Total for	PACIFIC GEOTECHNICAL ENG'G		2,875.00

PERS HEALTH	November Medical	12522	11/09/2011	
			11/09/2011	
VIA EFT	0108		11/09/2011	0.00
	BOA	45821	11/09/2011	0.00
	434			13,941.91

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	13,941.91	0.00

Check No.	45821	Total:	13,941.91
Total for	PERS HEALTH		13,941.91

PG&E	October Statements	12549	11/09/2011	
			11/09/2011	
BOX 997300	0109		11/09/2011	0.00
SACRAMENTO	BOA	45822	11/09/2011	0.00
CA 95899-7300				279.11

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	279.11	0.00

Check No.	45822	Total:	279.11
Total for	PG&E		279.11

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

PORTOLA VALLEY HARDWARE	October Statement	12564	11/09/2011	
			11/09/2011	
112 PORTOLA VALLEY ROAD	0114		11/09/2011	0.00
PORTOLA VALLEY	BOA	45823	11/09/2011	0.00
CA 94028				398.88

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4240	Parks & Fields Maintenance	298.78	0.00	
05-64-4308	Office Supplies	0.00	0.00	
05-66-4340	Building Maint Equip & Supp	75.80	0.00	
96-00-4528	C-1 Trail	24.30	0.00	

Check No.	45823	Total:	398.88
Total for	PORTOLA VALLEY HARDWARE		398.88

RON RAMIES AUTOMOTIVE, INC.	October Fuel	12575	11/09/2011	
			11/09/2011	
115 PORTOLA ROAD	422		11/09/2011	0.00
PORTOLA VALLEY	BOA	45824	11/09/2011	0.00
CA 94028				597.18

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4334	Vehicle Maintenance	597.18	0.00	

Check No.	45824	Total:	597.18
Total for	RON RAMIES AUTOMOTIVE, INC.		597.18

MARK SAUSVILLE	Dep Refund-150 Fawn	12541	11/09/2011	
			11/09/2011	
150 FAWN LANE	0228		11/09/2011	0.00
PORTOLA VALLEY	BOA	45825	11/09/2011	0.00
CA 94028				2,742.50

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4207	Deposit Refunds, Other Charges	2,742.50	0.00	

Check No.	45825	Total:	2,742.50
Total for	MARK SAUSVILLE		2,742.50

SHARP BUSINESS SYSTEMS	September Copies	12559	11/09/2011	
			11/09/2011	
DEPT. LA 21510	0199		11/09/2011	0.00
PASADENA	BOA	45826	11/09/2011	0.00
CA 91185-1510	C715220-541			7.14

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4308	Office Supplies	7.14	0.00	

Check No.	45826	Total:	7.14
Total for	SHARP BUSINESS SYSTEMS		7.14

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

SPANGLE & ASSOCIATES	Statement, 9/23 - 10/20/11	12569	11/09/2011	
			11/09/2011	
770 MENLO AVENUE	0121		11/09/2011	0.00
MENLO PARK	BOA	45827	11/09/2011	0.00
CA 94025-4736				38,478.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4140	ASCC	2,364.00	0.00	
05-52-4162	Planning Committee	4,727.00	0.00	
05-54-4196	Planner	13,014.70	0.00	
96-54-4198	Planner - Charges to Appls	18,372.30	0.00	

Check No.	45827	Total:	38,478.00
Total for	SPANGLE & ASSOCIATES		38,478.00

SPARTAN ENGINEERING	Fire & Security Panel Repair	12533	11/09/2011	
			11/09/2011	
510 PARROTT STREET, #6	0095		11/09/2011	0.00
SAN JOSE	BOA	45828	11/09/2011	0.00
CA 95112	22349			416.25

GL Number	Description	Invoice Amount	Amount Relieved	
05-66-4346	Mechanical Sys Maint & Repair	416.25	0.00	

Check No.	45828	Total:	416.25
Total for	SPARTAN ENGINEERING		416.25

STAPLES	Sept/Oct Office Supplies	12534	11/09/2011	
			11/09/2011	
STAPLES CREDIT PLAN	430		11/09/2011	0.00
DES MOINES	BOA	45829	11/09/2011	0.00
IA 50368-9020				684.63

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4308	Office Supplies	684.63	0.00	

Check No.	45829	Total:	684.63
Total for	STAPLES		684.63

STATE COMP INSURANCE FUND	October Premium	12558	11/09/2011	
			11/09/2011	
PO BOX 7980	0122		11/09/2011	0.00
SAN FRANCISCO	BOA	45830	11/09/2011	0.00
CA 94120-7854				2,547.42

GL Number	Description	Invoice Amount	Amount Relieved	
05-50-4094	Worker's Compensation	2,547.42	0.00	

Check No.	45830	Total:	2,547.42
Total for	STATE COMP INSURANCE FUND		2,547.42

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

BARBARA TEMPLETON	July - October Transcription	12546	11/09/2011	
			11/09/2011	
304 MELVEN COURT	369		11/09/2011	0.00
SAN LEANDRO	BOA	45831	11/09/2011	0.00
CA 94577-2011	658 & 663			5,760.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	5,760.00	0.00

Check No.	45831	Total:	5,760.00
Total for	BARBARA TEMPLETON		5,760.00

THERMAL MECHANICAL, INC	Annual Maint to Delta HVAC	12572	11/09/2011	
			11/09/2011	
425 ALDO AVENUE	955		11/09/2011	0.00
SANTA CLARA	BOA	45832	11/09/2011	0.00
CA 95054	PM-50015			1,442.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	1,442.00	0.00

Check No.	45832	Total:	1,442.00
Total for	THERMAL MECHANICAL, INC		1,442.00

VISION INTERNET PROVIDERS INC	October Site Hosting	12570	11/09/2011	
			11/09/2011	
P.O. BOX 251588	827		11/09/2011	0.00
LOS ANGELES	BOA	45833	11/09/2011	0.00
CA 90025	20909			200.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	200.00	0.00

Check No.	45833	Total:	200.00
Total for	VISION INTERNET PROVIDERS IN		200.00

WHITNEY FUSION SWAG	Add'l shirts for run	12547	11/09/2011	
			11/09/2011	
207 MONTEREY AVENUE	0359		11/09/2011	0.00
CAPITOLA	BOA	45834	11/09/2011	0.00
CA 95010	40451			998.13

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4158	Parks & Recreation Committee	998.13	0.00

Check No.	45834	Total:	998.13
Total for	WHITNEY FUSION SWAG		998.13

LINDA YATES	Dep Refund-170 Mapache	12542	11/09/2011	
			11/09/2011	
170 MAPACHE DRIVE	0303		11/09/2011	0.00
PORTOLA VALLEY	BOA	45835	11/09/2011	0.00
CA 94028				5,122.85

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	5,122.85	0.00

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

Check No.	45835	Total:	5,122.85
Total for	LINDA YATES		5,122.85

Total Invoices:	53	Grand Total:	158,172.12
		Less Credit Memos:	0.00
		Net Total:	158,172.12
		Less Hand Check Total:	2,220.00
		Outstanding Invoice Total:	155,952.12

Warrant Disbursement Journal

November 9, 2011

Claims totalling \$158,172.12 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

Mayor

RESOLUTION NO. _____

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT NO. 10 TO
THE TOWN MANAGER EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF
PORTOLA VALLEY AND ANGELA HOWARD**

WHEREAS, the Town Council of the Town of Portola Valley (“Town”) has read and considered that certain Amendment No. 10 to the Town Manager Employment Agreement (“Amendment”) between the Town and Angela Howard.

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

1. Public interest and convenience require the Town to enter into the Amendment described above.

2. The Town of Portola Valley hereby approves the Amendment and the Mayor is hereby authorized on behalf of the Town to execute the Amendment between the Town of Portola Valley and Angela Howard.

PASSED AND ADOPTED this ____ day of _____, 2011

By: _____
Mayor

ATTEST:

Town Clerk

**AMENDMENT NO. 10 TO
TOWN MANAGER EMPLOYMENT AGREEMENT**

This Amendment No. 10 is made as of July 1, 2011, with respect to that certain Town Manager Employment Agreement (“Agreement”) by and between the Town of Portola Valley (“Town”) and Angela Howard (“Howard”).

RECITALS

A. The Town and Howard entered into the Agreement on January 10, 2001, Amendment No. 1 to the Agreement on September 26, 2001, Amendment No. 2 to the Agreement on September 12, 2002, Amendment No. 3 to the Agreement on November 3, 2003, Amendment No. 4 to the Agreement on December 12, 2004, Amendment No. 5 to the Agreement on December 14, 2005, Amendment No. 6 to the Agreement on April 11, 2007, Amendment No. 7 to the Agreement on November 28, 2007, Amendment No. 8 to the Agreement on November 12, 2008 and Amendment No. 9 to the Agreement on September 22, 2010 to set forth the terms and conditions by which Howard serves as Town Manager for the Town.

B. The Town now desires to amend the Agreement to increase Howard’s Base Salary.

NOW, THEREFORE, in consideration of their mutual covenants, Town and Howard do hereby agree as follows:

1. Base Salary. The Base Salary set out in Section 3 of the Agreement is hereby amended to be One Hundred Sixty-Seven Thousand Seven Hundred Sixty-Nine Dollars (\$167,769.00) per year, effective July 1, 2011.

2. Agreement. Other than the amendments set forth in Section 1 above, no other provision of the Agreement is amended and all other provisions of the Agreement are in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 10 as of the date set forth above.

TOWN OF PORTOLA VALLEY:

ANGELA HOWARD:

Ted Driscoll, Mayor

Angela Howard

ATTEST:

Town Clerk



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Barbara Powell, Interim Assistant Town Manager

DATE: November 9, 2011

RE: **Resolution Concerning Citizens' Option for Public Safety (COPS) Funding 2011-2012**

Recommendation

It is recommended that the Town Council approve the attached resolution expressing continued interest in receiving COPS funding.

Issue Statement/Discussion

Annually, the Town must reaffirm its interest in continuing to receive the COPS funds.

Since 1996, the state budget has appropriated general fund monies for local law enforcement to continue the COPS Program, which allocates funds to eligible jurisdictions for the purpose of increasing local law enforcement activities and ensuring public safety.

The law requires that a Supplemental Law Enforcement Services Fund (SLESF) be established in the Town's treasury to receive COPS funds. The funds are then allocated upon a written request from the local agency. The request must specify the front line law enforcement needs of the requesting entity including the personnel, equipment, and programs that are necessary to meet those needs. The COPS funds must "supplement existing services and shall not be used to supplant any existing funding for law enforcement services provided by that entity."

Portola Valley's COPS allocation for 2011/2012 is \$100,000, as it was in 2010-2011. We combine our funds with Woodside's to provide both Towns with two additional deputies on duty 24 hours a day, 7 days a week. The Town Council approved continuation of our partnership with Woodside under the agreement with the Sheriff's Office.

Approved: 
Angela Howard, Town Manager

Attachment

RESOLUTION NO. _____-2011

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
CONTINUING THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND
THROUGH CITIZENS OPTIONS FOR PUBLIC SAFETY PROGRAM AND
MAINTAINING A SEPARATE BUDGET ACCOUNT FOR 2011-2012 FISCAL YEAR**

WHEREAS, as part of the final 1996-97 State budget agreement, \$10 million of general fund monies were appropriated to create a new subvention to augment local law enforcement efforts (Chapter 134, Statutes of 1996). Citizens' Options for Public Safety ("COPS") was intended to be one-time supplemental funding for front line police activities, jail operations and prosecutions; and

WHEREAS, the COPS program was continued in all subsequent State budget agreements; and

WHEREAS, the Town of Portola Valley ("Town") participated in all subsequent programs and wishes to continue the program for 2011-2012; and

WHEREAS, the Town has established a Supplemental Law Enforcement Services Fund in the Town Treasury that has been and will be kept separate and apart from the regular budget adoption;

NOW, THEREFORE, the Town Council of the Town does RESOLVE that the Town will receive and appropriate its 2011-2012 share of COPS funds (\$100,000) and expend these funds during the fiscal year on special law and traffic enforcement services within the Town's boundaries as performed under contract by the San Mateo County Sheriff's Department.

PASSED AND ADOPTED this 9th day of November, 2011.

Mayor

ATTEST:

Town Clerk



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Council

FROM: Barbara Powell, Interim Assistant Town Manager

DATE: November 9, 2011

RE: **Resolution Denying the Claim of Jane A. Hetrick**

Recommended Action:

Adopt resolution denying claim.

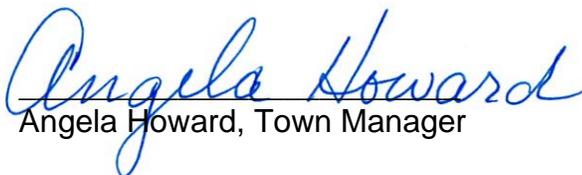
Issue Statement/Discussion:

On October 13, 2011, the Town received the attached claim (Attachment "A") from Jane A. Hetrick seeking \$1,133.81 in monetary damages for repair of her vehicle's front bumper. In an October 10, 2011 e-mail (Attachment "B"), Ms. Hetrick stated that the "bumper caught on the bumper guard in front of the parking space" in the parking area next to the Town's tennis courts. Ms. Hetrick sent an additional e-mail on October 15, 2011 (Attachment "C"), in response to a phone call she received from Angela Howard pertaining to her claim.

According to Howard Young, Public Works Director, wheel stops ("bumper guards") are not an official traffic control device, and, therefore, there is no state standard. Their purpose is to prevent obstruction and/or damage to the pathway, which could be caused by parking a vehicle too close. Wheel stop suppliers have sizes that vary from 4"-6"; the wheel stops at that location vary between 5.5" – 5.75", with a bevel at 5. To Howard's knowledge, this is the first time that vehicle damage has been reported since the wheel stops were installed three years ago.

The proposed resolution denying the claim is provided as Attachment "D".

Approved:


Angela Howard, Town Manager

Attachments: "A" – Claim

"B" – 10-10-11 e-mail from Jane Hetrick

"C" – 10-15-11 e-mail from Jane Hetrick

"D" -- Resolution

Attachment "A"

CLAIM AGAINST Town of Portola Valley

765 Portola Road, Portola Valley, CA
Please return to: City/Town Clerk, (address)

attn: Barbara Powell

COMPLETE THE FOLLOWING, ADDING ADDITIONAL SHEETS AS NECESSARY.

- 1. CLAIMANT'S NAME (Print): Jane A. Helrick 94228
- 2. CLAIMANT'S ADDRESS: 3374 La Mesa Dr. #3, San Carlos, CA 851-1701
(Street or P.O. Box Number - City - State - Zip Code) X218
- 3. AMOUNT OF CLAIM \$ 1133.81 HOME PHONE: (650) 437-9616 94070
(Attach Copies of bills/estimates) WORK PHONE: Same as above
cell (650) 293-1855 (no messages)

IF AMOUNT CLAIMED IS MORE THAN \$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): Jane A. Helrick
(Name) 3374 La Mesa Dr. #3
(Street or P.O. Box Number) San Carlos, CA 94070
(City - State - Zip Code)

- 5. DATE OF INCIDENT: 10/09/11 TIME OF INCIDENT: 2 P.M.
LOCATION OF INCIDENT: parking lot adjacent to PV Tennis Courts

- 6. DESCRIBE THE INCIDENT OR ACCIDENT INCLUDING YOUR REASON FOR BELIEVING THAT THE CITY IS LIABLE FOR YOUR DAMAGES: * (See attached email to Ms Powell)

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

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

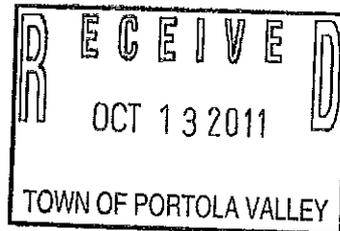
Jane A. Helrick
Signature of Claimant

October 12, 2011
Date

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

Note: You must file a claim in compliance with Government Code Section 911.2.

8/02 ABAG PLAN Corp. - CM1-1



SOUTH BAY BODY SHOP

417 D ST, REDWOOD CITY, CA 94063

Phone: (650) 367-9708

FAX: (650) 365-1847

Workfile ID: Page 36ac41944b
Federal ID: 943216480

Preliminary Estimate

*barbara
powell
b.powell@
city of portola valley
net
851-1700
x218
Theresa*

Customer: HETRICK, JANE

Insured: HETRICK, JANE

Policy #:

Claim #:

Type of Loss:

Date of Loss:

Days to Repair: 0

Point of Impact:

Owner:

HETRICK, JANE
(650) 637-9616 Day

Inspection Location:

SOUTH BAY BODY SHOP
417 D ST
REDWOOD CITY, CA 94063
Repair Facility
(650) 367-9708 Business

Insurance Company:

VEHICLE

Year: 2001	Body Style: 4D WGN	VIN: WBADR63451GN91781	Mileage In:
Make: BMW	Engine: 8-4.4L-FI	License: 5KUH303	Mileage Out:
Model: 540IT	Production Date: 3/2001	State: CA	Vehicle Out:
Color: Int:	Condition:	Job #:	

- | | | | |
|------------------------|----------------------------|----------------------|-------------------------|
| 4 Wheel Disc Brakes | Console/Storage | Leather Seats | Power Windows |
| Air Conditioning | Cruise Control | Luggage/Roof Rack | Rear Defogger |
| Alarm | Driver Air Bag | Memory Package | Rear Window Wiper |
| Aluminum/Alloy Wheels | Dual Mirrors | Overdrive | Search/Seek |
| AM Radio | Electric Glass Sunroof | Passenger Air Bag | Stability Control |
| Anti-Lock Brakes (4) | FM Radio | Power Brakes | Steering Wheel Controls |
| Auto Level | Fog Lamps | Power Driver Seat | Stereo |
| Automatic Transmission | Front Side Impact Air Bags | Power Locks | Telescopic Wheel |
| Bucket Seats | Head/Curtain Air Bags | Power Mirrors | Tilt Wheel |
| Cassette | Heated Mirrors | Power Passenger Seat | Traction Control |
| Clear Coat Paint | Intermittent Wipers | Power Steering | Wood Interior Trim |
| Climate Control | Keyless Entry | Power Trunk/Tailgate | Xenon Headlamps |

Customer: HETRICK, JANE

Vehicle: 2001 BMW 540IT 4D WGN 8-4.4L-FI

Line	Operation	Description	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER				
2		O/H front bumper			2.0	
3	Repl	Bumper cover w/o Imp washer	1	468.50	Incl.	2.6
4		Add for Clear Coat				1.0
5 #	Repl	FLEX ADDITVE	1	8.00		
SUBTOTALS				476.50	2.0	3.6

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			476.50
Body Labor	2.0 hrs @	\$ 86.00 /hr	172.00
Paint Labor	3.6 hrs @	\$ 86.00 /hr	309.60
Paint Supplies	3.6 hrs @	\$ 35.00 /hr	126.00
Subtotal			1,084.10
Sales Tax	\$ 602.50 @	8.2500 %	49.71
Grand Total			1,133.81
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			1,133.81

Attachment "B"

From: Jane Hetrick [hetrick.jane@gmail.com]
Sent: Monday, October 10, 2011 3:50 PM
To: Barbara Powell
Subject: Fwd: 10/09/11 incident near city of Portola Valley Tennis Courts

----- Forwarded message -----

From: **Jane Hetrick** <hetrick.jane@gmail.com>
Date: Mon, Oct 10, 2011 at 3:46 PM
Subject: 10/09/11 incident near city of Portola Valley Tennis Courts
To: bpowell@cityofsancarlos.net

Dear Ms. Powell,

I parked my black BMW station wagon (SKUH303) next to the City of Portola Valley's tennis courts yesterday on 10/09/11 at approximately 11:35 AM. When I left around 2 PM, I exited the parking space and my bumper caught on the bumper guard

in front of the parking space. Unfortunately, the bumper caught on the guard which was too high for the car and it separated

part of the bumper and the ripped off the rubber attachments underneath the right driver's side of the car.

I went to South Bay Body Shop to see if they could repair it. I will need a new bumper and the estimate is \$1133.81; I asked

the owner if it could be repaired w/out replacement of the entire bumper. Regrettably it cannot due to the [plastic/attachments/bolt.

mechanism] that was ripped off after I slowly exited that parking space.

I have been going to Town Center for years utilizing the PV Library/ park and attending a myriad of lovely events.

This has never occurred w/my car before this in my driving here and other places. I am very careful w/the car, maintenance

and my driving record is impeccable. I was very upset when this occurred because clearly the block is too large for most bumpers.

I didn't want my car sticking out in the road as there were many cars in that area.

I would like to have the city of Portola Valley pay for this damage. South Bay Body Shop is located at 417 D Street, Redwood City,

94063 [\(650\) 367-9708](tel:6503679708) or their FAX is [\(650\) 365-1947](tel:6503651947).

I kept the rubber attachments and showed it to the manager/owner(s) Mr. Singh too.

Please take care of this matter: I do not like my bumper like this at all and I want to get it repaired ASAP.

Sincerely,

Jane A. Hetrick

3374 La Mesa Drive

San Carlos, California 94070

[\(650\) 637-9616](tel:6506379616)

Attachment "C"

From: Jane Hetrick [hetrick.jane@gmail.com]
Sent: Saturday, October 15, 2011 1:32 PM
To: Barbara Powell; Angela Howard
Subject: BMW front bumper

Dear Ms. Powell,

I returned your phone call this morning, and I would like to reiterate the following:

1. your anecdotal observation re. no previous claims is no statistical verification of what has happened at that parking lot. It was necessarily accurate just because no one has not filed a claim. It could be a factor of demographics/income coupled w/high end automobiles that are leased and replaced frequently. It could be a factor that others do not bother filing a claim because it is too much trouble. One doesn't know how many other drivers have had that experience w/out random sampling and statistical analysis/data. It could be factor of hot weather and expansion of road, shortening the distance between bumper and the road. It was very hot that day. It could be a factor of the type of car driven, load, ratio to ground. Nonetheless, the Town of Portola Valley is responsible for the damage to my bumper. I am 58 years old and I frequently come to PV for many events: love the library and park; I have not been in any accident or damage to my vehicles such as this. I tried to get it fixed w/o replacement of my bumper; however, it cannot be done because plastic parts fell off.

I saved those for evidence.

It is an anomaly; however, PV is responsible. Remove those guards or make them shorter in height.

2. the short, steep slope of the actual parking spaces on the south end of the Portola Valley tennis courts exacerbated the problem, especially when one exits the space; the bumper guards catch on one's bumper. My BMW station wagon is a solidly-built, 360 h/p engine, heavy and low ratio to ground due to performance engine (\$64,000 new).

Again, I would like the Town Council to reimbursement for replacement of my bumper; I don't want to take the Town of

Portola Valley to San Mateo Small Claims Court in RWC nor do I want to turn it over to my attorneys, Shecter, Witt, Carcione,

Bokelman, Ubanski, Stucky, and Eydus to handle--all of whom have represented me in the past.

It was a vector confluence of hot weather, steep, short slope, high bumper guards, and BMW station wagon, solidly built as

I slowly exited the space.

Please attach this email to my claim.

Thank you,

Jane A. Hetrick

cc: doc.1/attorneys

RESOLUTION NO. _____-2011

**RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY DENYING THE CLAIM OF
JANE A. HETRICK**

WHEREAS, Jane A Hetrick submitted a claim to the Town on October 13, 2011, seeking monetary damages for repair of her vehicle's front bumper, which she alleges was damaged on October 9, 2011, when the bumper caught on the bumper guard (wheel stop) in the parking area next to the Town's tennis courts; 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 Jane A. Hetrick on October 13, 2011, in the amount of \$1,133.81 is hereby denied.

PASSED AND ADOPTED this 9th day of November, 2011.

By: _____
Mayor

ATTEST:

Town Clerk



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Council

FROM: Sandy Sloan, Town Attorney

DATE: November 1, 2011

RE: Second Reading and Adoption of Zoning Ordinance Amendments
New Chapter 18.41, Wireless Communication Facilities

RECOMMENDATION: Read title, waive further reading and adopt the ordinance adding Chapter 18.41 [Wireless Communication Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and repealing and amending related sections in Title 18 [Zoning] for conformity.

BACKGROUND: On October 26, 2011, the Town Council introduced and held a public hearing regarding the proposed amendments to the Zoning Ordinance that add a new Chapter 18.41, Wireless Communication Facilities, to the Town’s Zoning Ordinance and make the few other “clean-up” changes to related sections of the Zoning Ordinance. At the hearing, the Town Council requested one minor change to the proposed ordinance: on page 11, in the last line of the provision B.1., add “planning” before “commission”. This change has been made and is reflected in the attached ordinance.

Attachment

cc: Angela Howard, Town Manager
Tom Vlasic, Town Planner

ORDINANCE NO. 2011-**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 18.41 [WIRELESS COMMUNICATION FACILITIES] TO TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND REPEALING AND AMENDING RELATED SECTIONS IN TITLE 18 [ZONING] FOR CONFORMITY**

WHEREAS, in October 2010, the Town Council of the Town of Portola Valley ("Town"), after considering experiences with several applications for new wireless facilities under existing zoning provisions, and in light of community concerns, appointed a Wireless Taskforce ("Taskforce") to evaluate the need for changes to Town policies and regulations relative to wireless communication facilities; and

WHEREAS, the Taskforce meet on several occasions between November 2010 and March 2011 to consider existing policies and regulations regarding wireless communication facilities and possible changes thereto, including consideration of information provided by the Town Planner and Town Attorney; and

WHEREAS, the Taskforce proposed a draft ordinance incorporating Town wireless policies and regulations into a new chapter and recommended adoption of an ordinance in the form transmitted to the Town Council in the May 5, 2011 memorandum from the Town Planner; and

WHEREAS, on May 11, 2011, the Town Council considered the recommendations of the Taskforce and found them generally consistent with Town Council's identified objectives for the Taskforce's work and directed that the draft ordinance be forwarded to the Planning Commission for public hearing; and,

WHEREAS, the Planning Commission and Architectural & Site Control Commission conducted a study session on June 15, 2011 and made modifications to the draft ordinance; and

WHEREAS, the Planning Commission conducted two noticed public hearings on the draft wireless communication facilities ordinance on September 7 and September 21, 2011; and

WHEREAS, after making modifications to the draft ordinance, the Planning Commission adopted Resolution No. 2011-001 recommending that the Town Council adopt the proposed wireless communication facilities ordinance; and

WHEREAS, the Town Council held a duly noticed public hearing on October 26, 2011, at which it carefully considered the proposed wireless communication facilities ordinance, the comments made at the public hearing, and the staff report; and

WHEREAS, the Town Council desires to add Chapter 18.41 [Wireless Communication Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and repeal and amend related sections to bring them into conformity with the new chapter.

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

1. Addition of Code. Chapter 18.41 [Wireless Communication Facilities] is hereby added to Title 18 [Zoning] of the Portola Valley Municipal Code to read as follows:

**“CHAPTER 18.41
WIRELESS COMMUNICATON FACILITIES**

Sections:

18.41.010	Purpose
18.41.020	Definitions
18.41.030	Location
18.41.040	Exempt Facilities
18.41.050	Preference for Certain Facilities
18.41.060	Conditional Use Permit Required and Required Findings
18.41.070	Permit Approval Process, Permit Life and Application Requirements
18.41.080	Development Requirements and Standards, Approval Conditions
18.41.090	Operation and Maintenance Standards
18.41.100	Certification of Facilities
18.41.110	Duration, Revocation and Discontinuance

18.41.010 Purpose. The purpose of this Chapter is to establish standards, regulations and procedures to ensure that personal wireless communication facilities in Portola Valley are provided to the benefit of the community while limiting, to the maximum extent feasible, the potential for aesthetic and other impacts of such facilities on town residents. These provisions have been enacted to be consistent with the Telecommunications Act of 1996.

18.41.020 Definitions. As used in this Chapter and this Title, certain terms are defined as set forth herein.

A. **Antenna.** “Antenna” is any system of wires, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which the antenna is mounted.

B. **Antenna Structure.** “Antenna Structure” is any structure including a pole, mast, or tower, whether freestanding or mounted on another structure, that supports an antenna

or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted thereon, or the antenna structure supporting the antenna, whichever is higher.

C. Camouflaged Facility. “Camouflaged Facility” is a wireless communication facility located or designed so as to be of minimal visibility, such as being incorporated within an architectural feature, for example a steeple or parapet, or disguised as a tree or other natural feature.

D. Certification. “Certification” is a certificate by an approved radio frequency expert that a facility will be designed, and at all times operated, in full compliance with current United States Government Federal Communication Commission (FCC) guidelines for human exposure to radio frequency emissions.

E. Co-location. “Co-location” is the use of a wireless communications facility by more than one (1) personal wireless service provider that does not involve any substantial increase in the existing antenna tower or pole or other associated structures.

F. Distributed Antenna Systems (DAS). “Distributed Antenna Systems” is a wireless communication facility system, licensed by the FCC, that consists of small antennas mounted on utility poles or buildings, all connected with fiber optic cable, either buried or strung between the utility poles.

G. Equipment Enclosure. “Equipment Enclosure” is a structure or fenced enclosure designed to enclose equipment used in connection with a wireless communications facility.

H. Personal Wireless Services. “Personal Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. The services include cellular services, Personal Communication Services (PCS), specialized mobile radio services and paging services.

I. Personal Wireless Service Provider (Provider). “Personal Wireless Service Provider” is an entity licensed by the FCC to provide personal wireless services to individuals or institutions.

J. Radio Frequency Emission Evaluation. “Radio Frequency Emission Evaluation” is the calculation of radio-frequency emission levels utilizing FCC standards.

K. Radio Frequency Emission. “Radio Frequency Emission” is electromagnetic emissions from wireless communication facilities as regulated by the FCC.

L. Radio Frequency Expert. “Radio Frequency Expert” is a person or firm specializing in radio frequency telecommunications technology, including wireless site design, retained by the town at the applicant’s sole expense to perform work as provided for in this Chapter or as may be requested by the town in consideration of any conditional use permit application for a wireless communication facility.

M. Significant Gap. “Gap” is a geographic area of the town in which the existing radio frequency signal level for a particular wireless service provider is less than the minimum levels established by the FCC. To be “Significant,” the wireless service provider applying for a permit under the provisions of this Chapter must demonstrate that specific factors are present, supported by substantial evidence, proving that the “Gap” is not merely individual dead spots within a greater service area. All applications for permits under this Chapter shall include a report defining the gap with specific supporting technical data addressing factors that make the gap significant. This report shall be subject to radio frequency expert review on behalf of the town and the any application shall not be deemed complete until such review has been completed.

N. Wireless Communication Facility. “Wireless Communication Facility” is any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structure for the support of such facilities, associated buildings and cabinets to house support equipment and other accessory improvements. A television or radio antenna, when accessory to a principal or conditional use, shall not be considered a wireless communication facility.

O. Wireless Communication Tower (Tower). “Wireless Communication Tower” is any structure intended to support one or more antennas used to transmit and/or receive electromagnetic communications signals, including but not limited to poles and camouflaged facilities.

18.41.030 Location. Wireless communication facilities that serve primarily the town and its spheres of influence are permitted in all zoning districts when a conditional use permit is granted as provided for in Chapter 18.72 of this title and pursuant to the provisions set forth in this Chapter.

18.41.040 Exempt Facilities. The following facilities shall be exempt from the conditional use permit requirements of this Chapter.

A. Video receive-only antenna. A television antenna, whether ground or building mounted, for the sole use of occupants of the parcel on which such antenna is located, with a height that conforms to the limits of this Title.

B. Satellite dish antenna. A receive-only radio or satellite dish antenna, whether ground or building mounted, not exceeding one (1) meter (39.37 inches) in diameter for the sole use of occupants of the parcel on which such antenna is located.

C. Citizens band or amateur radio antenna. A ground or building mounted citizen band or federally licensed amateur radio operator antenna that conforms to the height limits of this Title and any building code provisions relative to the antenna support system.

D. Town antennas. Receive and/or transmit station antennas and antenna supports owned and operated by the Town of Portola Valley. The design and placement of such antennas shall, however, be subject to architectural review pursuant to the provisions of Chapter 18.64 of this Title.

E. Microcells, picocells, WiFi, and similar systems for individual private use. A facility that serves an individual home or business and is limited to an individual residence or business where service is intended to be provided within the boundary of the individual building or property.

18.41.050 Preference for certain wireless communication facilities. In adopting the wireless communication facilities regulations, standards and procedures set forth in this Chapter, the town recognizes that technological advances in the wireless communication industry will continue and there are significant data suggesting smaller cell systems, not requiring towers, may become commercially feasible in the foreseeable future. Therefore, both in application data and permit processing requirements, preferences and incentives are provided for systems that do not require the installation of new towers.

A. Distributed Antenna Systems (DAS), small cell or “cube” systems. DAS and any similar small cell systems that make use of antennas mounted on existing utility poles, or other very small cell or “cube” type systems that only require electrical power and connection to a telephone line, and with flexible location needs, shall comply with the conditional use permit requirements for such facilities, but the time for application processing shall be 90 days from the time the application is deemed complete. Further, the planning commission may, during the preliminary review of the application, determine other permit streamlining actions that would be appropriate in light of the specific characteristics of the proposal.

B. Camouflaged facility. If a new tower is proposed, the location should be such that the tower and antenna can be camouflaged so that facility is in general harmony with the setting. Further, landscaping shall be provided to ensure all aspects of the facility blend with the vegetative setting of the site.

18.41.060 Conditional use permit required and required findings.

A Conditional use permit required. A conditional use permit shall be required for any wireless communication facility that does not meet the exemption requirements set forth in Section 18.41.040. The application requirements, review and action procedures for the conditional use permit shall be as provided for in Chapter 18.72 of this Title and subject to the additional requirements set forth herein.

B. Additional conditional use permit findings. In granting a conditional use permit for a wireless communication facility, the planning commission shall make the following findings in addition to those set forth in Section 18.72.130 of this Title:

1. The placement, construction, or modification of the facility in the proposed location is necessary for the provision of wireless communication services to close a significant gap in coverage in the town.

2. The proposed site location and facility design have the least potential for adverse impacts and are the least intrusive means to close the service gap when compared to other feasible locations and system designs.

3. When a proposed wireless communication facility is not co-located with other existing or proposed facilities or a new freestanding pole or tower is proposed, at least one of the following findings shall be made:

- a. Co-location is not reasonably feasible;
- b. Co-location would have greater adverse effects on views, noise, or aesthetics as compared to stand-alone installation;
- c. Co-location would materially and unreasonably impair the quality of service to the existing or to the proposed facility.

18.41.070 Permit approval process, permit life and application requirements.

A. Basic application requirements. The basic application submittal requirements and approval process shall be as provided for in Chapter 18.72 of this Title. In addition, the following shall pertain to applications for conditional use permits or permit amendments for wireless communication facilities.

B. Application completeness. An application shall not be deemed complete and no time period for reaching a decision regarding the application shall begin to run until the applicant has provided all of the project information and plans required by this Title or by forms and checklists established by the planning department and all required application fees and deposits have been paid by the applicant. Further, any required study or report, performed at the request of the town by a radio frequency expert or other expert retained by the town, shall be provided prior to the application being deemed complete and all such studies or reports shall be at the expense of the applicant and funds shall be deposited in advance to cover the cost of any such study or report.

C. Time period for action. Unless modified by other provisions of this Chapter or Title, action on a use permit for a new wireless communication facility or amendment to a permit for an existing facility shall be within 150 days of the date the application was filed with the town. For amendment to a permit for co-location of a new antenna on an existing facility, the time period for action shall be 90 days of the date the application was filed with the town. The town shall make an applicant aware in writing of an incomplete application within 30 days of the filing of the application. If an application is deemed incomplete the time period for action shall be suspended from the date of the written notice until such time that the data and information requested have been received by the town and the

application deemed complete by town. These time periods may be waived with the concurrence of the applicant.

D. Permit life. If a conditional use permit is granted, the minimum permit life shall be ten (10) years unless a shorter life is allowed for under controlling Federal or State of California standards and regulations. In particular, use permits for wireless facilities in any utility undergrounding district established by the town shall be limited to an initial life of five (5) years. In any case, the intent is to limit the initial life of the permit to the minimum so that if less intrusive technologies become available they can be considered and, where found appropriate through the use permit process implemented to minimize potential impacts on the community.

E. Additional application requirements for wireless communication facilities. The following additional application information shall be required for all wireless communication facility proposals unless waived by the planning commission based on data provided by the applicant or upon recommendation by the Town Planner:

1. Identification of the proposed provider of the facility, if a different entity from the applicant, and the identification of and contact information for the person to whom communications from the town should be delivered. If the applicant and/or service provider has more than one facility in the town or has or is seeking multiple permits the applicant's contact person shall be someone who has full knowledge of all of the service providers wireless communication facilities within the town.

2. Statement signed by the applicant, service provider if different from the applicant, and property owner if different from the applicant. The statement shall confirm that the owner of the proposed facilities and the owner of the property upon which the facilities are to be located, if not the owner of the facilities, both acknowledge responsibility for maintenance and removal of the facilities according to the provisions of set forth herein or any specific conditions of a use permit granted by the town for the facilities.

3. A map depicting coverage at maximum power and design capacity identifying any significant gaps in coverage. The map shall include all existing and proposed facilities of the service provider within the town and its spheres of influence that have relevance to service in the town and the significant gap analysis. The scale of the map shall be as determined by the Town Planner.

4. Site plan for the location of the facility showing all existing and proposed features, in compliance with any checklist submittal requirements, and at a level of detail and scale as established by the Town Planner. At a minimum, the site plan shall include all material elements of the proposed facility including equipment, cabinets, cable, antenna, and antenna support layout, as well as camouflage elements (if provided); colors, setbacks, grading, dimensions, and utilities and utility connections. Any work or improvements necessary within the public right of way shall clearly be identified.

5. Plans and elevations, drawn to scale, for the antennas, support structures, equipment enclosure, and/or towers, including plans and elevations of any existing buildings on the site that would be used for the facility.

6. Description of proposed approach for screening all facilities from public view including plans for installation and maintenance of landscaping, and sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, a maintenance plan and irrigation plan.

7. A narrative description of the service providers existing coverage area and of the proposed coverage area of the specific site that is the subject of the application. Technical information shall be included explaining the reasons that a permit is being sought, the reasons that the subject site is necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances. This narrative and technical data shall include a detailed analysis of the service gap that is to be filled and evaluation of the factors that the applicant finds make the gap significant. Factors to be evaluated shall include, but not be limited to:

- (a) The nature and character of the area to be served, including the number of potential users in the area;
- (b) If the facilities are needed to improve coverage and/or services in an existing service area or to fill a complete void in coverage;
- (c) Drive tests results demonstrating lack of coverage;
- (d) Lack of coverage on well-traveled road
- (e) Impact of the gap in coverage on public safety.

8. Copies of all submittals and showings pertaining to: FCC licensing, a complete initial environmental study on forms provided by the town; FAA notice of construction or alteration; and all data, assumptions, and calculations relating to service coverage and power levels, regardless of whether categorical exemption from routine environmental evaluation under any FCC rule is claimed.

9. A visual analysis to assess the effects on views and aesthetics from public areas and from private residences, and to address cumulative impacts of the proposed facility and other existing and foreseeable wireless communications facilities, including foreseeable co-location facilities. As required by the Town Planner, the analysis may utilize a photomontage, field mock-up or other techniques. The analysis shall include feasible mitigations for any effects identified. If a proposed tower or structure is visible from a public right-of-way, then the applicant shall submit either a photo simulation of the proposed tower or structure from one or more locations along the public right-of-way, the locations of which shall be indicated on a map of suitable scale.

10. A report by an approved radio frequency expert estimating the cumulative radio frequency emissions and compliance with FCC OET Bulletin 65 that would result if the proposed facility is approved. The report shall include data on existing levels of radio

frequency levels at the site prior to facility development and any additional locations requested by the Town Planner.

11. An alternative site analysis, submitted by the applicant and subject to independent expert review by the town, that shall at a minimum:

(a) Identify and indicate on a map viable and technically feasible alternative locations for the facility. Radio frequency plots of the alternative locations shall be provided as part of the alternatives analysis. For each alternative location so identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative visual, noise and aesthetic impacts.

(b) Evaluate the potential for co-location with existing wireless communications facilities as an alternative to the proposed facility.

(c) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed wireless communications facility site with those of each of the identified technically feasible alternative locations and facility designs, and all technically feasible inter-carrier roaming agreements. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e., from least to most impacts on visual, noise and aesthetic concerns), and shall support such ranking with appropriate analysis.

(d) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

F. Specific submittal requirements for towers. All applications for new tower construction, or significant modification of an existing tower shall include:

1. An analysis of alternative technologies to the tower system for providing service to fill the identified gap. The analysis shall demonstrate that the tower is the least intrusive means to fill the significant gap, within the FCC limitations placed on the service provider and that within the reasonably foreseeable future, alternative technologies will not be commercially available to fill the identified gap.

2. A professional structural engineer's certification of the tower structure's capacity to safely sustain all projected loads as well as such structure's compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas and all federal, state and local laws, rules, and regulations. The analysis shall specifically address the tower's ability to withstand the maximum anticipated wind loads and the "maximum credible earthquake" for the site as determined by the Town Geologist.

3. A description of available space on the tower, providing illustrations of the wireless communications facilities that will be mounted on the structure now or in the future as shown on the project plans.

G. Technical review. The Town Planner shall employ, on behalf of the town, an approved radio frequency expert to review the application submittal and provide determinations and recommendations on such issues as project design, radio frequency coverage, significant gap analysis, compliance with radio frequency emissions standards, the identification of alternative locations and technologies. The costs of said review and any administrative costs, to be determined by the Town Planner, shall be deposited with the town in advance by the applicant. Any unexpended deposited funds shall be promptly returned to the applicant after the conclusion of the final appeal period for action taken by the planning commission, or after an appeal to the Town Council, or upon withdrawal of the application by the applicant. The applicant shall promptly reimburse the town for such costs paid by town that exceed the deposited amount. No applicant shall be issued a permit while still owing the town reimbursement pursuant to this Section.

18.41.080 Development requirements and standards, approval conditions.

A. Basic requirements. All new or modified wireless communications facilities shall comply with all of the following basic requirements:

1. California Environmental Quality Act and California Building Standards Code, as the same may be amended.

2. Applicable FCC rules, regulations, and standards, as the same may be amended.

3. All providers shall cooperate in the locating of equipment and antennas to accommodate the maximum number of providers at a given site where feasible and aesthetically desirable, as determined by the town. This will facilitate the co-location of wireless communications facilities. The applicant and provider shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the wireless communications facility site.

4. All equipment shall be situated or sufficiently buffered to minimize interference with the quiet enjoyment, including adverse visual, noise and aesthetic impacts, of adjacent properties.

5. All equipment, antennas, poles, cables, hardware, and towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual and aesthetic impacts.

6. Faux tree structures shall include appropriate antenna camouflaging elements, as well as three-dimensional bark cladding from the base to the top of the 'trunk' and along

all portions of each branch, and branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches.

7. All wireless communications facilities shall provide sufficient security measures and anti-climbing measures in the design of the facility to reduce the potential for damage, theft, trespass, and injury.

8. All wireless communication facilities shall have battery or generator back-up for use in the time of an emergency when normal power sources are not available. The back-up power system shall be capable of running the facility for at least 48 hours.

9. All wireless communication facilities permit applications shall be subject to design review by the Architectural and Site Control Commission (ASCC) as provided for in Chapter 18.64 of this title.

B. Development standards. The following development standards shall be met by all new wireless communications facilities, including those that are proposed as significant changes to an existing facility:

1. Antenna and the support structure (tower, pole, etc.) may not exceed a height of 50 feet unless it is determined, based on technical review, that the additional height is necessary to fill the identified gap and/or the added height will allow for co-location of facilities for more than one carrier. Provided, however, that the added height shall only be permitted if aesthetic mitigations, as determined necessary, are included in the design and the planning commission finds that the mitigations reduce impacts to acceptable levels.

2. The base of the tower or antenna support structure shall be at least 50 feet from any adjacent property boundary unless the planning commission determines that a closer distance to a boundary would result in less overall aesthetic impacts.

3. In residential zoning districts, antenna and necessary equipment enclosures and support structures shall only be located on properties not residentially developed. Specifically, sites with other utility installations are preferred including sites with water tanks. Residentially zoned properties beyond those currently used only for utilities, e.g., water tanks, pump stations, etc., may be considered only if they are vacant.

4. Wireless communication facilities may be installed on existing or new joint utility poles within the public rights of way. No new pole, however, shall be permitted in an area designated as a utility undergrounding district. Any facility in a public right of way shall be subject to encroachment permit requirements of the public works director.

5. Any wireless communication facilities shall at all times comply with the most current applicable federal and state laws relative to electromagnetic radiation. If, after facility installation, the applicable provisions are modified to be more restrictive, the facility operator shall have 120 days from the effective date of the change to be in compliance with the more restrictive standards.

6. Wireless communication facilities shall be designed to blend into the environment of the site and the area surrounding the site to the maximum extent feasible. Specifically, the design, scale, form and colors of all aspects of the facility should ensure that the facility does not stand out from its surroundings or otherwise call visual attention to itself. If, for example, a faux tree is to be considered, the tree design and materials should be selected to ensure they integrate into the site and area in a visually unobtrusive manner. Further, additional landscaping shall be provided as necessary to ensure such integration.

7. Siting of any new personal wireless communication facility shall conform to the "utility" provisions of town's geologic map and land movement potential map policies as set forth in Town Council Resolution 2506-2010, or as it may be amended.

8. New proposed facilities shall be designed and built, to the extent feasible, to facilitate co-location by providers that might reasonably be expected to desire to be located at the proposed site.

9. All radio frequency data, telephone, fiber optics, and power lines to, from, and within a wireless communications facility, where feasible, shall be installed under ground within conduits of size large enough to accommodate at least one additional provider.

10. All camouflaged facilities including, but not limited to, "faux trees" that emit radio frequency emissions shall be posted with warning signs to the public as legally required by the FCC on and around antennas and equipment shelters, and at all access points to the property upon which such facility is located. Such signs shall be clearly defined on the conditional use permit application plans.

11. All wireless communications facilities shall be designed, screened and/or camouflaged to the greatest extent possible in one or more of the following ways:

a. Substantially screened from the view of surrounding properties and the public view or co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts;

b. Sited within areas with substantial screening by existing vegetation;

c. Designed to appear as natural features found in the immediate area, such as trees, so as to be unnoticeable (camouflaged facilities); or

d. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the permittee and property owner, as long as the permit is in effect.

12. Where the Town Planner finds that proposed wireless communications facilities have the potential to create a significant interference with the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts, the Town Planner may require an independent, third-party review, at the expense of the applicant, to identify such considerations as potential impacts on the surrounding area or neighborhood and to identify potential alternative solutions, and to identify any lesser intrusive means of providing coverage by the project applicant. Further, all facilities shall be designed and operated to conform to the minimum noise standards contained in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code. Failure to comply with the town's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the town to conduct a revocation hearing regarding the permit granted pursuant to this Section.

13. Any equipment enclosure shall be designed to be architecturally compatible with existing structures on the site or found in the immediate area. Such equipment shelters shall be limited to the housing of radio, electronic, and related power equipment. Any fencing shall conform to the provisions of Chapter 18.43 of this Title.

C. Standard conditions of approval. In addition to any other conditions the approving body deems necessary to preserve the public health, safety and welfare, all permits issued pursuant to this Chapter shall be subject to the following conditions unless modified by the action of the approving authority:

1. The permittee shall obtain all other permits and agreements necessary to install and operate the wireless communications facilities in conformance with federal, state, and local laws, rules and regulations.

2. Wireless communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good condition and repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable, and in no instance more than seven (7) days from the time of notification by the town or after discovery by the permittee.

3. When no longer in service for a continuous period of ninety (90) days, the facility shall be subject to discontinuance of use provisions and procedures set forth in Section 18.41.110.B of this Chapter.

4. The permittee shall reimburse the town on demand for all costs incurred for work the applicant has failed to perform within thirty (30) days upon notice that the work is required to comply with conditions of permit approval.

5. The town reserves the right of its employees and agents to inspect permitted facilities upon reasonable notice to the permittee during normal business hours. In case of an emergency or risk of imminent harm to persons or property in the vicinity of permitted facilities, the town reserves the right to enter upon the site of such facilities and to support,

disable, or remove those elements of the facilities posing a public nuisance as necessary to preserve the public health or safety.

6. The permit issued hereunder shall expire within one (1) year of the effective date of issuance if the applicant fails to commence construction within that period; provided, however the planning commission may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty (60) calendar days before the approvals lapse.

7. Permits issued pursuant to this Section shall expire at 12:00 p.m. local time ten (10) years from the effective date of the permit issuance unless otherwise specified in the permit.

8. Any permit shall be reviewed, unless otherwise noted, every two (2) years by the planning commission for conformity with the conditions of the permit. The permittee or any future owner of the facilities shall be responsible for any town costs associated with the periodic review of the permit or any other town reviews required by permit conditions.

9. The permittee or any future owner may request an extension of the 10-year life (or five-year life for permits in undergrounding districts) of the permit if the request is made at least six (6) months before the expiration date. The planning commission shall consider the request at a duly noticed public hearing and shall consider changes in technology that would permit alternative means of providing comparable wireless services with less aesthetic impacts. The commission may require replacement of facilities, if less intrusive service alternatives are available, as a condition of extending the life of the use permit. The commission also may require other permit extension conditions it finds necessary to ensure consistency with the intent and objectives of this chapter.

10. If the wireless facilities or property on which the facilities are located, are transferred to another owner, the town shall be notified as soon as possible after the transfer has been recorded.

11. Prior to issuance of a building permit for any wireless facilities, the permittee and property owner (if a separate entity) shall enter into an agreement with the town guaranteeing maintenance of the site and facilities, including required landscaping, and removal of the facilities if they are no longer used. This agreement shall be to the satisfaction of the town attorney and shall be binding on all future owners of the property and wireless facilities. Further, the agreement shall provide for removal of the facilities at the end of the use permit life unless the permit has been extended by the planning commission as provided for herein. Bonds or other sureties shall be provided to cover the guarantees to the satisfaction of town staff.

12. The landscape maintenance agreement shall specifically provide for timely replacement of any screen planting that has not survived and addition of new landscaping if installed materials are not achieving the screening anticipated with permit approval.

13. Within 45 days of the installation of the wireless facilities and thereafter on an annual basis, the permittee shall furnish data to the satisfaction of Town Planner verifying compliance with town noise ordinance standards and all FCC requirements including radio frequency emission standards. The carrier shall submit upon site commissioning, or completion of any approved site modification affecting the radio frequency system, a radio frequency radiation emission test report based on field measurements taken at the site and the immediate surroundings, to demonstrate compliance with FCC standards. Such radio frequency radiation emission test reports shall also be submitted periodically after town acceptance of the initial report pursuant to any schedule as may be provided for in the specific provisions of the use permit.

14. In the event radio frequency emissions tests required by the permit indicate non-compliance with FCC adopted standards, the carrier shall immediately inform the town of the non-compliance and the steps needed to bring the facilities into compliance. The carrier shall commence corrective action as soon as town approval has been received and shall notify the town when compliance has been achieved. Unless compliance is achieved within 60 days of town approval, the town may take steps to revoke or modify the conditions of this permit.

15. The permittee or any future owner of the a tower facility shall allow for co-location of up to two (2) additional wireless carriers on the facility, if so required by the planning commission based on the specific site conditions and application analyses.

16. As new technology becomes available, the permittee shall upgrade the facility as feasible to minimize impacts upon the community, including aesthetic impacts. If the facility is not upgraded, as feasible, within a reasonable amount of time, the town may take steps to revoke or modify the conditional use permit. At the time of each required two-year review, the applicant shall provide a report to the planning commission on the state-of-the art as to wireless service and less intrusive technology that is available. If the information demonstrates that less intrusive technology is readily available or becoming available, and feasible to employ at the site, the report shall set forth a time frame for site conversion. The framework for determining feasibility of conversion shall be as determined by the town attorney.

17. The permit holder shall notify the town in writing of any work to be completed at the facility at least two weeks prior to the start of work. The written notification shall include the intended start and finish dates of the work, a description of the type of work, and contact information for a person who can provide additional information or answer questions. The carrier shall not make any system modifications that may affect the radio frequency radiation emissions without prior approval from the Town. The permittee shall submit a radio frequency emissions study reflecting any proposed changes to the site and consider the radio frequency emissions of all co-located entities. Work needed to bring the facility into compliance with FCC standards for radio frequency emissions shall not require a two-week notification period but shall commence as soon as the Town has approved the work.

18. The permittee shall defend, indemnify and hold harmless the town, its agents and officers and employees from any claim, action, or proceeding related to the town's approval of this use permit.

18.41.090 Operation and maintenance standards. All wireless communications facilities shall at all times comply with the operation and maintenance standards provided for in and unique conditions of use permit approval and the Basic Standards, Development Standards and Standard Conditions of Approval set forth in Sections 18.41.080.A., B., and C. of this Chapter. Failure to comply shall be considered a violation of conditions of approval subject to enforcement pursuant to provisions of this Title, revocation or modification pursuant to Chapter 18.72 of this Title, or any other applicable provision of law. Further, subject to these same enforcement provisions, all wireless communications facilities shall at all times comply with the following standards:

A. Any physical modification of an existing facility permitted pursuant to the provisions of this Chapter, shall require the applicant to apply for a conditional use permit amendment for such modification unless the Town Planner determines that the modification is minor and in substantial compliance with the general framework of the approved use permit. If the Town Planner determines that the proposed modification is minor, and that an amendment to the use permit is not required, the Town Planner may, nonetheless, require additional landscaping or other stipulations in line with the scope of the modifications to ensure the facilities continue to be used consistent with provisions of the approved use permit.

B. Each owner or operator of a wireless communications facility shall provide signage identifying the name, site number or other unique identifier, and local or toll-free phone number of a party to contact at any time regarding the facility. Such signage shall be placed at a location where it can be readily viewed without entering any fenced or secured area of the facility and shall be subject to review and approval by the ASCC.

C. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 5:30 p.m. on Monday through Friday, excluding legal holidays. Backup power generators shall only be operated during periods of power outages or for testing. At no time shall equipment noise from any source exceed the standards specified in Chapter 9.10 (Noise Control) of the Portola Valley Municipal Code,.

18.41.100 Certification of facilities. A. Every wireless communications facility shall at any and all times comply with the FCC's Office of Engineering and Technology Bulletin 65, and all other FCC rules. In order to ensure continuing compliance with the conditions of permit approval, all wireless communications facilities shall be reviewed by a town approved radio frequency expert in accord with the schedule and procedures set forth below. All costs of such inspections and expert review shall be borne by the permittee. The permittee shall provide a deposit for such reviews and promptly reimburse the town for the cost of such expert inspection and review that exceeds the deposit amount. The town may require, at the permittee's expense, independent verification of the results of any analysis.

If a permittee fails to supply the required reports or fails to correct a violation of any condition of permit approval following notification, the conditional use permit is subject to modification or revocation by the planning commission pursuant to Section 18.72.240 of this Title.

1. Within forty-five (45) days of initial operation, and all modifications thereafter, of a wireless communications facility, the permittee shall submit written certification of compliance with the approved application, any applicable FCC radio-frequency requirements, and all conditions of permit approval to the Town Planner.

2. For every wireless communication facility site authorized by a conditional use permit, once each year the Town may retain, at the permittee's expense, a town approved radio frequency expert to conduct an unannounced radio frequency emissions evaluation of the wireless communications facility's compliance with the approved application, any required radio frequency emissions conditions and all conditions of permit approval.

3. The Town may reasonably require inspection of a tower (including all facilities attached to the tower) by a licensed structural engineer following significant storms, seismic events, or other events, which may jeopardize the structural integrity of the towers (or the facilities attached to the towers). Such inspections shall be at the applicant's cost, and the engineer's written report, with original signature, shall be provided to the town within the time specified by the Town Planner.

4. If the Town Planner at any time finds that there is good cause to believe that a wireless communications facility is not in compliance with applicable FCC radio-frequency standards, the Town Planner may require the provider to submit written certification that the facility is in compliance with such FCC standards, supported by technically adequate documentation.

B. The provider of any wireless communications facility that was approved by the town before the effective date of this Chapter, shall submit within six (6) months from the date of notification, to the Town Planner, written certification that the facility is in compliance with the approved application, any required conditions of permit approval and applicable FCC radio-frequency requirements, to be reviewed by the town's approved radio frequency expert. Permittee shall promptly reimburse the town for the cost of such expert review. If the facility does not comply with the conditions of permit approval or applicable FCC requirements, the provider shall cease operation of the facility until the facility is brought into compliance. In order to assure the objectivity of the analysis, the town may require, at the applicant's expense, independent verification of the results of the analysis.

C. Any wireless communications facility that was approved by the town prior to the effective date of this Section, and continues to operate within the conditions of the approved permit, and which does not comply with this Section on the date of its adoption shall be considered a lawful non-conforming use provided that the provider of such facility submits the information required in subsection B of this Section. Upon application for any

permit extension or modification, however, the lawful non-conforming use shall be subject to the provisions of this Chapter.

D. Failure to submit the information required in this Section will be considered a violation of the Zoning Ordinance. Any facility found in violation is subject to revocation or modification pursuant to Chapter 18.72 of this Title.

E. Radio frequency emissions evaluations filed by wireless service providers shall be retained by the Town and shall be available to the public upon request.

18.41.110 Duration, revocation and discontinuance.

A. Duration of permits and approvals.

1. Actual construction of a wireless communications facility pursuant to an approved conditional use permit must be initiated within one (1) year from the date of final approval. If actual construction has not begun within one (1) year from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked; provided, however the planning commission may renew any such permit for up to a single one-year period if a request to renew is received by the town at least sixty (60) calendar days before the approvals lapse.

2. An approved wireless communications facility must be fully constructed and activated within two (2) years from the date of final approval. If not fully constructed and activated within two (2) years from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked.

3. In the event that the Town Planner finds that the applicant has not maintained the facility in compliance with all applicable federal, state or Portola Valley Municipal Code requirements and conditions of approval, the Town Planner may recommend that the Planning Commission initiate a revocation procedure as provided by Chapter 18.72.240 of this Title.

4. Costs associated with the process of monitoring compliance, reevaluation of a conditional use permit, and extension, revocation or modification of approval shall be borne by the permittee.

B. Discontinuance of use. All equipment and improvements associated with a wireless communications facility shall be removed within ninety (90) days of the discontinuation of the use and the site shall be restored to its original, preconstruction condition, or as approved by the Town Planner upon review and recommendation of the ASCC. Written verification of the removal of wireless communications facilities on private property shall be provided to the Town Planner within ninety (90) days of the discontinuation of the use.

1. If the provider fails to remove the wireless communications facilities from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed, the site shall be deemed to be a public nuisance and the town may take such action as is it deems appropriate to abate the public nuisance in accordance with provisions of this Code and any other applicable provision of law.

2. Failure to inform the Town Planner of cessation of operations of any existing facility shall constitute a violation of the Zoning Ordinance and be grounds for:

- a. Civil prosecution;
- b. Revocation or modification of the permit pursuant to Section 18.72.240 of this Title; and/or
- c. Removal of the facilities by the town at the property owner's expense, which may result in a lien on the property.

C. Existing uses. All equipment and improvements associated with a wireless communications facility permitted as of the date of passage of this Chapter that are consistent with the provisions of the conditional use permit for such facility, shall be allowed to continue as they presently exist, but will be considered legal nonconforming uses insofar as they do not comply with standards stated in this Section. Maintenance of the facilities consistent with the provisions of the conditional use permit shall be permitted. However, any extension of a conditional use permit life and all alterations or new construction, other than routine and/or required maintenance on existing towers, antennas, buildings, or other facilities shall comply with the requirements of this Chapter.”

2. Repeal of Code. Section 18.04.057 [Antenna] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed in its entirety.

3. Repeal of Code. Section 18.04.454 [Wireless Communication Facility] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby repealed in its entirety.

4. Amendment of Code. Subsection A.8. of Section 18.72.130 [Planning Commission—Findings—Action] of Chapter 18.72 [Conditional Use Permits] of Title 18 [Zoning] is hereby amended to read as follows:

“8. For wireless communications facilities, findings in addition to those set forth above shall be made as called for in Section 18.41.060.”

5. Amendment of Code. Subsection D. of Section 18.36.020 [Conditional Uses] of Chapter 18.36 [Uses Permitted in All Districts] of Title 18 [Zoning] is hereby amended to read as follows:

“D. Wireless communication facilities that serve primarily the Town and its sphere of influence and that conform to the provisions of Chapter 18.41 of this Title.”

6. Environmental Review. This Ordinance is not a project for the purposes of the California Environmental Quality Act.

7. Effective Date: Posting. This Ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Sharon Hanlon, Town Clerk

DATE: November 9, 2011

RE: **Adoption of Ordinance, Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code**

At its October 26, 2011 meeting, the Town Council introduced and approved, an ordinance repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code. With formation of the new Bicycle, Pedestrian & Traffic Safety Committee and its charter it is now necessary to repeal the portion of the Municipal Code that established the Traffic Committee.

You have before you the second reading of the ordinance title, waiving further reading and adoption of the ordinance. If approved, the ordinance shall become effective thirty (30) days from the date of adoption and posting.

Recommendation

It is recommended that the Town Council adopt the attached ordinance repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code.

Attachments: Ordinance for adoption

Approved: _____


Angela Howard, Town Manager

ORDINANCE NO. 2011- _____

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY REPEALING CHAPTER 10.08 [ADMINISTRATION] OF TITLE 10 [VEHICLES AND TRAFFIC] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, the Town Council for the Town of Portola Valley has determined that Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code is outdated and unnecessary.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does hereby **ORDAIN** as follows:

1. Repeal of Code. Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code is hereby repealed in its entirety.
2. Environmental Review. This ordinance is not a project for the purposes of the California Environmental Quality Act.
3. Effective Date: Posting. This ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council
FROM: Howard Young, Public Works Director
DATE: November 9, 2011
RE: **Contract with County of San Mateo for continued National Pollution Discharge Elimination System (NPDES) inspection program for Commercial and Industrial Facilities**

Recommendation: It is recommended that the Town Council adopt the attached resolution approving an agreement between the Town of Portola Valley ("Town") and San Mateo County ("County") for continued stormwater pollution prevention program services and authorize the Town Manager to execute the agreement.

Background: The County Division of Environmental Health has been conducting stormwater pollution prevention inspections for commercial and industrial businesses in the Town and 20 other municipalities since 1994. These inspections are a mandatory requirement of the Countywide NPDES permit issued by the Regional Water Quality Control Board for stormwater discharge into the San Francisco Bay. Stormwater inspections for active construction projects are conducted by the Town.

The Town Council previously approved an agreement with the County dated March 8, 2004. The existing service agreement that the Town has with the County is still in effect. However, the County is requesting minor contract revisions and updates from all its cities based on the new 2009 NPDES permit that was issued on October 14, 2009 (#CAS612008). The agreement is a standard County template and has been reviewed by staff and the Town Attorney. A copy is available with the Town Clerk for review.

Funding for the County's services continues to be paid for by fees collected by the County from commercial and industrial businesses in accordance with the County's Stormwater Management and Discharge Control Program Ordinance. The approximate cost to each business currently is \$60 annually.

Attachment

Angela Howard

Approved: _____
 Angela Howard, Town Manager

RESOLUTION NO. _____-2011

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY APPROVING AND AUTHORIZING EXECUTION OF THE AGREEMENT BETWEEN TOWN OF PORTOLA VALLEY AND COUNTY OF SAN MATEO FOR STORMWATER INSPECTION AND FOLLOW UP SERVICES

WHEREAS, the Town Council of the Town of Portola Valley (“Town”) previously approved an agreement with the County of San Mateo (“County”) dated March 8, 2004, for stormwater pollution prevention program services; and

WHEREAS, the County is requesting minor changes to the agreement based on the new 2009 National Pollution Discharge Elimination System (“NPDES”) permit; and

WHEREAS, the Town Council has considered the Agreement Between Town of Portola Valley and County of San Mateo for Stormwater Inspection and Follow Up Services.

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

1. The Town Council of the Town of Portola Valley has reviewed the Agreement Between Town of Portola Valley and County of San Mateo For Stormwater Inspection and Follow Up Services (“Agreement”).
2. Public interest and convenience require the Town of Portola Valley to enter into the Agreement.
3. The Town of Portola Valley hereby approves the Agreement and the Town Manager is hereby authorized on behalf of the Town to execute the Agreement.

PASSED AND ADOPTED this _____ day of _____, 2011

By: _____
Mayor

ATTEST:

Town Clerk



*ANNOUNCING AN OUTSTANDING
CAREER OPPORTUNITY*

*TOWN OF
PORTOLA VALLEY
Town Manager*

Surrounded by wooded hills, this picturesque town of 4,500 residents is located just west of Stanford University in a green and golden valley.



Apply by January 16, 2012



Career Opportunity

As a result of a pending retirement, the Town Council is seeking qualified candidates who embrace the values and rural ambiance that the Portola Valley community offers. The Town Manager is responsible for the effective and efficient operation of Town government, in conformance with the policies adopted by the Council.

Portola Valley lies in the scenic foothills of southern San Mateo County just five miles west of Palo Alto. Covering ten square miles with a population of approximately 4,500, the Town prides itself on its small town rural character. With a staff of 13 full-time positions and 2 part-time positions, the Town's annual budget for 2011-12 is \$6.7 million. The Town contracts with the San Mateo County Sheriff's office for police services and is served by the Woodside Fire Protection District, an independent fire district.

Straddling the infamous San Andreas Fault, the Town of Portola Valley values its environmental heritage excellent public schools, and lean Town government, supported by a multitude of volunteers. An extensive trail system, scenic roads, dedicated open space, and natural views of the western hills contribute to one's feeling of being in the country, as do architectural guidelines that call for buildings to be subservient to the land. Commercial activity is encouraged to the extent that it meets the needs of community residents. These factors have enabled the town to retain a rural ambiance reminiscent of earlier days.

Community History

The origins of the modern town of Portola Valley can be traced back to the small logging town of Searsville that stood along Sand Hill Road from the 1850s until 1891. By the dawn of the twentieth century, the redwoods were mostly gone, Searsville had been abandoned, and a reservoir, known today as Searsville Lake, had been created. At that time, Andrew Hallidie (inventor of San Francisco's cable cars) lived on a large estate extending from Portola Road to Skyline. He offered a portion of his Eagle Home Farm as a site for a school to replace the one at Searsville, and the small village of Portola developed around the school near today's Episcopal Church. The area became a place of small farms and large estates, a number of the large landowners coming seasonally from San Francisco to escape the summer fog, others choosing to stay year round.

Extensive residential development did not begin until after World War II. By the early 1960s, many residents had become alarmed by increasing pressures for housing and business expansion, consequently, in 1964, residents voted to incorporate in order to have local control over land development. The goals of the Town's founding fathers were to preserve the beauty of the landscape, foster low-density housing subservient to the land, keep government costs low by enlisting a cadre of volunteers, and try to limit services to those necessary for local residents.

Since incorporation in 1964, development in Portola Valley has been measured and the Town has retained a rural ambiance. Today, Portola Valley is home to 4,500 residents in 1,700 households. Many believe that the community offers a good balance between modern life and pastoral quiet. Residents treasure the Town's nineteen hundred acres of permanent open space, environmental heritage and sustainability ethic, fine public schools, and town government that includes 16 active volunteer advisory committees.

The Governing Structure

Incorporated in 1964, Portola Valley is a General Law City operating under a Council-Mayor form of governance. An elected five-member Town Council sets policy for the Town, with valuable assistance from the Town's 16 volunteer advisory committees. The Town Council appoints the Town Manager, Town Attorney, and members of the volunteer advisory committees and commissions. All other employees are appointed by the Town Manager.

Town Council

The Town Council is comprised of five members elected by the citizens of Portola Valley.

The Town Council is responsible for all the Town's governmental functions except those services provided by the Woodside Fire Protection District, West Bay Sanitary District, and other utility providers. Cable and garbage services are provided through franchise agreements entered into by the Town on behalf of its residents. Law enforcement services are provided through a contract between the Town and the San Mateo County Sheriff's Department. Elementary and middle schools are governed by the Portola Valley School District.

The Town Council:

- Receives and budgets all revenues;
- Appoints the Town Manager, Town Attorney, Advisory Commissions and Committees, and establishes salary ranges;
- Adopts ordinances, policies, and regulations;
- Grants franchises;



- Considers appeals from decisions of the Planning Commission, Architectural and Site Control Commission, and Town Manager and may affirm, reverse or modify these decisions or findings;
- Establishes fee schedules and charges for municipal services;
- May buy, lease and hold real and personal property for the Town; and
- Has the power to declare an emergency.

Commissions and Advisory Committees

Portola Valley has an extremely active and engaged community as demonstrated by the number of active commissions and advisory committees that assist in the Town’s governance. Ultimately, the Town’s commissions and committees seek to fulfill the needs of the community as they are identified by the Town Council. Committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents. However, such committee work should meet the goals and objectives identified by the Town Council.

The Town has two Commissions: the Planning Commission and the Architectural and Site Control Commission. The Town has 16 advisory committees:

- | | |
|--------------------------------------|---|
| • Cable and Utilities Undergrounding | • Nature and Science |
| • Community Events | • Open Space Acquisition |
| • Conservation | • Parks & Recreation |
| • Cultural Arts | • Public Works |
| • Emergency Preparedness | • Sustainability |
| • Finance | • Teen |
| • Geologic Safety | • Bicycle, Pedestrian, and Traffic Safety |
| • Historic Resources | • Trails & Paths |

The Position of Town Manager

The Town Manager plans, directs, manages, and oversees the activities and operations of the Town and represents the Town to outside agencies and organizations. The Town Manager also provides highly responsible and complex administrative support to the Town Council and also performs the functions of Finance and Purchasing Officer, Treasurer, Personnel Officer, and Property Director.

The Town Manager is an at-will position and works at the pleasure of the Town Council.

Responsibilities of the Town Manager include the following:

- Assume full management responsibility for all Town operations;

- Serve as the Director of Emergency Operations and provide leadership/guidance to the Emergency Preparedness Committee and partner with the Town’s emergency task force – the Citizen’s Emergency Response and Preparedness Program (CERPP);
- Direct the development and implementation of the Town’s goals, objectives, policies, and priorities. Develop strategic planning process to guide the future of the Town;
- Establish, within Town policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures, and allocate resources accordingly;
- Interact with local and regional entities such as Mid-Peninsula Regional Open Space District (MROSD), San Mateo County Sheriff’s Department, Woodside Fire Protection District, and Portola Valley School District.
- Plan, direct, and coordinate, through staff and consultants, the work plan for the Town; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures; meet with appropriate staff and consultants to identify and resolve problems;
- Assess and monitor workload, administrative support systems, and internal reporting relationships; identify opportunities for improvement; and
- Select, motivate, and evaluate personnel and consultants; resolve personnel concerns and issues.



Challenges and Opportunities – First and foremost, the potential ongoing threat from natural disasters (wild fires, earthquakes, flooding, etc.) will continue to be of concern to the Town’s leadership. The topography and terrain of Portola Valley requires a pro-active approach to public education, response, and preparedness, with the Town Manager serving as the Director of Emergency Operations. Additionally, collaboration and interaction with regional agencies requires an assertive yet cooperative response on behalf of the residents.

Not unlike many towns and cities in California, Portola Valley has recently undertaken a detailed review of their current financial situation. Fiscal challenges include addressing employee compensation and benefits, and the overall long-term fiscal viability of the organization and the service delivery model currently in place. With the consensus of the Town Council and the backing of the community, the Town Manager will be well-supported in all these endeavors to achieve ongoing fiscal stability.

The Ideal Candidate

The Town Council is seeking a hands-on professional who is a personable, dedicated public servant experienced in general management of a public organization. Specific skills dealing with emergency preparedness/management is strongly desired due to the location and topography of the Town.

The ideal candidate will possess superior interpersonal skills, and have a proven track record as a confident and innovative leader who is comfortable operating with an active and involved citizenry.

The top candidate will be an effective, honest, and forthright communicator with strong public presentation skills. The ability to quickly assess a situation and speak extemporaneously are essential in this position. Also, a candidate with a sense of humor and a lack of ego will be well received by the Town Council and the community at-large.

Equally important, a successful track record of entrepreneurial endeavors will complement the innovated achievements of this award-winning community. Portola Valley is already known for its forward-thinking and environmentally progressive undertakings, as exemplified by the recently completed Portola Valley Town Center which received a LEED Platinum rating. Top candidates should also have experience dealing with environmental and sustainability issues, since this is a focus of the Town Council and the community.

The Portola Valley Town Center, completed in 2008, received a LEED Platinum rating, the highest recognition for achievement by the U.S. Green Building Council. The Town Center is one of only a handful of municipal projects in the nation to achieve such a rating. The campus has also received many other awards, including the prestigious AIA award in 2008 for one of the Top Ten Green Projects in the world.



To successfully lead the Town of Portola Valley, the individual selected will:

- Have a genuine concern for **preserving the quality of life** presently offered to the residents of Portola Valley;
- Possess a **strong business sense** and **financial expertise**;
- Continue the **high standards of customer service** throughout the organization;
- Demonstrate **forward thinking**, blending **innovation** and **creativity**;
- Lead with **integrity and unquestionable ethics**;
- Promote **access, openness, and responsiveness**, personally setting the example throughout the organization and community;
- Consistently **welcome dialogue and debate** from the community; and
- Provide **sound, fair, and unbiased advice** to the Town Council.

In summary, the ideal candidate will view Town Hall as being a focal-point for citizens and will actively promote this open/approachable governmental model with a responsive staff who are comfortable with a high level of transparency, and continually strive to achieve efficient service delivery in this environment.

*THE TOWN OF PORTOLA VALLEY IS AN
EQUAL OPPORTUNITY EMPLOYER*

Qualifying Experience and Education Page 69

Experience – This position requires an experienced public administrator with a minimum of five (5) years of increasingly responsible experience in municipal government, including significant administrative and supervisory responsibility. Experience may be gained as a department director for a mid-to-large size organization, administrative head of a public organization (city, county, or special district), non-profit organization, or as a consultant to public organizations. The Town Council wishes to consider a wide array of individuals for this position. All qualified individuals are strongly encouraged to submit career history for review and evaluation. While California experience is desired, all qualified candidates are encouraged to submit credentials for evaluation.

Education – A Bachelor's degree is required. A Masters or another advanced degree(s) are desirable.

Review of Qualifying Experience and Education – Ralph Andersen & Associates will assist the sub-committee and, ultimately the Town Council, in the screening and evaluation of candidates to determine the appropriate match of professional experience and education. **Candidates should be aware that personal style, interpersonal and communication skills are critical to this process and will be paramount for success in this position.**

Compensation & Benefits

The salary for this position will be consistent with the Town's recent compensation practices and will include a benefit package with CalPERS retirement (2%@55). Portola Valley **does** participate in Social Security. The Town Council will negotiate an employment contract with the selected candidate which may include moving and relocation assistance. Further details on the compensation and benefits package can be obtained from Ralph Andersen & Associates.

To Be Considered

Interested candidates may apply for this career opportunity by submitting a resume and a compelling cover letter detailing how their experience matches the Town's best interests. In addition, candidates should include at least five (5) work related references and current salary to apply@ralphandersen.com. Candidates are asked to apply prior to Monday, January 16, 2012.

This is a highly confidential search process. References will not be contacted until mutual interest has been established. Confidential inquiries are welcomed and should be directed to Heather Renschler, Ralph Andersen & Associates, at (916) 630-4900.

Recruitment Schedule

Applicants should be aware of these important dates for the recruitment process:

- January 16, 2012 – Deadline for applications to be considered for this position
- Late January – Preliminary interviews with Sub-Committee of Town Council
- February 2012 – Finalist interviews with the Town Council
- Early March 2012 – Town Council announces selection of new Town Manager
- April 2012 – New Town Manager joins the Town of Portola Valley



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Barbara Powell, Interim Assistant Town Manager

DATE: November 9, 2011

RE: **State Department of Parks and Recreation Per Capita and Roberti-Z'berg-Harris Grants**

Recommendation:

Authorize the Town Attorney to prepare Deed Restrictions for Ford Field and authorize the Town Manager to sign new Grant Contracts and Deed Restrictions on behalf of the Town.

Background:

In the year 2000, the Town received an allocation of funds under two State-funded grant programs – the Roberti-Z'Berg-Harris Block Grant Program (\$13,452) and the Per Capita Grant Program (\$42,000) -- and used them as partial funding for a renovation project at Rossotti Field.

In 2002, voters approved continuation of the grant programs. Under the Roberti-Z'berg-Harris Block Grant, the Town became eligible to receive an allocation of \$12,212. Under the Per Capita Grant Program the Town became eligible to receive an allocation of \$220,000.

The Town has expressed its intention to earmark the Per Capita and Roberti-Z'berg-Harris funds to partially fund a Ford Field renovation.

Due to the State's budget problems, for a period of time the funding for these two grants was not assured. Recently, however, the Town was informed that funding is once again available for the grants, with new expiration dates of June 30, 2015. The State has provided new Grant Contracts (Attachment "A" – Per Capita; Attachment "B" – Roberti-Z'berg-Harris), and has added two requirements in order to access the funds:

1. *Deed restriction* – In order to ensure that the property improved with grant funds continues to be used for the purpose(s) under which grant funds were provided, the State is requiring a deed restriction be recorded on the property title. Sample Deed Restrictions are also included with Attachments “A” and “B”.
2. *Hours of operation statement* – If the project improves or develops recreational facilities, the State requires a statement of proposed facility hours of operation.

The Town Attorney has reviewed the Grant Contracts and Deed Restrictions and has recommended they be brought to the Town Council for your consideration and, if desired, authorization for the Town Attorney to prepare the Deed Restrictions, and the Town Manager to sign the documents.

Prior to signature, the “Authorized Representative” will be revised to reflect the Town Manager’s name and title.

Attachments:

- Attachment “A” – Per Capita Grant Contract & Sample Deed Restriction
- Attachment “B” – Roberti-Z’berg-Harris Grant Contract & Sample Deed Restriction

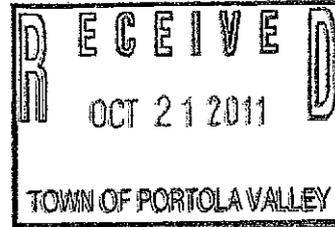
Approved: _____


Angela Howard, Town Manager



October 18, 2011

Barbara Powell, Interim Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028



Dear Barbara Powell:

This letter regards the extension of your Proposition 40 Per Capita contract C0207461.

Please note the following attachments and instructions; your agency must return all of these documents before OGALS can process any additional payments.

1. Your new contract:
 - a. The contract amount is \$ 220,000.
 - b. The new contract number is C0231083.
 - c. The terms of the contract have changed significantly; review the contract carefully. Please note that it must be signed in two places (at the beginning and at the end) by your Authorized Representative.
2. Deed restriction and deed restriction instructions – in order to ensure that the property improved with grant funds continues to be used for the purpose for which funds were provided, OGALS now requires that a deed restriction be recorded on the title to any property where the grantee owns the property. If you own the property purchased or improved with grant funds, included is a deed restriction for the project(s) under this contract. Please see the deed restriction and instructions for guidance on complying with this requirement.
3. Hours of operation statement – If your project improves or develops recreational facilities you will need to provide the proposed hours of operation for those facilities before final payment can be made.

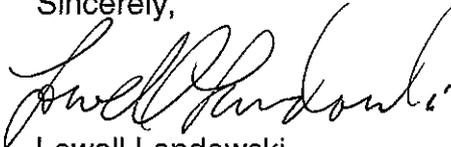
Important Next Steps and Deadlines

Next Steps	OGALS Deadline	Legal Deadline
Return signed contracts and deed restrictions	December 1, 2011.	
Allocate all remaining funds to projects	December 31, 2011	April 1, 2012

Contract signed by your Authorized Representative and returned to OGALS		May 1, 2013
Complete all project scope work	December 31, 2014	
Submit all final paperwork	March 31, 2015	
Contracts liquidate		June 30, 2015
Contract performance period ends		June 30, 2031

Please contact me if I can answer any questions or provide further information. I can be reached by phone at (916) 651-8441 or by email at llandowski@parks.ca.gov

Sincerely,



Lowell Landowski

Enclosures:

Contract #C0231083

Deed Restriction Instructions

Deed Restriction(s)

State of California – Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

GRANT CONTRACT

2002 Resources Bond Act
Per Capita

GRANTEE Town of Portola Valley

THE PROJECT PERFORMANCE PERIOD IS FROM July 01, 2011 through June 30, 2015

CONTRACT PERFORMANCE PERIOD IS FROM July 01, 2011 through June 30, 2031

The Grantee agrees to the terms and conditions of this Contract, and the State of California, acting through its Director of Parks and Recreation pursuant to the Per Capita in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, agrees to fund the total Project Grant Amount indicated.

THESE FUNDS ARE FOR THE ACQUISITION AND DEVELOPMENT OF NEIGHBORHOOD, COMMUNITY, AND REGIONAL PARKS AND RECREATION LANDS AND FACILITIES.

Town of Portola Valley
Grantee

The General and Special Provisions attached are made a part of and incorporated into the Contract.

By: _____
(Signature of Authorized Representative)

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

Title: Barbara Powell, Interim Town Manager

By: _____

Date: _____

Date: _____

CERTIFICATION OF FUNDING

CONTRACT NO C0231083	AMENDMENT NO	CALSTRS VENDOR NO 000000417200	PROJECT NO		
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 220,000	FUND Clean Water, Cln Air, Cstl Protc Fd, CA				
PRIOR AMOUNT ENCUMBERED BY THIS CONTRACT 0	ITEM 3790-103-6029(1)	CHAPTER 33/11	STATUTE 11	FISCAL YEAR 2011/12	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 220,000	INDEX 1091	OBJ. EXPEND 702	PCA	PROJECT/WORK PHASE	
T.B.A. NO	I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.				
B.R. NO	SIGNATURE OF ACCOUNTING OFFICER			DATE	

GRANT CONTRACT

This AGREEMENT is hereby made and agreed upon by the State of California, acting through the California Department of Parks and Recreation (hereinafter referred to as "STATE") and Town of Portola Valley (hereinafter referred to as "GRANTEE") pursuant to the Per Capita in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

RECITALS

1. On or about 12/22/2003 the STATE and GRANTEE entered into Grant Contract #C0207461 (hereinafter referred to as "PREVIOUS CONTRACT") for an amount not to exceed \$ 220,000. This grant was funded in accordance with the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, also known as Proposition 40.
2. The completion date set forth in the PREVIOUS CONTRACT was 6/30/2011. The GRANTEE did not complete the grant project(s) or spend its entire allocation prior to the contract liquidation date and, therefore, is not discharged from its obligations under the PREVIOUS CONTRACT.
3. Pursuant to the PREVIOUS CONTRACT, STATE disbursed grant funds to GRANTEE in the total amount of \$ 220,000, leaving a balance in the amount of \$ 220,000 for use by GRANTEE.
6. On or about June 30, 2011, Chapter 33 of the Statutes of 2011 (hereinafter "Budget Bill of 2011/12") was enacted. Item 3790-401 stated that all grant funds previously appropriated from Proposition 40 that have not been expended by grant recipients prior to June 30, 2011 shall revert to the funds from which the appropriations were made. This provisions effectively terminated STATE's authority to pay out further grant funds under the PREVIOUS CONTRACT.

Pursuant to section 3790-103-6029 of the Budget Bill of 2011/12, the Legislature appropriated an amount equivalent to the balance remaining on June 30, 2011 in the 2002 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Fund. The Legislature made these funds available for grants previously appropriated from Proposition 40 funds which are deemed to have the highest priority statewide consistent with Section 5096.633 of the Public Resources Code. These funds are available for encumbrance on or before June 30, 2013. Per Government Code section 16304, the liquidation period of these funds is extended to on or before June 30, 2015.

5. Pursuant to the Budget Bill of 2011/12, item number 3790-103-6029 and 3790-401, STATE and GRANTEE agree to enter into this Agreement (hereinafter referred to as "CONTRACT"). which establishes terms and conditions that allow the expenditure of the newly appropriated grant funds established by Senate Bill 87 to complete the project(s) set forth in the CONTRACT. STATE and GRANTEE agree to cancel the PREVIOUS CONTRACT and agree to be bound by the terms and conditions of this CONTRACT.

TERMS AND CONDITIONS

The STATE, pursuant to the Per Capita in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, and through authority granted by section 3790-103-6029 of the Budget Bill of 2011/12, hereby grants to GRANTEE a sum (hereinafter referred to as "GRANT MONIES") not to exceed \$ 220,000 subject to the terms and conditions of this CONTRACT, the GUIDES, any legislation applicable to the ACT, and the APPLICATION.

In consideration thereof GRANTEE agrees to abide by the terms and conditions of this CONTRACT as well as the provisions of the ACT. GRANTEE acknowledges that the GRANT MONIES are not a gift or a donation.

In addition to the terms and conditions of this CONTRACT, the parties agree that the terms and conditions contained in the documents set forth below are hereby incorporated into and made part of this CONTRACT.

- e. The PROCEDURAL GUIDE;
- f. The submitted APPLICATION(S).

I. GENERAL PROVISIONS

A. Definitions

As used in this CONTRACT, the following words shall have the following meanings:

- 25. The term "ACQUISITION" means to obtain fee title of real property or a permanent easement which provides the recipient permanent rights to use the property for the purposes of the project. Leases or rentals do not constitute ACQUISITION.
- 26. The term "ACT" means the statutory basis for these grant programs.
- 27. The term "APPLICATION" means the individual project application packet(s) for a grant(s) pursuant to the enabling legislation and/or grant program process guide requirements.
- 28. The term "COMPETITIVE GRANT PROGRAM" means the Urban Park Act of 2001, the Murray Hayden Urban Youth Services Program, the State Urban Parks and Healthy Communities Act, the Roberti-Z'berg-Harris Nonurban Needs Basis, Roberti-Z'berg-Harris Urban Needs Basis or California Youth Soccer and Recreation Development program.
- 29. The term "CONTRACT PERFORMANCE PERIOD" means the period of time described in Section 1 of this CONTRACT. The "CONTRACT PERFORMANCE PERIOD" means the period of time during which the GRANTEE must use the property acquired or developed with the grant for purposes consistent with the grant.

30. The term "DEVELOPMENT" means capital improvements to real property by means of construction of permanent or fixed features of the property.
31. The term "GRANT PERFORMANCE PERIOD" means the period of time described in the Section I of this contract during which eligible costs can be charged to the grant and which begins on the date of appropriation and ends on the fund liquidation date.
32. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form(s) found in the APPLICATION(s).
33. The term "PROCEDURAL GUIDE" means the document identified as the "Procedural Guide for the 2002 Resources Bond Act [subprogram name]. The GUIDE provides the procedures and policies controlling the administration of the grant.
34. The term "PROJECT TERMINATION" refers to the non-completion of a GRANT SCOPE.
35. The term "REASONABLE HOURS OF OPERATION" means that the facility is available to the public during days and times consistent with the type of property, the amount of the STATE GRANT MONIES invested in the project, the time of year, and the operating hours of similar facilities in nearby communities.
36. The term "STATE" refers to the State of California acting by and through the California Department of Parks and Recreation.

B. Project Execution

15. Subject to the availability of GRANT MONIES in the ACT, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes set forth in the GRANT SCOPE(S), and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume the obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

16. All changes and alterations to the GRANT SCOPE must be approved in writing by the STATE. GRANTEE'S failure to comply with this provision may be construed as a breach of the terms of the CONTRACT and result in the enforcement of the Project Termination provision section E. found in this CONTRACT.

If the contract was funded under a COMPETITIVE GRANT PROGRAM, the GRANTEE agrees that any other project changes or alterations which deviate from the project selection criteria responses provided by the GRANTEE in the original competitive APPLICATION must be submitted in writing to the STATE for prior approval. This requirement is necessary to maintain the integrity of the competitive grant process.

17. The GRANTEE shall complete the GRANT SCOPE in accordance with the time of the GRANT PERFORMANCE PERIOD set forth on page one of this CONTRACT, and under the terms and conditions of this CONTRACT.
18. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq., Title 14, California Code of Regulations, Section 15000 et. seq.).
19. The GRANTEE shall at all times comply with all applicable current laws and regulations affecting ACQUISITION and DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et.seq.) and the California Unruh Act (California Civil Code §51 et seq.)
20. If the GRANT SCOPE includes ACQUISITION of real property, the GRANTEE agrees to comply at all times with all applicable State and local laws or ordinances affecting relocation and real property ACQUISITION.
21. GRANTEE agrees that lands acquired with GRANT MONIES shall not be acquired through the use of eminent domain.

C. Project Costs

5. GRANTEE agrees to abide by the GUIDES.
6. GRANTEE acknowledges that the STATE may make reasonable changes to its procedures as set forth in the GUIDES. If the STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

D. Project Administration

13. If GRANT MONIES are advanced for ACQUISITION projects, the GRANT MONIES shall be placed in an escrow account by GRANTEE. If GRANT MONIES are advanced and not expended, GRANTEE shall return the unused portion of the advanced funds to the STATE within 60 days after the close of escrow.
14. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account by GRANTEE until expended. Advanced funds must be spent within six months from the date of receipt, unless the STATE provides GRANTEE with a written waiver of this requirement. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If GRANT MONIES are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or the end of the GRANT PERFORMANCE PERIOD whichever is earlier.
15. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the

STATE a report showing total final project expenditures within 60 days of project completion or the end of the GRANT PERFORMANCE PERIOD, whichever is earlier. The GRANT PERFORMANCE PERIOD is identified on page one of this CONTRACT.

16. The STATE shall have the right to inspect all property or facilities acquired and/or developed pursuant to this CONTRACT and the GRANTEE shall make such property or facilities available for inspection upon 24 hours notice from the STATE.
17. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete.
18. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.

E. Deed Restriction

3. **In order to ensure that property improved or acquired with GRANT MONIES are used for purposes consistent with the grant, if the property acquired or developed with GRANT MONIES is owned by the GRANTEE, the GRANTEE must record a deed restriction on the title to property prior to receiving payments for any purpose other than acquisition. The Deed Restriction shall include the following elements:**
 - i. **DURATION.** (a) This Deed Restriction shall remain in full force and effect and shall bind Owner(s) and all his/her/their assigns or successors-in-interest during the CONTRACT PERFORMANCE PERIOD.
 - j. **TAXES AND ASSESSMENTS.** The Deed Restriction shall be irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the California Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, the Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.
 - k. **RIGHT OF ENTRY.** STATE or its agent or employees may enter onto the Property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.
 - l. **REMEDIES.** Any act, conveyance, contract, or authorization by Owner(s) whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of the Deed Restriction will be deemed a violation and a breach hereof. STATE may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Deed Restriction. In the event of a breach, any forbearance on the part of STATE to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

F. Project Termination

9. In the event of non-completion of a GRANT SCOPE, the GRANTEE shall return all GRANT MONIES to the STATE.

10. This CONTRACT may be rescinded, modified or amended only by mutual written CONTRACT between the GRANTEE and the STATE, unless the provisions of this CONTRACT provide that mutual CONTRACT is not required for a rescission, modification or CONTRACT.
11. Failure by the GRANTEE to comply with the terms of this CONTRACT, as well as any other grant contracts or other CONTRACTs that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE under this CONTRACT unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
12. The GRANTEE agrees that in the event of a breach of this CONTRACT, the STATE may seek, in addition to all remedies provided by law, specific performance of the CONTRACT in accordance with the purpose of the CONTRACT to preserve, protect and increase the quantity and quality of parks, public recreation facilities, opportunities and/or historic resources available to the people of the State of California.

G. Budget Contingency Clause

For purposes of this program, if funding for any fiscal year is reduced or deleted by the budget act, executive order, the legislature, or by any other provision of statute, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT to GRANTEE to reflect a reduced grant amount. This paragraph shall not require the mutual CONTRACT as addressed in Paragraph E, subsection 2, of this CONTRACT.

H. Indemnity

11. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except valid legal claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
12. To the fullest extent of the law, the GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.
13. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et. seq., the GRANTEE

shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the STATE shall bear its own litigation costs, expenses, and attorney's fees.

14. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction.
15. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

I. Financial Records

5. The GRANTEE shall maintain satisfactory financial accounts, documents and records for the project and make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or final payment, whichever is later.
6. The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of GRANT MONIES, (b) the total cost of the project; (c) the amount and nature of project funds provided by other sources, and (d) any other records that will facilitate an effective audit of use of the GRANT MONIES.
3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this CONTRACT or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this CONTRACT. Such accounts, documents, and records shall be retained by the GRANTEE for 5 years following final payment of GRANT MONIES.
4. The GRANTEE shall use a generally accepted accounting system.

J. Use of Facilities

17. The GRANTEE agrees to operate and maintain any property acquired or developed with the GRANT MONIES for the duration of the CONTRACT PERFORMANCE PERIOD.
18. The GRANTEE agrees that during the CONTRACT PERFORMANCE PERIOD, any income earned by the GRANTEE from a STATE approved non-recreational use of

the project shall be used for recreational purposes at the project, or, if approved by the STATE, for recreational purposes within the GRANTEE'S jurisdiction.

19. If the APPLICATION does not specify the days and hours of operation, the facility will have REASONABLE OPERATING HOURS. The GRANTEE shall request the STATE'S approval before making any changes to the hours of operation.
20. If the APPLICATION specifies the hours of operation, the facility shall have operating hours consistent with the times proposed in the APPLICATION and be open to members of the public in accordance with the project selection criteria in the APPLICATION, unless otherwise granted permission by the STATE and except as noted under the special provisions of this CONTRACT or under provisions of the enabling legislation and/or grant program.
21. The GRANTEE agrees that for the duration of the CONTRACT PERFORMANCE PERIOD, any property acquired or developed with GRANT MONIES under this CONTRACT shall be used only for the purposes of the grant and consistent with the GRANT SCOPE referenced in the APPLICATION unless prior written approval is given by the STATE.
22. The GRANTEE agrees to use any property acquired or developed with GRANT MONIES under this CONTRACT only for the purposes of the grant and no other use, sale, or other disposition shall be permitted except as authorized by a specific act of the legislature in which event the property shall be replaced by the GRANTEE with property of equivalent value and usefulness as determined by STATE.
23. The property acquired or developed with GRANT MONIES may be transferred to another eligible entity only if the successor entity assumes the obligations imposed under this CONTRACT and with written approval of the STATE.
24. Any real property acquired or developed with GRANT MONIES (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the GRANT MONIES were awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under this CONTRACT.
8. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants required and approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse the STATE an amount at least equal to the amount of GRANT MONIES received from the STATE or the pro rated full market value of the real property, including improvements, at the time of sale, whichever is higher.
9. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

K. Nondiscrimination

5. The GRANTEE shall not discriminate against any person on the basis of sex, race, creed, color, national origin, age, religion, ancestry, sexual orientation, disability, medical condition, or marital status in the use of property or a specific facility included in the GRANT SCOPE(S).
6. The GRANTEE shall not discriminate against any person on the basis of residence, and shall not apply differences in admission or other fees on the basis of residence. Fees shall be reasonable and not unduly prevent use by economically disadvantaged members of the public.

L. Severability

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this contract are severable.

M. Liability

STATE assumes no responsibility for assuring the safety of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.

N. Assignability

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

O. Section Headings

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

P. Waiver

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

Town of Portola Valley
Grantee

By: _____
Signature of Authorized Representative (Position Authorized in the Resolution)

Title: Barbara Powell, Interim Town Manager

Date: _____

Deed Restriction Overview

The enclosed Deed Restriction is required by the Office of Grants and Local Services (OGALS) to record a restriction on the title to the property. The restriction ensures that the property is used for a purpose consistent with the grant scope for the length of the contract performance period.

- If the Grantee owns the project site property, a deed restriction is required before any additional grant payments may be approved.
- **Acquisition-only projects**
The deed restriction is required after the acquisition is complete and the Grantee takes ownership of the property (grant payments may only be made for acquisition costs until the deed restriction is recorded).
- **Acquisition/Development projects**
The deed restriction is required after the acquisition is complete and prior to paying for development costs.

Deed Restriction Instructions

1. Fill in all the blank spaces of the Deed Restriction form as indicated below. Do not alter the Deed Restriction form.

Deed Restriction Form – Page 1

I. WHEREAS, _____ (hereinafter referred to as "Owner(s)"

Insert ownership information as it appears on the deed.

Deed Restriction Form – Page 3

5. SEVERABILITY.

Dated: _____, 20 ____

Insert the date the Deed Restriction is signed by the Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) in the presence of a notary.

Business Name (if property is owned by a business): _____

Signed: _____

Signed: _____

PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE'S AUTHORIZED REPRESENTATIVE)

PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs in the presence of a notary. Additional signature lines may be added if multiple signatures are required.

2. To the Deed Restriction form attach:
 - (1) A page entitled, "Exhibit A (Legal Description of Property)".
 - (2) Exhibit A: A formal legal description of every parcel of property to which grant funds will be allocated. This information can be obtained from the grant deed or title policy. (NOTE: The assessor's parcel number or a street address is NOT a valid legal description.), or,
Exhibit A (Alternative), Habitat Conservation Fund (HCF) Grant Program only:
A topographic map that clearly outlines the project boundaries
 - (3) Exhibit B: A complete copy of the Grant Contract signed by the Grantee and the State of California with Grant Contract provisions attached.
3. Notarize it: Take the unsigned Deed Restriction form, "Exhibit A", and "Exhibit B", to a notary. The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs the Deed Restriction form signature page in the presence of a notary. The notary then completes the "Notary Acknowledgement" section.
4. Record it: Take the notarized Deed Restriction form, "Exhibit A", and "Exhibit B", to the County Recorder's Office of the county in which the property is located and ask the County Clerk to "record the Deed Restriction form, Exhibit A, and Exhibit B, on the title to the property."
5. Send a copy of the notarized and recorded Deed Restriction form, "Exhibit A", and "Exhibit B" to OGALS Project Officer.

1 RECORDING REQUESTED BY:
California Department of Parks and Recreation
2 Office of Grants and Local Services

3 WHEN RECORDED MAIL TO:
Office of Grants and Local Services
4 PO Box 942896
Sacramento, CA 94296-0001
5 Attn: Lowell Landowski

6
7 **DEED RESTRICTION**

8
9 I. WHEREAS, County of San Mateo, Parks & Recreation (hereinafter referred to as
10 "Owner(s)" is/are recorded owner(s) of the real property described in Exhibit A, attached
11 and incorporated herein by reference
12 (hereinafter referred to as the "Property"); and
13

14 II. WHEREAS, County of San Mateo, Parks & Recreation (hereinafter referred to as
15 "Applicant(s)")

16 III. WHEREAS, the California Department of Parks and Recreation (hereinafter referred to
17 as "DPR") is a public agency created and existing under the authority of section 5001 of the California
18 Public Resources Code (hereinafter referred to as the "PRC"). And

19 IV. WHEREAS, Owner(s) (or Applicants) applied to DPR for grant funds available pursuant
20 to the 2002 Resources Bond Act, Per Capita, for Acquisition and development of a community center on
21 the Property; and

22 V. WHEREAS, DPR's Office of Grants and Local Services approved Grant 02-41-047,
23 (hereinafter referred to as "Grant") on the Property, subject to, among other conditions, recordation of this
24 Deed Restriction on the Property; and
25
26
27

1 VI. WHEREAS, but for the imposition of the Deed Restriction condition of the Grant, the
2 Grant would not be consistent with the public purposes of the 2002 Resources Bond Act, Per Capita and
3 the funds that are the subject of the Grant could therefore not have been granted; and

4 VII. WHEREAS, Owner(s) has/ve elected to comply with the Deed Restriction of the Grant,
5 so as to enable Owner(s), to receive the Grant funds and perform the work described in the Grant;

6 NOW, THEREFORE, in consideration of the issuance of the Grant funds by DPR, the
7 undersigned Owner(s) for himself/herself/themselves and for his/her/their heirs, assigns, and successors-
8 in-interest, hereby irrevocably covenant(s) with DPR that the condition of the grant (set forth at
9 paragraph(s) 1 through 5 and in Exhibit B hereto) shall at all times on and after the date on which this
10 Deed Restriction is recorded constitute for all purposes covenants, conditions and restrictions on the use
11 and enjoyment of the Property that are hereby attached to the deed to the Property as fully effective
12 components thereof.

13 1. DURATION. (a) This Deed Restriction shall remain in full force and effect and shall
14 bind Owner(s) and all his/her/their assigns or successors-in-interest for the period running from 7/1/2011
15 through 6/30/2031.

16 2. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable
17 and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the
18 California Constitution; and b) section 402.I of the California Revenue and Taxation Code or successor
19 statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to
20 the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or
21 successor statute, which survives a sale of tax-deeded property.

22 3. RIGHT OF ENTRY. DPR or its agent or employees may enter onto the Property at times
23 reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being
24 observed.
25

26 4. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s) whether
27 written or oral which uses or would cause to be used or would permit use of the Property contrary to the

1 terms of this Deed Restriction will be deemed a violation and a breach hereof. DPR may pursue any and
2 all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction.
3 In the event of a breach, any forbearance on the part of DPR to enforce the terms and provisions hereof
4 shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

5 5. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any
6 reason becomes unenforceable, no other provision shall be affected or impaired.

7
8 Dated: _____, 20 ____

9
10
11 Signed: _____ Signed: _____

12
13 _____
14 PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE'S AUTHORIZED REPRESENTATIVE)

15 _____
16 PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

17
18
19
20
21
22
23 ****NOTARY ACKNOWLEDGEMENT ON THE NEXT PAGE****

1 State of California

2 County of _____

3 On _____ before me, _____, a Notary Public,

4 personally appeared _____, who proved to me on the basis of

5 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and

6 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that

7 by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the

8 person(s) acted, executed the instrument.

9 I certify under PENALTY OF PERJURY under the laws of the State of California that the

10 foregoing paragraph is true and correct.

11 WITNESS my hand and official seal.

12 Signature _____ (Seal)

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October 18, 2011

Barbara Powell, Interim Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Dear Barbara Powell:

This letter regards the extension of your Proposition 40 Roberti-Z'berg-Harris - Block Grant contract C0209762.

Please note the following attachments and instructions; your agency must return all of these documents before OGALS can process any additional payments.

1. Your new contract:
 - a. The contract amount is \$ 12,212.
 - b. The new contract number is C0231217.
 - c. The terms of the contract have changed significantly; review the contract carefully. Please note that it must be signed in two places (at the beginning and at the end) by your Authorized Representative.
2. Deed restriction and deed restriction instructions – in order to ensure that the property improved with grant funds continues to be used for the purpose for which funds were provided, OGALS now requires that a deed restriction be recorded on the title to any property where the grantee owns the property. If you own the property purchased or improved with grant funds, included is a deed restriction for the project(s) under this contract. Please see the deed restriction and instructions for guidance on complying with this requirement.
3. Hours of operation statement – If your project improves or develops recreational facilities you will need to provide the proposed hours of operation for those facilities before final payment can be made.

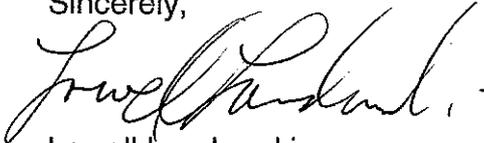
Important Next Steps and Deadlines

Next Steps	OGALS Deadline	Legal Deadline
Return signed contracts and deed restrictions	December 1, 2011.	

Allocate all remaining funds to projects	December 31, 2011	April 1, 2012
Contract signed by your Authorized Representative and returned to OGALS		May 1, 2013
Complete all project scope work	December 31, 2014	
Submit all final paperwork	March 31, 2015	
Contracts liquidate		June 30, 2015
Contract performance period ends		June 30, 2031

Please contact me if I can answer any questions or provide further information. I can be reached by phone at (916) 651-8441 or by email at llandowski@parks.ca.gov

Sincerely,



Lowell Landowski

Enclosures:

Contract #C0231217

Deed Restriction Instructions

Deed Restriction(s)

**State of California – Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION**

GRANT CONTRACT

2002 Resources Bond Act
Roberti-Z'berg-Harris - Block Grant

GRANTEE Town of Portola Valley

THE PROJECT PERFORMANCE PERIOD IS FROM July 01, 2011 through June 30, 2015

CONTRACT PERFORMANCE PERIOD IS FROM July 01, 2011 through June 30, 2031

The Grantee agrees to the terms and conditions of this Contract, and the State of California, acting through its Director of Parks and Recreation pursuant to the Roberti-Z'berg-Harris - Block Grant in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, agrees to fund the total Project Grant Amount indicated.

**THESE FUNDS ARE FOR THE ACQUISITION AND DEVELOPMENT OF
NEIGHBORHOOD, COMMUNITY, AND REGIONAL PARKS AND RECREATION
LANDS AND FACILITIES.**

Town of Portola Valley
Grantee

The General and Special Provisions attached are made a part of and incorporated into the Contract.

By: _____
(Signature of Authorized Representative)

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

Title: Barbara Powell, Interim Town Manager

By: _____

Date: _____

Date: _____

CERTIFICATION OF FUNDING

CONTRACT NO C0231217	AMENDMENT NO	CALSTRS VENDOR NO 000000417200	PROJECT NO		
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 12,212	FUND Clean Water, Cln Air, Cstl Protc Fd, CA				
PRIOR AMOUNT ENCUMBERED BY THIS CONTRACT 0	ITEM 3790-103-6029(1)	CHAPTER 33/11	STATUTE 11	FISCAL YEAR 2011/12	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 12,212	INDEX 1091	OBJ. EXPEND 702	PCA	PROJECT/WORK PHASE	
T.B.A. NO	I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.				
B.R. NO	SIGNATURE OF ACCOUNTING OFFICER			DATE	

GRANT CONTRACT

This AGREEMENT is hereby made and agreed upon by the State of California, acting through the California Department of Parks and Recreation (hereinafter referred to as "STATE") and Town of Portola Valley (hereinafter referred to as "GRANTEE") pursuant to the Roberti-Z'berg-Harris - Block Grant in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

RECITALS

1. On or about 12/19/2003 the STATE and GRANTEE entered into Grant Contract #C0209762 (hereinafter referred to as "PREVIOUS CONTRACT") for an amount not to exceed \$ 12,212. This grant was funded in accordance with the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, also known as Proposition 40.
2. The completion date set forth in the PREVIOUS CONTRACT was 6/30/2011. The GRANTEE did not complete the grant project(s) or spend its entire allocation prior to the contract liquidation date and, therefore, is not discharged from its obligations under the PREVIOUS CONTRACT.
3. Pursuant to the PREVIOUS CONTRACT, STATE disbursed grant funds to GRANTEE in the total amount of \$ 12,212, leaving a balance in the amount of \$ 12,212 for use by GRANTEE.
11. On or about June 30, 2011, Chapter 33 of the Statutes of 2011 (hereinafter "Budget Bill of 2011/12") was enacted. Item 3790-401 stated that all grant funds previously appropriated from Proposition 40 that have not been expended by grant recipients prior to June 30, 2011 shall revert to the funds from which the appropriations were made. This provisions effectively terminated STATE's authority to pay out further grant funds under the PREVIOUS CONTRACT.

Pursuant to section 3790-103-6029 of the Budget Bill of 2011/12, the Legislature appropriated an amount equivalent to the balance remaining on June 30, 2011 in the 2002 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Fund. The Legislature made these funds available for grants previously appropriated from Proposition 40 funds which are deemed to have the highest priority statewide consistent with Section 5096.633 of the Public Resources Code. These funds are available for encumbrance on or before June 30, 2013. Per Government Code section 16304, the liquidation period of these funds is extended to on or before June 30, 2015.

5. Pursuant to the Budget Bill of 2011/12, item number 3790-103-6029 and 3790-401, STATE and GRANTEE agree to enter into this Agreement (hereinafter referred to as "CONTRACT"), which establishes terms and conditions that allow the expenditure of the newly appropriated grant funds established by Senate Bill 87 to complete the project(s) set forth in the CONTRACT. STATE and GRANTEE agree to cancel the PREVIOUS CONTRACT and agree to be bound by the terms and conditions of this CONTRACT.

TERMS AND CONDITIONS

The STATE, pursuant to the Roberti-Z'berg-Harris - Block Grant in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, and through authority granted by section 3790-103-6029 of the Budget Bill of 2011/12, hereby grants to GRANTEE a sum (hereinafter referred to as "GRANT MONIES") not to exceed \$ 12,212 subject to the terms and conditions of this CONTRACT, the GUIDES, any legislation applicable to the ACT, and the APPLICATION.

In consideration thereof GRANTEE agrees to abide by the terms and conditions of this CONTRACT as well as the provisions of the ACT. GRANTEE acknowledges that the GRANT MONIES are not a gift or a donation.

In addition to the terms and conditions of this CONTRACT, the parties agree that the terms and conditions contained in the documents set forth below are hereby incorporated into and made part of this CONTRACT.

- o. The PROCEDURAL GUIDE;
- p. The submitted APPLICATION(S).

I. GENERAL PROVISIONS

A. Definitions

As used in this CONTRACT, the following words shall have the following meanings:

- 85. The term "ACQUISITION" means to obtain fee title of real property or a permanent easement which provides the recipient permanent rights to use the property for the purposes of the project. Leases or rentals do not constitute ACQUISITION.
- 86. The term "ACT" means the statutory basis for these grant programs.
- 87. The term "APPLICATION" means the individual project application packet(s) for a grant(s) pursuant to the enabling legislation and/or grant program process guide requirements.
- 88. The term "COMPETITIVE GRANT PROGRAM" means the Urban Park Act of 2001, the Murray Hayden Urban Youth Services Program, the State Urban Parks and Healthy Communities Act, the Roberti-Z'berg-Harris Nonurban Needs Basis, Roberti-Z'berg-Harris Urban Needs Basis or California Youth Soccer and Recreation Development program.
- 89. The term "CONTRACT PERFORMANCE PERIOD" means the period of time described in Section 1 of this CONTRACT. The "CONTRACT PERFORMANCE PERIOD" means the period of time during which the GRANTEE must use the property acquired or developed with the grant for purposes consistent with the grant.

90. The term "DEVELOPMENT" means capital improvements to real property by means of construction of permanent or fixed features of the property.
91. The term "GRANT PERFORMANCE PERIOD" means the period of time described in the Section I of this contract during which eligible costs can be charged to the grant and which begins on the date of appropriation and ends on the fund liquidation date.
92. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form(s) found in the APPLICATION(s).
93. The term "PROCEDURAL GUIDE" means the document identified as the "Procedural Guide for the 2002 Resources Bond Act [subprogram name]. The GUIDE provides the procedures and policies controlling the administration of the grant.
94. The term "PROJECT TERMINATION" refers to the non-completion of a GRANT SCOPE.
95. The term "REASONABLE HOURS OF OPERATION" means that the facility is available to the public during days and times consistent with the type of property, the amount of the STATE GRANT MONIES invested in the project, the time of year, and the operating hours of similar facilities in nearby communities.
96. The term "STATE" refers to the State of California acting by and through the California Department of Parks and Recreation.

B. Project Execution

50. Subject to the availability of GRANT MONIES in the ACT, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes set forth in the GRANT SCOPE(S), and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume the obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

51. All changes and alterations to the GRANT SCOPE must be approved in writing by the STATE. GRANTEE'S failure to comply with this provision may be construed as a breach of the terms of the CONTRACT and result in the enforcement of the Project Termination provision section E. found in this CONTRACT.

If the contract was funded under a COMPETITIVE GRANT PROGRAM, the GRANTEE agrees that any other project changes or alterations which deviate from the project selection criteria responses provided by the GRANTEE in the original competitive APPLICATION must be submitted in writing to the STATE for prior approval. This requirement is necessary to maintain the integrity of the competitive grant process.

52. The GRANTEE shall complete the GRANT SCOPE in accordance with the time of the GRANT PERFORMANCE PERIOD set forth on page one of this CONTRACT, and under the terms and conditions of this CONTRACT.
53. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq., Title 14, California Code of Regulations, Section 15000 et. seq.).
54. The GRANTEE shall at all times comply with all applicable current laws and regulations affecting ACQUISITION and DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et.seq.) and the California Unruh Act (California Civil Code §51 et seq.)
55. If the GRANT SCOPE includes ACQUISITION of real property, the GRANTEE agrees to comply at all times with all applicable State and local laws or ordinances affecting relocation and real property ACQUISITION.
56. GRANTEE agrees that lands acquired with GRANT MONIES shall not be acquired through the use of eminent domain.

C. Project Costs

15. GRANTEE agrees to abide by the GUIDES.
16. GRANTEE acknowledges that the STATE may make reasonable changes to its procedures as set forth in the GUIDES. If the STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

D. Project Administration

43. If GRANT MONIES are advanced for ACQUISITION projects, the GRANT MONIES shall be placed in an escrow account by GRANTEE. If GRANT MONIES are advanced and not expended, GRANTEE shall return the unused portion of the advanced funds to the STATE within 60 days after the close of escrow.
44. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account by GRANTEE until expended. Advanced funds must be spent within six months from the date of receipt, unless the STATE provides GRANTEE with a written waiver of this requirement. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If GRANT MONIES are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or the end of the GRANT PERFORMANCE PERIOD whichever is earlier.
45. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the

STATE a report showing total final project expenditures within 60 days of project completion or the end of the GRANT PERFORMANCE PERIOD, whichever is earlier. The GRANT PERFORMANCE PERIOD is identified on page one of this CONTRACT.

46. The STATE shall have the right to inspect all property or facilities acquired and/or developed pursuant to this CONTRACT and the GRANTEE shall make such property or facilities available for inspection upon 24 hours notice from the STATE.
47. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete.
48. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.

E. Deed Restriction

8. **In order to ensure that property improved or acquired with GRANT MONIES are used for purposes consistent with the grant, if the property acquired or developed with GRANT MONIES is owned by the GRANTEE, the GRANTEE must record a deed restriction on the title to property prior to receiving payments for any purpose other than acquisition. The Deed Restriction shall include the following elements:**

- cc. **DURATION.** (a) This Deed Restriction shall remain in full force and effect and shall bind Owner(s) and all his/her/their assigns or successors-in-interest during the CONTRACT PERFORMANCE PERIOD.
- dd. **TAXES AND ASSESSMENTS.** The Deed Restriction shall be irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the California Constitution; and b) section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, the Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.
- ee. **RIGHT OF ENTRY.** STATE or its agent or employees may enter onto the Property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.
- ff. **REMEDIES.** Any act, conveyance, contract, or authorization by Owner(s) whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of the Deed Restriction will be deemed a violation and a breach hereof. STATE may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Deed Restriction. In the event of a breach, any forbearance on the part of STATE to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

F. Project Termination

29. In the event of non-completion of a GRANT SCOPE, the GRANTEE shall return all GRANT MONIES to the STATE.

30. This CONTRACT may be rescinded, modified or amended only by mutual written CONTRACT between the GRANTEE and the STATE, unless the provisions of this CONTRACT provide that mutual CONTRACT is not required for a rescission, modification or CONTRACT.
31. Failure by the GRANTEE to comply with the terms of this CONTRACT, as well as any other grant contracts or other CONTRACTs that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE under this CONTRACT unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
32. The GRANTEE agrees that in the event of a breach of this CONTRACT, the STATE may seek, in addition to all remedies provided by law, specific performance of the CONTRACT in accordance with the purpose of the CONTRACT to preserve, protect and increase the quantity and quality of parks, public recreation facilities, opportunities and/or historic resources available to the people of the State of California.

G. Budget Contingency Clause

For purposes of this program, if funding for any fiscal year is reduced or deleted by the budget act, executive order, the legislature, or by any other provision of statute, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT to GRANTEE to reflect a reduced grant amount. This paragraph shall not require the mutual CONTRACT as addressed in Paragraph E, subsection 2, of this CONTRACT.

H. Indemnity

36. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except valid legal claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
37. To the fullest extent of the law, the GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.
38. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et. seq., the GRANTEE

shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the STATE shall bear its own litigation costs, expenses, and attorney's fees.

39. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction.
40. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

I. Financial Records

15. The GRANTEE shall maintain satisfactory financial accounts, documents and records for the project and make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or final payment, whichever is later.
16. The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of GRANT MONIES, (b) the total cost of the project; (c) the amount and nature of project funds provided by other sources, and (d) any other records that will facilitate an effective audit of use of the GRANT MONIES.
3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this CONTRACT or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this CONTRACT. Such accounts, documents, and records shall be retained by the GRANTEE for 5 years following final payment of GRANT MONIES.
4. The GRANTEE shall use a generally accepted accounting system.

J. Use of Facilities

57. The GRANTEE agrees to operate and maintain any property acquired or developed with the GRANT MONIES for the duration of the CONTRACT PERFORMANCE PERIOD.
58. The GRANTEE agrees that during the CONTRACT PERFORMANCE PERIOD, any income earned by the GRANTEE from a STATE approved non-recreational use of

the project shall be used for recreational purposes at the project, or, if approved by the STATE, for recreational purposes within the GRANTEE'S jurisdiction.

59. If the APPLICATION does not specify the days and hours of operation, the facility will have REASONABLE OPERATING HOURS. The GRANTEE shall request the STATE'S approval before making any changes to the hours of operation.
60. If the APPLICATION specifies the hours of operation, the facility shall have operating hours consistent with the times proposed in the APPLICATION and be open to members of the public in accordance with the project selection criteria in the APPLICATION, unless otherwise granted permission by the STATE and except as noted under the special provisions of this CONTRACT or under provisions of the enabling legislation and/or grant program.
61. The GRANTEE agrees that for the duration of the CONTRACT PERFORMANCE PERIOD, any property acquired or developed with GRANT MONIES under this CONTRACT shall be used only for the purposes of the grant and consistent with the GRANT SCOPE referenced in the APPLICATION unless prior written approval is given by the STATE.
62. The GRANTEE agrees to use any property acquired or developed with GRANT MONIES under this CONTRACT only for the purposes of the grant and no other use, sale, or other disposition shall be permitted except as authorized by a specific act of the legislature in which event the property shall be replaced by the GRANTEE with property of equivalent value and usefulness as determined by STATE.
63. The property acquired or developed with GRANT MONIES may be transferred to another eligible entity only if the successor entity assumes the obligations imposed under this CONTRACT and with written approval of the STATE.
64. Any real property acquired or developed with GRANT MONIES (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the GRANT MONIES were awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under this CONTRACT.
8. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants required and approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse the STATE an amount at least equal to the amount of GRANT MONIES received from the STATE or the pro rated full market value of the real property, including improvements, at the time of sale, whichever is higher.
9. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

K. Nondiscrimination

- 15. The GRANTEE shall not discriminate against any person on the basis of sex, race, creed, color, national origin, age, religion, ancestry, sexual orientation, disability, medical condition, or marital status in the use of property or a specific facility included in the GRANT SCOPE(S).
- 16. The GRANTEE shall not discriminate against any person on the basis of residence, and shall not apply differences in admission or other fees on the basis of residence. Fees shall be reasonable and not unduly prevent use by economically disadvantaged members of the public.

L. Severability

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this contract are severable.

M. Liability

STATE assumes no responsibility for assuring the safety of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.

N. Assignability

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

O. Section Headings

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

P. Waiver

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

Town of Portola Valley

Grantee

By: _____
Signature of Authorized Representative (Position Authorized in the Resolution)

Title: Barbara Powell, Interim Town Manager

Date: _____

Deed Restriction Overview

The enclosed Deed Restriction is required by the Office of Grants and Local Services (OGALS) to record a restriction on the title to the property. The restriction ensures that the property is used for a purpose consistent with the grant scope for the length of the contract performance period.

- If the Grantee owns the project site property, a deed restriction is required before any additional grant payments may be approved.
- **Acquisition-only projects**
The deed restriction is required after the acquisition is complete and the Grantee takes ownership of the property (grant payments may only be made for acquisition costs until the deed restriction is recorded).
- **Acquisition/Development projects**
The deed restriction is required after the acquisition is complete and prior to paying for development costs.

Deed Restriction Instructions

1. Fill in all the blank spaces of the Deed Restriction form as indicated below. Do not alter the Deed Restriction form.

Deed Restriction Form – Page 1

I. WHEREAS, _____ (hereinafter referred to as "Owner(s)"

Insert ownership information as it appears on the deed.

Deed Restriction Form – Page 3

5. SEVERABILITY.

Dated: _____, 20 ____

Insert the date the Deed Restriction is signed by the Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) in the presence of a notary.

Business Name (if property is owned by a business): _____

Signed: _____

Signed: _____

PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE'S AUTHORIZED REPRESENTATIVE)

PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs in the presence of a notary. Additional signature lines may be added if multiple signatures are required.

2. To the Deed Restriction form attach:
 - (1) A page entitled, "Exhibit A (Legal Description of Property)".
 - (2) Exhibit A: A formal legal description of every parcel of property to which grant funds will be allocated. This information can be obtained from the grant deed or title policy. (NOTE: The assessor's parcel number or a street address is NOT a valid legal description.), or, Exhibit A (Alternative), Habitat Conservation Fund (HCF) Grant Program only:
A topographic map that clearly outlines the project boundaries
 - (3) Exhibit B: A complete copy of the Grant Contract signed by the Grantee and the State of California with Grant Contract provisions attached.
3. Notarize it: Take the unsigned Deed Restriction form, "Exhibit A", and "Exhibit B", to a notary. The Grantee's Authorized Representative (the position identified on the Grant Contract face sheet) signs the Deed Restriction form signature page in the presence of a notary. The notary then completes the "Notary Acknowledgement" section.
4. Record it: Take the notarized Deed Restriction form, "Exhibit A", and "Exhibit B", to the County Recorder's Office of the county in which the property is located and ask the County Clerk to "record the Deed Restriction form, Exhibit A, and Exhibit B, on the title to the property."
5. Send a copy of the notarized and recorded Deed Restriction form, "Exhibit A", and "Exhibit B" to OGALS Project Officer.

1 RECORDING REQUESTED BY:
California Department of Parks and Recreation
2 Office of Grants and Local Services

3 WHEN RECORDED MAIL TO:
Office of Grants and Local Services
4 PO Box 942896
Sacramento, CA 94296-0001
5 Attn: Lowell Landowski

6
7 **DEED RESTRICTION**
8

9 I. WHEREAS, County of San Mateo, Parks & Recreation (hereinafter referred to as
10 "Owner(s)" is/are recorded owner(s) of the real property described in Exhibit A, attached
11 and incorporated herein by reference

12 (hereinafter referred to as the "Property"); and

13
14 II. WHEREAS, County of San Mateo, Parks & Recreation (hereinafter referred to as
15 "Applicant(s)")

16 III. WHEREAS, the California Department of Parks and Recreation (hereinafter referred to
17 as "DPR") is a public agency created and existing under the authority of section 5001 of the California
18 Public Resources Code (hereinafter referred to as the "PRC"). And

19 IV. WHEREAS, Owner(s) (or Applicants) applied to DPR for grant funds available pursuant
20 to the 2002 Resources Bond Act, Per Capita, for Acquisition and development of a community center on
21 the Property; and

22 V. WHEREAS, DPR's Office of Grants and Local Services approved Grant 02-41-045,
23 (hereinafter referred to as "Grant") on the Property, subject to, among other conditions, recordation of this
24 Deed Restriction on the Property; and
25
26
27

1 VI. WHEREAS, but for the imposition of the Deed Restriction condition of the Grant, the
2 Grant would not be consistent with the public purposes of the 2002 Resources Bond Act, Per Capita and
3 the funds that are the subject of the Grant could therefore not have been granted; and

4 VII. WHEREAS, Owner(s) has/ve elected to comply with the Deed Restriction of the Grant,
5 so as to enable Owner(s), to receive the Grant funds and perform the work described in the Grant;

6 NOW, THEREFORE, in consideration of the issuance of the Grant funds by DPR, the
7 undersigned Owner(s) for himself/herself/themselves and for his/her/their heirs, assigns, and successors-
8 in-interest, hereby irrevocably covenant(s) with DPR that the condition of the grant (set forth at
9 paragraph(s) 1 through 5 and in Exhibit B hereto) shall at all times on and after the date on which this
10 Deed Restriction is recorded constitute for all purposes covenants, conditions and restrictions on the use
11 and enjoyment of the Property that are hereby attached to the deed to the Property as fully effective
12 components thereof.

13 1. DURATION. (a) This Deed Restriction shall remain in full force and effect and shall
14 bind Owner(s) and all his/her/their assigns or successors-in-interest for the period running from 7/1/2011
15 through 6/30/2031.

16 2. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable
17 and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the
18 California Constitution; and b) section 402.I of the California Revenue and Taxation Code or successor
19 statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to
20 the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or
21 successor statute, which survives a sale of tax-deeded property.

22 3. RIGHT OF ENTRY. DPR or its agent or employees may enter onto the Property at times
23 reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being
24 observed.

25 4. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s) whether
26 written or oral which uses or would cause to be used or would permit use of the Property contrary to the
27

1 terms of this Deed Restriction will be deemed a violation and a breach hereof. DPR may pursue any and
2 all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction.
3 In the event of a breach, any forbearance on the part of DPR to enforce the terms and provisions hereof
4 shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

5 5. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any
6 reason becomes unenforceable, no other provision shall be affected or impaired.

7
8 Dated: _____, 20 ____

9
10
11 Signed: _____ Signed: _____

12
13 _____
14 PRINT/TYPE NAME & TITLE OF ABOVE
(GRANTEE'S AUTHORIZED REPRESENTATIVE)

15 _____
16 PRINT/TYPE NAME & TITLE OF ABOVE
(ADDITIONAL SIGNATURE, AS REQUIRED)

17
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23 ****NOTARY ACKNOWLEDGEMENT ON THE NEXT PAGE****
24
25
26
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1 State of California

2 County of _____

3 On _____ before me, _____, a Notary Public,
4 personally appeared _____, who proved to me on the basis of
5 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
6 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
7 by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
8 person(s) acted, executed the instrument.

9 I certify under PENALTY OF PERJURY under the laws of the State of California that the
10 foregoing paragraph is true and correct.

11 WITNESS my hand and official seal.

12 Signature _____ (Seal)

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MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Angela Howard, Town Manager

DATE: November 9, 2011

RE: **Proposed Emergency Preparedness Consultant**

Because the Town has identified emergency preparedness as a high priority, \$20,000 was included in the current 2011/2012 adopted budget under Fire Prevention/Wood Chipping in the hopes that the Town would partner financially with the Town of Woodside and Woodside Fire Protection District to retain a part-time employee to assist CERPP and the towns with their emergency preparedness functions.

Since this plan could not be finalized, it has been suggested that these funds instead be used to retain a consultant to assist the staff and the Emergency Preparedness Committee in recruiting new volunteers, planning exercises and assisting with general tasks to improve the emergency preparedness level in Portola Valley. Attached is a scope of work and general description of the consultant's tasks. This consulting position would be part-time and would run through the end of the fiscal year or until the funds are exhausted.

Attachment

Emergency Preparedness Consultant

The Town of Portola Valley has identified emergency preparedness as a high priority concern for the Town and its citizens. The Town faces serious risks from earthquakes, wildland fire and other disasters. The nature of emergency preparedness is long-term and often out-of-mind for busy families. Over the past several years, much of the work on emergency preparedness has been carried out by volunteers participating in the Portola Valley Emergency Preparedness Committee (EPC) and CERPP (the Citizens Emergency Response Preparedness Program). The Town is extremely grateful for the service of these volunteers. The Town also recognizes that over time volunteering can be taxing, and that continuing efforts must be made to maintain the engagement of citizens who donate their time to emergency preparedness. For this reason, the Town wishes to retain a consultant to complete several tasks related to the recruitment and deployment of volunteers.

Scope of work:

1. Assess volunteer levels and personnel gaps pertaining to Town-wide needs and CERPP neighborhood divisions in Portola Valley.
2. Contact all volunteers currently associated with Portola Valley CERPP neighborhood divisions and secure continuing commitments of time.
3. Develop job specifications for volunteers needed to perform Town-wide functions in the aftermath of disaster.
4. Devise methods for recruiting new volunteers to fill out personnel needs. Illustrative examples might include:
 - a. Engaging Boy Scout and Girl Scout troops.
 - b. Targeting stay-at-home parents who may have some flexible time.
 - c. Participating in homeowner association events to recruit volunteers.
 - d. Overseeing community outreach to recruit volunteers (mailers, PV Forum, etc).
5. Update the "Disaster Service Worker Registration" form to make it more user-friendly for volunteers.
6. Assist in planning the May 30, 2012 emergency drill involving the Town, CERPP, and other agencies.
7. Attend regularly scheduled meetings of EPC.
8. Support CERPP's recruitment of volunteers to fill management positions.
9. Devise ways of regularly rewarding emergency preparedness volunteers for their service.

Supervision: The Emergency Preparedness Consultant will report to the Town Manager/Director of Emergency Services. Time requirements are flexible but will require a certain amount of coordination time with volunteers and occasional blocs of work, perhaps three to five days at a time.

Qualifications: The Consultant should be able to work well with volunteers, Town staff, committee members, and officials; work independently and efficiently; have excellent inter-

personal skills; and possess the ability to speak clearly and directly. Problem-solving skills, computer skills and knowledge about acquiring resources or materials to achieve the Town's emergency preparedness goals are important.

Expected Hours: This a part time consulting position. The term is January 1 through June 30, 201t. While there is an expected steady amount of activity every week or month, there will be sporadic full time elements, perhaps for a few days at a time.

Compensation: [To be completed by Town Manager.]



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Town Council

FROM: Steve Toben

DATE: November 2, 2011

RE: Aircraft Noise

In February 2010 the Council discussed the issue of aircraft noise over Portola Valley and southern San Mateo County. Prior to this discussion, I prepared for the Council a memorandum with several attachments describing the history of Congresswoman Anna Eshoo's involvement in this issue. For a review of this material, see this link: <http://portolavalley.net/Modules/ShowDocument.aspx?documentid=2951>. At the end of the discussion, the Council agreed that it would be appropriate to request Congresswoman Eshoo's help in enforcing the agreement that she negotiated with the FAA in 2000 regarding minimum arrival altitudes over Portola Valley and Woodside.

In the months following the Council's discussion, I decided to hold back from preparing the letter to Congresswoman Eshoo because there seemed to be little citizen interest in this issue. Recently, however, there has been a surge in citizen complaints about air traffic over Portola Valley and Woodside. I will be hosting a meeting at the Schoolhouse on November 7 to provide information to residents about this issue. The most penetrating complaint lodged in recent weeks has come from a gentleman named Jim Lyons who lives near Skyline Boulevard above Woodside. Mr. Lyons lays out a thorough analysis of the issue and contends that the FAA has abandoned the Eshoo agreement and permitted new flight operations that should have been subject to review under NEPA and CEQA. A copy of his September 28 letter is attached.

All of this recent activity leads me to believe that the time is now right to approach the Congresswoman and seek her assistance on this issue. I have drafted the attached letter for the Council's consideration. As you will see, I am proposing that Congresswoman Eshoo assist in establishing an ongoing channel of communication directly into the FAA, where South County communities can address concerns about aircraft operations. I envision that a senior member of Congresswoman Eshoo's Peninsula staff would be assigned to participate in all meetings or conference calls with the FAA. It is crucial that the FAA representative or representatives to these meetings be individuals with the authority to answer questions from citizens and elected officials. Currently the point person for the FAA is an individual named Patty Daniel, whose title is Airspace and Procedures Support Manager at Northern California TRACON. She is based in Mather, outside of Sacramento. Unfortunately, Ms. Daniel has not always demonstrated responsiveness to South County concerns, and I believe that a person higher up in the chain of command should be designated as the FAA representative -- someone who has direct access to the FAA Regional Administrator William Withycombe in Los Angeles. Mr. Withycombe has been Congresswoman Eshoo's point of contact at the FAA.

There will need to be official representation from the Town in the interactions with the FAA, of course, and the process for involving concerned citizens will need to be worked out. I think it will be possible for citizens to lead this with minimal shepherding by Town officials. It is also possible that Woodside may wish to join in.

A related task to be done is analysis of aircraft noise data that was compiled some months ago by the Noise Abatement Office at the request of Portola Valley and Woodside. We have received a proposal from a southern California aviation consultant to complete this analysis for \$8,000. I am studying the proposal to determine if this cost is reasonable. There is no need to await the results of this analysis before contacting Congresswoman Eshoo, as there are many unanswered questions that are unrelated to actual noise levels.

As my February 2010 memorandum suggested, I believe that if the Council wishes to proceed in reaching out to Congresswoman Eshoo, the most effective form would be for all five members of the Council to sign the final version of this letter.

I welcome the Council's comments and edits to the Eshoo letter and look forward to our discussion.

JAMES E. LYONS
27 Mountain Meadow Drive
Woodside, California 94062
650-851-1293
jel1293@yahoo.com

September 28, 2011

Mr. William C. Withycombe
FAA Regional Administrator
P.O. Box 92007
Los Angeles, CA 90009

Mr. Bert Ganoung
San Francisco International Airport
Aircraft Noise Abatement Office
P.O. Box 8097
San Francisco, CA 94128

Re: Low-Flying Aircraft over the Woodside VOR

Dear Sirs:

I am writing to raise with you my concern about excessive and intolerable noise caused by low-flying jet aircraft over my home. My wife, Mary Jane McCarthy, has communicated with each of your offices in the past about this serious issue, but we have not received any adequate response. It is my belief that recent actions of the Federal Aviation Administration and San Francisco International Airport, in permitting jet aircraft to overfly my home at attitudes of less than 8,000 feet, are in breach of an agreement with the office of the Hon. Anna G. Eshoo and in violation of federal and state environmental statutes. I now request that your offices take immediate steps to mitigate this unbearable jet aircraft noise and return to my neighborhood the peace and tranquility we enjoyed just a few years ago.

For the past twenty years, Mary Jane and I have lived at our Mountain Meadow address, near Skyline Boulevard and less than 100 yards from Wunderlich County Park in San Mateo County. Our house is at an elevation of 2,300 feet above sea level and is located in the vicinity of the Woodside Very High Frequency Omnidirectional Range ("VOR"), a navigational aid used by jet aircraft for approach to San Francisco International Airport and Oakland International Airport. Beginning in approximately 2006, we noticed an apparent increase in jet aircraft flights over our property, with the attendant increase in jet aircraft noise, to the point of becoming insufferable. Indeed, the constant din of jet aircraft flying over our house on approach to SFO or OAK at all hours

Mr. William C. Withycombe
Mr. Bart Ganoung
September 28, 2011
Page 2

of the day and night has caused us great personal annoyance, disrupting our normal conversations, interrupting our sleep and undermining the enjoyment of our home.

The Increase in Aircraft Traffic

Although I do not have flight data going back to 2006, I received from David Ong (SFO Noise System Manager) and from the SFO website information that starkly demonstrates the huge amount of jet aircraft flights over our property and the increase in that jet traffic since 2008. According to a letter to Mary Jane from Mr. Ong dated October 15, 2010, in 2008, average daily arrivals over the Woodside VOR was 52, or 18,980 flights for the entire year. For 2010, the number of daily arrival flights over the Woodside VOR rose to 59, an increase of almost 13.5 percent, for a total of 21,535 flights for that year. It is impossible to enjoy a tranquil lifestyle while being subjected to more than 21,000 arrival overflights a year. (I note that Mr. Ong's statistics do not include departure flights, which would increase the number of overflights substantially.)

Noise levels, of course, are a function of the distance between the noise source and the listener. Given that my house is at an elevation of 2,300 feet, a jet aircraft traveling overhead at an altitude of 8,000 feet (5,700 feet above my house) can be heard easily. From information provided by Mr. Ong, however, we know that the vast proportion of these jet aircraft flights are conducted significantly below 8,000 feet. According to Mr. Ong's October 15 letter, the average aircraft altitude for flights over the Woodside VOR during the last twelve years between 7:00 am and 11:00 pm is 6,712 feet. This means that the average jet aircraft overflies my house by 4,412 feet during this timeframe. For the average jet aircraft overflight, the noise is clamorous.¹

The abundance of nighttime flights over my home only exacerbates this situation. A noise heard at night is perceived by the listener as significantly louder than that same noise heard during the day, due to the relatively low levels of ambient noise. A publication by the National Research Council entitled Guidelines for Preparing an Environmental Impact Statement on Noise provides that, when comparing the relative impact on the listener of the same noise level generated during the periods between 7:00 am and 10:00 pm and 10:00 pm and 7:00 am, the daytime noise level should be increased by 10 dB when that noise is heard at night.² A 10 dB increase approximately doubles the

¹ A decrease in altitude of jet aircraft from 8,000 feet to 6,700 feet above my house increases noise levels by approximately 3.8 dB. Sengpiel, Eberhard, Damping of Sound Level with Distance, <http://www.sengpielaudio.com/calculator-distance.htm>; Kroo, Ilan, Noise, May 13, 1999, <http://adg.stanford.edu/aa241/noise/noise.html>. Listeners perceive a 3.8 dB increase as an approximately 30% increase in noise volume. Sengpiel, Eberhard, Decibel Levels and Perceived Volume Change, <http://www.sengpielaudio.com/calculator-levelchange.htm>.

² National Research Council, Assembly of Behavioral and Social Sciences, Committee on Hearing, Bioacoustics, and Biomechanics, Guidelines for Preparing Environmental Impact Statements on Noise IV-2 (1977).

Mr. William C. Withycombe
 Mr. Bart Ganoung
 September 28, 2011
 Page 3

perceived volume of a noise.³ Thus, a sound at a particular level (expressed in decibels) perceived by a listener during the day is perceived as twice as loud by the listener between the hours of 10:00 pm and 7:00 am.

Based on records provided by SFO on its website, jet aircraft flights over the Woodside VOR between the hours of 10:30 pm and 6:30 am have noticeably increased recently. The total number of flights during these nighttime hours increased from 1,559 in 2009 to 1,773 in 2010, a rise of 13.8 percent. In addition, many of these flights (319) were below 6,000 feet during this two-year time period. Each of these flights passed over our house at less than 3,700 feet from our roof top, waking me or my wife from a sound sleep regularly.⁴

In 2009 and 2010, the most egregious disruptions of our ability to sleep soundly were caused by United Airlines Flight 76, which typically flew over the Woodside VOR between 4:00 am and 5:00 am. During this period, UAL 76 passed over our home at altitudes of less than 6,000 feet on 224 occasions.⁵ I am sure neither of you could tolerate jet aircraft noise at such an intense level on so many occasions between the hours of 4:00 am and 5:00 am.

The Eshoo Agreement Attempts to Mitigate the Noise Problem

More than ten years ago, jet aircraft noise over the Woodside VOR was noticeably increasing, resulting in numerous complaints by my neighbors and other affected areas of the Peninsula. In response to these complaints, and in order to mitigate the intrusion of excessive noise from low-flying jet aircraft, Congresswoman Anna Eshoo secured an agreement with the FAA and SFO regarding minimum altitudes for arriving jet aircraft over the Woodside VOR (the "Eshoo Agreement"). As confirmed in Congresswoman Eshoo's December 15, 2005, letter to Mr. Withycombe,

"[B]etween 1998 and 2001 the Federal Aviation Administration approved the requirement that aircraft approaching San Francisco International Airport fly at a higher altitude over several communities on the Peninsula. We agreed that the minimum altitude for aircraft flying over Skyline would be 8,000 feet, that the minimum altitude for aircraft flying over

³ Vanderheiden, Gregg, About Decibels (dB), <http://trace.wisc.edu/docs/2004-About-dB>; Wolfe, Joe, dB: What is a decibel?, <http://www.animations.physics.unsw.edu.au/jw/dB.htm>.

⁴ A decrease in altitude of a jet aircraft from 8,000 feet to 6,000 feet above my house increases noise levels by approximately 6.2 dB. Sengpiel, Eberhard, Damping of Sound Level with Distance; Kroo, Ilan, Noise. Listeners perceive a 6 dB increase as an approximately 50% increase in noise volume. Sengpiel, Eberhard, Decibel Levels and Perceived Volume Change.

⁵ Through August 31, 2011, UAL flights 76, 653 and 576 (all between the hours of 4:00 am and 5:00 am) have continued this painfully disruptive practice, passing over our property at less than 6,000 feet on at least 48 occasions since the first of this year.

Mr. William C. Withycombe
Mr. Bart Ganoung
September 28, 2011
Page 4

Menlo Interchange would be 5,000 feet, and that air traffic controllers would enforce these regulations for approaching flights into San Francisco and Oakland Airports."

I have seen a recent email communication from Mr. Ganoung to Congresswoman Eshoo's office dated September 15, 2011, which was written in response to an inquiry I made to Congresswoman Eshoo's office. In his email, Mr. Ganoung confirmed the existence of the Eshoo Agreement but asserted that the FAA would honor this agreement "traffic permitting," typically in the late night and early morning hours. Mr. Ganoung also stated that the agreement would not be applied to aircraft on the Point Reyes or Big Sur approaches. I note that no such qualifications or exceptions are contained in Congresswoman Eshoo's letter to Mr. Withycombe. It is unclear from Mr. Ganoung's email how he knows of specific terms of an agreement reached more than 10 years ago and structured by Congresswoman Eshoo's office.

Systematic Violation of the Eshoo Agreement

It appears that that decision was made by the FAA and SFO to systematically violate the terms of the Eshoo Agreement. In his email of September 15, 2011, Mr. Ganoung asserted that San Francisco International Airport began working with Boeing Aircraft Company, NASA Ames and several airlines starting in 2006 on a flight plan procedure known as the Oceanic Tailored Arrival ("OTA"). Because the FAA is the sole organization responsible for the movement of aircraft, I assume Mr. Ganoung misspoke when he failed to include the FAA on this list.⁶ Mr. Ganoung states the OTA flight plan procedure is designed to reduce fuel burn, engine emissions and "to a degree, noise." Mr. Ganoung freely acknowledges in his email that OTA flights at the Woodside VOR will be below 8,000 feet.

Mr. Ganoung thus candidly admits that there will be no further efforts to comply with the Eshoo Agreement. No longer will jet aircraft deviate from the 8,000 foot minimum altitude "traffic permitting," as Mr. Ganoung contended in his email. Now, jet aircraft will approach SFO over the Woodside VOR ignoring the 8,000 foot minimum altitude as if the Eshoo Agreement never existed.

Failure to Comply with the National Environmental Policy Act

It appears that the FAA has permitted the adoption of the OTA flight plan, and determined to abandon the terms of the Eshoo Agreement, in violation of the National Environment Policy Act ("NEPA").

⁶ San Francisco International Airport, Aircraft Noise Abatement Office, Frequently Asked Questions, at 1, http://www.flyquietsfo.com/faq_pdfs/SFOANAO_FAQ_FAQ_200906.pdf.

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Under NEPA, federal agencies (such as the FAA) are required to prepare an environmental impact statement ("EIS") when they propose to undertake "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).⁷ At a minimum, agencies contemplating a major federal action must prepare an environmental assessment to determine whether the action will cause a "significant" environmental impact. 40 C.F.R. § 1508.9(a). Even if the agency determines that an EIS is not required, it must still issue a "finding of no significant impact" explaining why the project is unlikely to have a significant impact on the environment. *See* 40 C.F.R. § 1508.13.

The FAA was therefore required by NEPA to prepare an environmental assessment to determine whether the new OTA flight plan, and the decision to abandon the Eshoo Agreement, will cause a "significant" impact on the environment. Certainly the possibility of a significant impact is present with the implementation of the OTA flight plan, since the altitude of aircraft approaching SFO over the Woodside VOR will be many hundreds if not thousands of feet below the 8,000 foot level that is established in the Eshoo Agreement, to which the FAA previously agreed. This is especially true since, as I previously mentioned, a decline in jet aircraft altitude above my house of 1,300 feet from an 8,000 foot level results in a 30 percent increase in noise volume and a 2,000 foot decline results in a 50 percent increase in noise volume. Moreover, it appears that another impact of the OTA flight plan will be an increase in the number of jet aircraft traffic approaching SFO over the Woodside VOR. This will result in attendant increases in noise, air pollution and other environmental impacts over the Skyline area.

In his October 15, 2010, letter to Mary Jane, Mr. Ong candidly disclosed facts establishing that the FAA was required to conduct an environmental assessment under NEPA with respect to its decision to abandon the Eshoo Agreement and adopt the OTA flight plan. In his letter, Mr. Ong took the position that an EIS was not required with respect to jet aircraft arrivals over the Woodside VOR because there was an "existing route with flights down as low as the established Minimum Vectoring Altitude (MVA) of 4,000 feet."⁸ If Mr. Ong intended to assert that the FAA has no obligations under NEPA with respect to the new OTA flight plan, he is mistaken. Given the environmental sensitivity of the Woodside VOR area, the FAA was required to conduct an environmental assessment before implementing the OTA flight plan (and perhaps an EIS), which it apparently did not do.

⁷ "Major federal action" under NEPA is defined to include "actions with effects that may be major and which are potentially subject to Federal control and responsibility." 40 C.F.R. § 1508.18 (emphasis added). The new OTA flight plan for flights arriving over the Woodside VOR is subject to FAA control and responsibility.

⁸ This altitude is expressed in feet above sea level.

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According to the FAA's own environmental regulations, the Woodside VOR is a "Noise Sensitive Area."⁹ The FAA also provides specific guidance in its environmental regulations as to when it should perform an environmental assessment involving a noise sensitive area. FAA Order 1050.1E § 401n states that actions normally requiring an environmental assessment include: "New or revised air traffic control procedures which routinely route air traffic over noise sensitive areas at less than 3,000 feet AGL [above ground level]." The new OTA flight plan thus meets all the criteria requiring the FAA to conduct an environmental assessment: (1) the OTA flight plan is a new or revised air traffic control procedure; (2) the OTA flight plan routinely routes air traffic over a noise sensitive area; and (3) according to Mr. Ong, the altitude of aircraft over the Woodside VOR can be as low as 4,000 feet above sea level, which at my home is 1,700 feet above ground level.¹⁰

I understand that, to the extent the OTA flight plan routes air traffic above 3,000 feet AGL, the FAA may contend that it is relieved of any obligation to conduct an environmental assessment because a "categorical exclusion" applies.¹¹ If the FAA were to adopt this position, it would be wrong because "extraordinary circumstances" are present here, which require the FAA to conduct an environmental assessment in any event.

In its Order, the FAA has determined that even where it would not ordinarily be required to conduct an environmental assessment because of an applicable categorical exclusion, it must nevertheless do so if "extraordinary circumstances" are present. FAA Order 1050.1E §§ 201a and b; § 304. Extraordinary circumstances are present whenever a proposed action may have a significant impact on noise levels in noise sensitive areas. *Id.* at §§ 304 and 304f. The OTA flight plan meets this requirement. For example, under the OTA flight plan, jet aircraft are apparently permitted to fly at or below 6,000 feet over

⁹ FAA Order 1050.1E § 116(8) defines Noise Sensitive Area as "[a]n area where noise interferes with normal activities associated with its use. Normally, noise sensitive areas include residential... sites and parks [and] recreational areas (including areas with wilderness characteristics)...."

¹⁰ A decrease in altitude of jet aircraft from 8,000 feet to 4,000 feet above sea level increases noise levels by approximately 15.3 dB. Sengpiel, Eberhard, Damping of Sound Level with Distance; Kroo, Ilan, Noise. Listeners perceive a 15.3 dB increase as an approximately 190% increase in noise volume. Sengpiel, Eberhard, Decibel Levels and Perceived Volume Change.

¹¹ "Categorical exclusions . . . represent actions that the FAA has found, based on past experience with similar actions, do not normally require an EA or EIS because they do not individually or cumulatively have a significant effect on the human environment, with the exception of extraordinary circumstances as set forth in paragraph 304." FAA Order 1050.1E § 303a (emphasis added).

To the extent that the OTA flight plan routes air traffic exclusively above 3,000 feet AGL, it may fall within the terms of FAA Order 1050.1E § 311i, which lists as a potential categorical exclusion the "[e]stablishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL)." As I show, however, this categorical exclusion is not available because extraordinary circumstances are present.

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the Woodside VOR. Under the FAA's own rules, the noise impact of such overflights is significant. As mentioned, a decrease in altitude of a jet aircraft from 8,000 feet to 6,000 feet above the Woodside VOR area increases noise levels by approximately 6.2 dB. Thus, the OTA flight plan may have a significant impact on noise levels in the Woodside VOR area and, as a result, extraordinary circumstances are present. This is confirmed by Appendix A § 14.5d of FAA Order 1050.1E, which provides that an increase of 5 or more decibels in community noise levels beneath aircraft routes above 3,000 feet AGL in a noise sensitive area warrants preparation of an environmental assessment.

Under FAA Order 1050.1E §§ 201a and b, whenever extraordinary circumstances are present, an environmental assessment (and perhaps an EIS) is required. Courts have agreed. *See High Sierra Hikers Ass'n v. Blackwell*, 390 F.3d 630, 641 (9th Cir. 2004) (holding that because extraordinary circumstances were present, the United States Forest Service violated NEPA when it failed to conduct an environmental assessment or an EIS). Therefore, because extraordinary circumstances are present here, the FAA was required to conduct an environmental assessment (or an EIS), which it failed to do.

The FAA's OTA flight plan represents new marching orders about how jet aircraft approaching SFO over the Woodside VOR will be managed with the potential for significant environmental impact. Whether arriving jet aircraft overfly the Woodside VOR below 3,000 feet AGL or above 3,000 feet AGL, the FAA's adoption of this OTA program and its decision to walk away from the Eshoo Agreement is subject to NEPA and the FAA was required to conduct an environmental assessment. *See City of Dania Beach, Fla. v. F.A.A.*, 485 F.3d 1181, 1188-89 (D.C. Cir. 2007) (holding FAA should have conducted an environmental assessment under NEPA where change in airport runway use amounted to "new marching orders" about how air traffic would be managed at airport).

Failure to Comply with the California Environmental Quality Act

In addition to the FAA's failure to comply with NEPA, SFO has apparently failed to comply with the California Environmental Quality Act ("CEQA"). CEQA reflects the policy of the state to develop, maintain and enhance a high-quality environment, which includes taking all actions necessary to provide the people of California with "freedom from excessive noise." Public Resources Code § 21001(a) and (b). As discussed below, it imposes requirements on any local agency undertaking a project that may have a significant effect on the environment similar to the requirements of NEPA. SFO, which is a department of the City and County of San Francisco,¹² is a "local agency" under

¹² San Francisco International Airport, The Organization, <http://www.flysfo.com/web/page/about/organization>.

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CEQA and is required to comply with CEQA's statutory terms in developing the OTA flight plan and in deciding to abandon the Eshoo Agreement.¹³ It did not do so.

CEQA is a state statutory scheme intended to inform governmental decision-makers and the public "about the potential, significant environmental effects of proposed activities" and to identify the ways that environmental damage "can be avoided or significantly reduced." Cal. Code of Regs. § 14:15002. CEQA applies anytime a "local agency" undertakes "any project" that "may have a significant effect on the environment." Pub. Res. Code § 21151. The purpose of CEQA's statutory scheme is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made.

When CEQA applies, the local agency must prepare a series of reports to determine both the environmental impact of the proposed project and whether there are any ways that impact can be avoided or reduced. First, the agency must conduct an initial study to determine whether the project may have a significant effect on the environment. Cal. Code of Regs. § 14:15063(a). If the initial study reveals that the project may have a significant effect on the environment, the agency must then prepare an environmental impact report ("EIR"). Public Resources Code § 21151; Cal. Code of Regs. § 14:15063(b). Conversely, if the initial study reveals "no substantial evidence that the project or any of its aspects may cause a significant effect on the environment," the agency must instead prepare a negative declaration. Cal. Code of Regs. § 14:15063(b)(2).

SFO's decision to abandon the Eshoo Agreement and develop the OTA flight plan was subject to the requirements of CEQA. First, as mentioned, SFO is a "local agency." Second, the abandonment of the Eshoo Agreement and the development and implementation of the OTA flight plan was a "project." CEQA's guidelines define "project" as "an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Cal. Code of Regs. § 14:15378. CEQA's provisions explicitly identify noise as an important environmental factor. Public Resources Code § 21001(b). In fact, "through CEQA, the public has a statutorily protected interest in quieter noise environments." *Berkeley Keep Jets v. Port Commissioners*, 91 Cal. App. 4th 1344, 1379 (2001). Here, the new OTA flight plan results in a reduced altitude for aircraft over the Woodside VOR. Indeed, Mr. Ong has admitted that jet aircraft may overfly the Woodside VOR at altitudes as low as 1,700 feet above ground level. Because aircraft flying at lower altitudes create higher noise levels on the ground, abandoning the Eshoo Agreement and developing the OTA flight plan has the "potential for resulting in . . . a

¹³ CEQA regulations define "local agency" as including "cities, counties. . . and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency." Cal. Code of Regs. § 14:15368. SFO (acting through the Airport Commission) is a local agency designated by the City and County of San Francisco.

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reasonably foreseeable indirect physical change in the environment" and was, therefore, a "project." Cal. Code of Regs. § 14:15378.

Finally, SFO's conduct described above may have a significant effect on the environment. Such a "significant effect" is defined by the regulations to mean a "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project[,] including . . . ambient noise . . ." Cal. Code Regs. § 14:15382. There can be no question that jet aircraft flying below 8,000 feet, especially at night, substantially change the ambient noise at our home.

As a result, SFO has violated CEQA in several ways. First, it has failed to conduct an initial study as required by Cal. Code of Regs. § 14:15063(a) before deciding to abandon the Eshoo Agreement and embark on developing the OTA flight plan. Second, SFO did not prepare an EIR, which is required on any project that "may have a significant effect on the environment." Public Resources Code § 21151(a). Indeed, Mary Jane and I are in a position similar to that of neighborhood groups in *Berkeley Keep Jets v. Port Commissioners*, who contended that the Port of Oakland failed to prepare properly an EIR addressing the potential disturbance from increased nighttime flights out of Oakland International Airport. *Berkeley Keep Jets v. Port Commissioners*, 91 Cal. App. 4th at 1371. The court noted that "[petitioners] reported often being awakened in the middle of the night by aircraft noise, and being unable to talk on the telephone or carry on ordinary conversations when planes [flew] overhead." *Id.* at 1375. The court held for petitioners, writing that CEQA required the agency to "obtain the technical information needed to assess whether the [proposed action would] merely inconvenience the Airport's nearby residents or damn them to a somnambulate-like existence." *Id.* at 1382.

The new OTA flight path results in reduced altitude of jet aircraft flying over the Woodside VOR. Aircraft flying at reduced altitudes generate higher noise levels on the ground. Since the new OTA flight plan was developed, my wife and I have had our lives routinely disrupted by low-flying aircraft. Accordingly, SFO was required to conduct an initial study and most likely an EIR before turning its back on the Eshoo Agreement and developing the new OTA flight path.¹⁴ Because SFO failed to do so, it violated its obligations under CEQA.

* * * *

Aircraft flying into San Francisco International Airport over the Woodside VOR have shattered the tranquility of our home. We have communicated with you about this

¹⁴ Even if the initial study revealed "no substantial evidence that the project or any of its aspects may cause a significant effect on the environment," relieving SFO of the need to prepare an EIR, SFO was still required to prepare a negative declaration. Cal. Code of Regs. § 14:15063(b)(2). SFO failed to prepare a negative declaration, and thus violated its obligations under CEQA.

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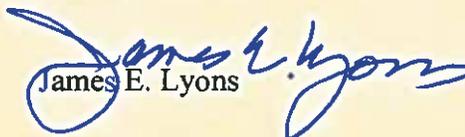
issue many times in the past, to no effect. We now insist that the FAA and SFO meet the legal obligations imposed on them by the Eshoo Agreement, the United States Congress and the California Legislature. In particular, with respect to the decision to abandon the Eshoo Agreement and develop and implement the OTA flight plan:

1. The FAA should prepare an environmental assessment under the NEPA and, if necessary, an EIS.
2. SFO should prepare an initial study under CEQA and, if necessary, an EIR.

Alternatively, it may be the case that I am mistaken that the FAA and SFO have not prepared an environmental assessment, an EIS or an EIR satisfying NEPA and CEQA, analyzing the environmental impact of the decision to abandon the Eshoo Agreement and to develop and implement the OTA flight plan. If that is the case, I request that you provide me with copies of any environmental reports or studies conducted by either the FAA or SFO addressing the noise impact of jet aircraft over the Woodside VOR. I am happy to reimburse any costs incurred in the production of such copies.

We, of course, reserve all of our legal rights to take appropriate action in court if necessary.

Very truly yours,


James E. Lyons

JEL/ecg

cc: David Burow, Council Member,
Woodside Town Council
The Honorable Anna G. Eshoo
David Ong, Noise System Manager,
San Francisco International Airport
Susan George, Town Manager of Woodside
Dave Carbone, Roundtable Project Manager,
SFO Community Roundtable
Steve Alverson, Roundtable Coordinator
SFO Community Roundtable
Steve Toben, Former Mayor, Portola Valley (via email)



TOWN of PORTOLA VALLEY

COUNCIL:

Ted Driscoll - Mayor
 Maryann Moise Derwin - Vice Mayor
 F. John Richards
 Steve Toben
 Ann Wengert

November 9, 2011

Honorable Congresswoman Anna Eshoo
 698 Emerson Street
 Palo Alto, CA 94301

TOWN OFFICERS:

Angela Howard
 Town Manager
 Sandy Sloan
 Town Attorney

Dear Congresswoman Eshoo,

We are writing to request your assistance. In 2000 you secured an agreement with the FAA regarding commercial aircraft operations over southern San Mateo County. Among other terms, your agreement specified that aircraft bound for SFO and Oakland International Airport were not to arrive over the Woodside navigational beacon below an altitude of 8,000 feet mean sea level, traffic permitting. There is growing evidence that the FAA is no longer abiding by this agreement. Flights now commonly arrive well below the 8000 foot MSL threshold, and for many residents of South County the situation has become highly disruptive. We seek your help in addressing this problem.

Over the past eleven years, we have attempted to secure FAA compliance with your agreement by working through the SFO Airport/Community Roundtable, whose mandate is to assist communities in San Mateo County affected by aircraft noise. This has proven to be a frustrating experience, as the Roundtable leadership, staff, and personnel of the affiliated SFO Noise Abatement Office have tightly controlled access to information related to compliance with your agreement. They have essentially acted to shield the FAA from inquiries by citizens and cities affected by aircraft noise. Our negative experience with the Roundtable has been validated by a recent investigation carried out by the San Mateo County Grand Jury. The Grand Jury found that the Airport/Community Roundtable has become largely ineffectual in addressing the noise concerns of San Mateo County cities. The most recent example of the Roundtable's ineffectiveness involves the City of Brisbane, which was compelled earlier this year to seek the assistance of Congresswoman Speier to intercede with the FAA after the Roundtable failed to respond promptly to the city's concerns over aircraft noise.

Having exhausted the avenue of the Airport Roundtable, we respectfully ask your assistance in establishing a communication channel into the FAA so that South County officials and residents can pursue compliance with your 2000 agreement. This would be a forum where questions about airline operations could be posed directly to FAA officials and ideas explored for minimizing noise impacts on South County communities. We envision regularly scheduled meetings (perhaps quarterly, though initially more often) involving fewer than two dozen participants (elected officials, city staff and citizens). Agendas would be prepared in advance based on issues raised by concerned residents.

We would request that a senior member of your Peninsula staff be designated to participate in all meetings with the FAA. It is crucial that the FAA representative or representatives to these meetings be individuals with the authority to answer questions from citizens and elected officials. Currently the public affairs representative for the FAA is an individual named Patty Daniel, whose title is Airspace and Procedures Support Manager at Northern California TRACON. Unfortunately, Ms. Daniel has not always demonstrated responsiveness to South County

The Honorable Anna Eshoo
November 9, 2011

concerns, and we believe that a person higher up in the chain of command should be designated as the FAA representative to the forum we are proposing. This should be someone who has direct access to Regional Administrator Withycombe in Los Angeles.

Here are some of the initial questions for the forum:

1. There is a widespread perception that aircraft noise has recently increased over South County. Have there been any changes to designated flight paths over South County for arrivals and departures involving the three major Bay Area airports? Has the volume of air traffic increased? If so, how much? What are the projections of air traffic volume over South County in coming years?
2. Have there been any changes to operations procedures at Northern California TRACON that have contributed to the lowering of arrival altitudes over South County below the 8,000 foot standard set forth in the 2000 agreement?
3. Has any official action been taken by the FAA or various airlines to institute "tailored arrival" technology for flights arriving over South County? Does the FAA take the position that "tailored arrivals" supersede the 2000 agreement? To what extent have "tailored arrivals" lowered arrival altitudes? What environmental impact review was completed prior to instituting tailored arrivals by the FAA or the airlines? What environmental review is legally required to determine the permissibility of the tailored arrivals procedure, since it enables aircraft to arrive at substantially lower altitudes than has been true historically, arguably causing environmental impacts?
4. When a pilot study of tailored arrivals was conducted approximately three years ago, the data showed that some tailored arrival flights in the study met the 8,000 foot standard. Why can't this always be the case with tailored arrivals?
5. The claim has been made that tailored arrival technology reduces noise impacts. What evidence supports this claim?
6. Our understanding is that flights arriving over the Woodside navigational beacon occupy a broad range of airspace. For purposes of data collection, the SFO Noise Abatement Office has utilized a "gate in the sky" that is nine miles wide over Woodside and Portola Valley. Is it possible to systematically distribute flights across that entire range so that no one neighborhood is disproportionately affected by noise?
7. The SFO Noise Abatement Office, some members of the Airport/Community Roundtable, and Patty Daniel at Northern California TRACON appear to take the position that the 2000 agreement applies only to flights arriving over the Woodside navigational beacon from the west, not flights arriving from the north (known as Point Reyes arrivals) or the south (known as Big Sur arrivals), all of which are funneled over Woodside and Portola Valley for their final approach to SFO (and sometimes Oakland). Flights from the west comprise only a small fraction of inbound flights over South County. It seems illogical that the 2000 agreement, which was intended to address South County aircraft noise comprehensively, would exclude so many operations. What is the FAA's official position?
8. What criteria do the FAA apply in invoking the "traffic permitting" qualification to the 8,000 foot standard? As presently applied, this is a very large loophole in the 2000 agreement. Can the FAA provide affected communities with an accounting of periods when the "traffic permitting" qualification is in use?
9. The SFO Noise Abatement Office states that it informs Northern California TRACON of flight operations that fall below the prescribed altitude. However, no explanation for non-conforming flights is ever provided back from the FAA to the affected communities. Communities should have the right to know what corrective action, if any, has been taken by the FAA in response to non-conforming flights. What is the FAA's position?

We expect that answers to these questions (and others that come up) will yield ideas for reducing noise impacts over South County in the spirit of your 2000 agreement.

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November 9, 2011

We readily acknowledge that the FAA's primary responsibility is to ensure safe travel for the flying public. We also acknowledge that some aircraft are quieter than others, depending on the jet engine technology with which the plane is equipped. Quiet planes should be able to fly lower than noisy ones.

We sincerely appreciate your consideration, and we look forward to working with you and your staff on this issue.

Respectfully,

Mayor, Town of Portola Valley
Ted Driscoll

Vice Mayor, Town of Portola Valley
Maryann Derwin

Councilmember, Town of Portola Valley
John Richards

Councilmember, Town of Portola Valley
Ann Wengert

Councilmember, Town of Portola Valley
Steve Toben

#13

There are no written materials for this agenda item.

TOWN COUNCIL WEEKLY DIGEST

Friday – October 28, 2011

-
- ☐ 1. Memorandum to San Mateo County Sheriff's Department from Sharon Hanlon regarding Town Center Reservations for November 2011
 - ☐ 2. November 2011 Meeting Schedule
 - ☐ 3. Agenda – ASCC Special Field Meeting – Tuesday, November 1, 2011
 - ☐ 4. Agenda – Regular Planning Commission Meeting – Wednesday, November 2, 2011
 - ☐ 5. Action Agenda – ASCC Field Meeting – Monday, October 24, 2011
 - ☐ 6. Action Agenda – Regular Town Council Meeting – Wednesday, October 26, 2011

Attached Separates (Council Only)

- ☐ 1. Invitation to participate in a research survey: Local Elected Officials' Opinions About Sharing Local Government Services
- ☐ 2. Information from C/CAG regarding vacancies on the Congestion Management and Environmental Quality Committee and the Bicycle and Pedestrian Advisory Committee
- ☐ 3. Invitation to attend Labor's Holiday Party on Friday, December 2, 2011
- ☐ 4. San Mateo County Mosquito and Vector Control's Entomology Report – September 2011



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: San Mateo County Sheriff's Department
FROM: Sharon Hanlon
DATE: October 28, 2011
SUBJ: Town Center Reservations for November 2011

Following is the current schedule of events for the Town Center and surrounding area for November 2011.

- November 7: Election Set-Up / Historic Schoolhouse / 7:00 am – 6:00 pm
- November 8: Election Day / Historic Schoolhouse / 7:00 am – 8:00 pm
- November 19: Ormondale School Turkey Trot Fun Run / Cervantes & Shawnee Pass
8:00 – 11:00 am
- November 24 & 25: Town Hall Closed for the Thanksgiving Holiday

Town of Portola Valley

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

NOVEMBER 2011 MEETING SCHEDULE

Note: **Unless otherwise noted below and on the agenda, all meetings take place in the Historic Schoolhouse**, located at 765 Portola Road, Portola Valley, CA

TOWN COUNCIL – 7:30 PM (Meets 2nd & 4th Wednesdays)

Wednesday, November 9, 2011

Wednesday, November 23, 2011 – **Meeting Cancelled**

PLANNING COMMISSION – 7:30 PM (Meets 1st & 3rd Wednesdays)

Council Liaison – Ann Wengert

Wednesday, November 2, 2011

Wednesday, November 16, 2011

ARCHITECTURAL & SITE CONTROL COMMISSION - 7:30 PM (Meets 2nd & 4th Mondays)

Council Liaison – John Richards

Tuesday, November 1, 2011 – **Special Field Trip**

Monday, November 14, 2011

Monday, November 28, 2011

BICYCLE, PEDESTRIAN & TRAFFIC SAFETY COMMITTEE

Council Liaison – Ted Driscoll

First Committee meeting tentatively scheduled for Thursday, January 5, 2012

CABLE TV COMMITTEE – 8:15 AM (Meets 2nd Thursday) alternate odd numbered months

Council Liaison – John Richards

Thursday, November 10, 2011

COMMUNITY EVENTS COMMITTEE

Council Liaison – Maryann Derwin

As announced

CONSERVATION COMMITTEE – 8:00 PM (Meets 4th Tuesday)

Council Liaison – John Richards

Tuesday, November 22, 2011

CULTURAL ARTS COMMITTEE – (Meets 2nd Thursday of every month)

Council Liaison – Maryann Derwin

Thursday, November 10, 2011 at 1:00 PM

EMERGENCY PREPAREDNESS COMMITTEE – 8:00 AM (Meets 2nd Thursday) in the EOC /

Conference Room at Town Hall

Council Liaison – Steve Toben

Thursday, November 10, 2011

FINANCE COMMITTEE

Council Liaison – Ann Wengert

Tuesday, November 8, 2011, 5:30 PM, Town Hall Conference Room

GEOLOGIC SAFETY COMMITTEE – 7:30 PM

Council Liaison – Ted Driscoll

As announced

HISTORIC RESOURCES COMMITTEE

Council Liaison – John Richards

As announced

NATURE AND SCIENCE COMMITTEE – 4:00 PM (Meets 2nd Thursday) alternate even numbered months

Council Liaison – Ann Wengert

OPEN SPACE ACQUISITION ADVISORY COMMITTEE

Council Liaison – Steve Toben

As announced

PARKS & RECREATION COMMITTEE – 7:30 PM (Meets 3rd Monday)

Council Liaison – Steve Toben

Monday, November 21, 2011

PUBLIC WORKS COMMITTEE

Council Liaison – Ann Wengert

As announced

SUSTAINABILITY COMMITTEE – 4:00 PM (Meets 3rd Monday)

Council Liaison – Maryann Derwin

Monday, November 21, 2011

TEEN COMMITTEE

Council Liaison – Maryann Derwin

As announced

TRAFFIC COMMITTEE

Council Liaison – Ted Driscoll

No November Meeting

TRAILS & PATHS COMMITTEE – 8:15 AM (2nd Tuesday of each month, or as needed)

Council Liaison – Ted Driscoll

Tuesday, November 11, 2011 – 8:15 AM – **November Meeting Cancelled**



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Tuesday, November 1, 2011
SPECIAL Field Meeting (time and place as listed herein)
2:30 PM – Stanford C-1 Trail – Alpine Road
Meet in Ford Field Parking Lot - Alpine Road
765 Portola Road, Portola Valley, CA 94028**

SPECIAL FIELD MEETING*

2:30 p.m., Stanford C-1 Trail, Alpine Road Field session to make final decisions for placement of plants and relocation of plants based on the approved landscaping plans.

1. Call to Order:
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr
3. In-field review of plant placement/relocation at Stanford C-1 Trail, Alpine Road
4. 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.

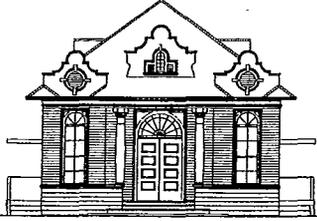
PUBLIC HEARINGS

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: October 25, 2011

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, November 2, 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. *Public Hearing:* Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers
2. Compliance with Annual Reporting Conditions, Conditional Use Permit X7D-30, The Priory School

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: September 21, 2011 and October 19, 2011

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

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AVAILABILITY OF INFORMATION

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Planning Commission Agenda
November 2, 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

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

Date: October 28, 2011

CheyAnne Brown
Planning Technician



**TOWN OF PORTOLA VALLEY
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)
Monday, October 24, 2011
Field Meeting (time and place as listed herein)
7:30 PM – Regular ASCC Meeting
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

ACTION

FIELD MEETING*

4:00 p.m., 451 Portola Road Field session for preliminary consideration of plans for additions and other improvements to the historic "Lauriston"-Willowbrook Farm," Superintendent's House and Office. (ASCC review to continue at Regular Meeting)

7:30 PM - REGULAR AGENDA*

1. Call to Order: 7:30 p.m.
2. Roll Call: Aalfs, Breen, Clark, Hughes, Warr (**All present. Also present: Tom Vlasic Town Planner; Carol Borck Planning Technician; John Richards Town Council Liaison**)
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. **Linda Yates, 170 Mapache, spoke on her concern over Town's Driveway Policy and requested that it be reviewed and possibly updated.**
4. New Business:
 - a. Architectural Review for Residential Additions and New Attached Garage, 21 Santa Maria Avenue, Berka/Akers **Project approved subject to Planning Commission approving proposed deviation and conditions to be met to the satisfaction of Planning staff prior to building permit issuance.**
 - b. Preliminary Architectural Review – Proposed Additions and Remodeling, Addition of Attached Garage and Other Site Improvements, "Lauriston"-Willowbrook Farm," Superintendent's House and Office, 451 Portola Road, Naify **ASCC discussed proposed project, provided feedback and comments to project team. Review continued to 11/14/11 meeting.**
5. Staff Reports:
 - a. Process for Implementation of Stanford C-1 Trail Landscape Plans **ASCC viewed the C-1 Trail landscape plans with comments and concerns. Commissioners requested a special meeting for November 1 at 3p to walk the trail planting area.**
 - b. Vlasic responded to Commissioner Breen's concerns over Wick, 330 Golden Hills, planting beyond the approved landscaping plan. Vlasic informed Commission of applicant's denied Encroachment Permit and need for response.

6. Approval of Minutes: October 10, 2011 **Approved as submitted.**
7. Adjournment **8:48 p.m.**

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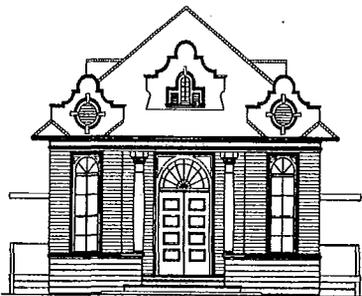
PUBLIC HEARINGS

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

Date: October 21, 2011

CheyAnne Brown
Planning Technician



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, October 26, 2011

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

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

All Present

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.

Virginia Bacon voiced her concern of possible fire hazard along areas of the C-1 trail.

Jon Silver concerned with ASCC recruitment procedure.

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** – Special Town Council Meeting of September 28, 2011

Minutes pulled and approved as submitted 5-0

(2) **Approval of Minutes** – Special Town Council Meeting of October 5, 2011

(3) **Ratification of Warrant List** – October 12, 2011

(4) **Approval of Warrant List** – October 26, 2011

(5) **Recommendation by Administrative Services Officer** – Budget Amendment, COPS Funding restored

Items 2, 3, 4 & 5 Approved 5-0

REGULAR AGENDA

PUBLIC HEARING (7:40 pm)

(6) **PUBLIC HEARING** – First Reading of Proposed Wireless Communications Facilities Ordinance

(a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.41 [Wireless Communications Facilities] to Title 18 [Zoning] of the Portola Valley Municipal Code and Repealing and Amending Related Sections in Title 18 [Zoning] for Conformity (Ordinance No. __)

First Reading of Ordinance, Approved as Amended 5-0
Second Reading scheduled for the November 9 Council meeting

(7) **Discussion** – Planning Commission Requested Clarification of the Meadow Preserve Provisions of the General Plan (7:58 pm)

Council directed that the Commission apply the Meadow Preserve definition that existed when CUP X7D-169 was filed. Council advised that the Commission should exercise flexibility in applying the definition, particularly to agricultural uses. Council requested that the General Plan provision be placed on a future Council agenda for further discussion.

- (8) **Recommendation by Town Manager** – Introduction of Ordinance Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (9:00 pm)
- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Repealing Chapter 10.08 [Administration] of Title 10 [Vehicles and Traffic] of the Portola Valley Municipal Code (Ordinance No. ____)

**First Reading of Ordinance, Approved 5-0
 Second Reading scheduled for the November 9 Council meeting**

- (9) **Discussion and Council Action** – Heather Renschler of Ralph Andersen and Associates with Development of Town Manager Recruitment Materials (9:02 pm)

Revised recruitment material to be agendized at the November 9 Council meeting

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (10) **Discussion** – Proposed Naming of “C-1” Trail and Ribbon Cutting Ceremony (9:30 pm)

Council agreed to a Ribbon Cutting Ceremony in spring 2012 and discussed children from Corte Madera holding a contest to name the trail

- (11) **Reports from Commission and Committee Liaisons** (9:35 pm)
There are no written materials for this item.

Vice Mayor Derwin – Resource Management Climate Protection Committee currently has copious funds for the Energy Upgrade Program where you can obtain \$8,000 for energy upgrades. Some cities are providing additional funds or incentives. The San Mateo County CHF (California Housing Finance Agency) is now offering 3% fixed on a 15 year loan for an assessment and energy upgrades. The reception for the PV artist’s had excellent art and was well attended. The exhibit is being held at The Priory now through November 5.

Councilmember Richards – ASCC questioned why they had not been given an opportunity to review/comment on the C-1 trail landscaping plan. At the October 24 ASCC meeting Linda Yates voiced her concern over Town’s driveway policy. The Conservation Committee discussed the C-1 trail and a possible new Committee Chair.

Councilmember Wengert - An informal meeting of local bicycle team leaders meet with Councilmember Wengert and Mayor Driscoll. Positive discussion held on their issues, concerns and ideas for help. Planning Commission met to discuss the project on Santa Maria Avenue, preliminary review of request for deviation from resolution 2506-1010.

Councilmember Toben – Emergency Preparedness Committee main topic was of the current condition of CERPP. CERPP has hired a consultant to help with public relations and with hopes of recruiting volunteers. Parks & Recreation Committee again discussed a skateboard park, looking at possibly the Corte Madera campus. Ford Field renovation was discussed and the possibility of grant monies being available once again for this project. An Airport Roundtable Committee meeting is scheduled for November 7.

Mayor Driscoll – Trails and Paths Committee heard from equestrians who requested equestrian crossings with crossing signage.

WRITTEN COMMUNICATIONS (10:00 pm)

- (12) **Town Council Weekly Digest** – October 7, 2011
- (13) **Town Council Weekly Digest** – October 14, 2011

#1 – Repost ad for ASCC recruitment, extend deadline, interviews will be held in January, 2012.

#2 – Mayor Driscoll reported that 90% of SOD testing is positive

- (14) **Town Council Weekly Digest** – October 21, 2011

ADJOURNMENT: 10:08 pm

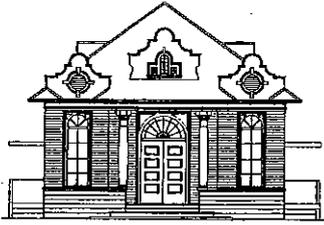
TOWN COUNCIL WEEKLY DIGEST

Friday – November 4, 2011

-
- ☐ 1. Memorandum to Town Council from Brandi de Garmeaux regarding Group Incentive Program for Energy Efficiency and Solar – November 4, 2011
 - ☐ 2. E-mail and attachment to Town Council from Nancy Lund regarding Dwight Crowder Trail – November 3, 2011 (4 pages)
 - ☐ 3. Letter to Mr. and Mrs. Philip White from Leslie Lambert expressing appreciation for the donation of apples for the Council of Cities Dinner – November 2, 2011
 - ☐ 4. Letter to Angela Howard from Joe Coleman requesting a donation of \$5,000 to CERPP – October 19, 2011
 - ☐ 5. Month End Financial Report for the Month of October 2011
 - ☐ 6. Issued Building Permit Activity: October 2011
 - ☐ 7. Notice that the Portola Valley Sustainability Committee is seeking new members
 - ☐ 8. Article in Acterra: Towns Challenged to Reduce Wasted Electricity in “High Energy Homes” – November 2, 2011 (4 pages)
 - ☐ 9. San Mateo County Sheriff’s Office Town of Portola Valley Crime Activity Report for July – September, 2011 (11 pages)
 - ☐ 10. Cancellation Notice for the Trails and Paths Committee Meeting scheduled for Tuesday, November 8, 2011
 - ☐ 11. Cancellation Notice for the Emergency Preparedness Committee Meeting scheduled for Thursday, November 10, 2011
 - ☐ 12. Agenda – Community Events Committee Meeting – Tuesday, November 8, 2011
 - ☐ 13. Agenda – Finance Committee Meeting – Tuesday, November 8, 2011
 - ☐ 14. Agenda – Cable & Undergrounding Committee Meeting – Thursday, November 10, 2011
 - ☐ 15. Agenda – Cultural Arts Committee Meeting – Thursday, November 10, 2011
 - ☐ 16. Agenda – Action Agenda – Regular Planning Commission Meeting – Wednesday, November 2, 2011

Attached Separates (Council Only)

- ☐ 1. Sustainable San Mateo County’s City Report for 2012 Indicators Report – October 29, 2011
- ☐ 2. Invitation to participate in a research survey about elected officials’ views on sharing services with other local governments – November 1, 2011
- ☐ 3. Labor – November 2011
- ☐ 4. Recent Publications from Lucile Packard Children’s Hospital – September 2011



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Brandi de Garmeaux, Sustainability Coordinator

DATE: November 4, 2011

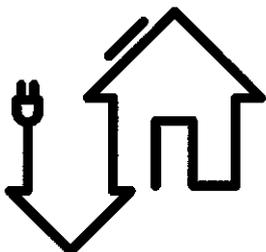
RE: Group Incentive Program for Energy Efficiency and Solar

As indicated in the memo to the Council on September 23, 2011, Town staff has been working with PG&E to develop a group incentive program to encourage home energy upgrades and installation of solar photovoltaics. Since that memo, the Bay Area Climate Collaborative (BACC) has become the program sponsor and will help deliver education and support program implementation. GroupEnergy will design and administer the program on behalf of the BACC.

The program is called Green Towns SunShares Reduce and Produce <http://www.mygroupenergy.com/group/green-towns/>. The campaign starts by engaging 50 homeowners to sign up for the group-buy. Then GroupEnergy will then issue a request for proposals. Once the terms and conditions are negotiated, more homeowners can sign up.

Attached is a flyer describing the program and the first informational meeting to be held in Woodside on Monday, November 14th at Independence Hall. At present, Portola Valley and Woodside are participating in the Green Towns SunShares. Atherton and Hillsborough have until November 11th to join. An informational meeting will be held in Portola Valley on Tuesday, December 6th.

Please let staff know if you have any questions or would like any additional information.



Informational town meeting
Monday November 14th at 7:30pm
 Hands on activities and refreshments
 Starting at 7:00pm
 Independence Hall in Woodside

Join your neighbors in the SunShares program.
<http://www.mygroupenergy.com/group/green-towns>

Do you spend big bucks on your energy bill each month?
 Been thinking about installing a solar energy system but
 don't know where to start?

SunShares is here to help!

The Bay Area Climate Collaborative is offering home-
 owners in the towns of Portola Valley and Woodside a
 special energy efficiency and solar group buy program.
 This program will guide you through upgrading your
 home to reduce utility bills, increase home comfort and
 generate clean energy.

The time is now.

The BACC SunShares team will work to select reputable
 contractors based on experience, quality and pricing
 through a competitive bidding process to offer discounts
 on group installations of energy efficiency improvements
 and residential solar.

In addition to the great group discounts, there are
 significant savings available through energy efficiency
 rebates offered by the State's new Energy Upgrade
 California Program (up to \$4,000).

Why participate?

- Free solar assessment of your home (no obligation).
- Reduced cost energy efficiency assessments.
- Pre-negotiated group discount (Save 15% or more).
- Vetted contractors.
- Independent, unbiased technical advisor.
- Cash rebates from PG&E.
- 30% federal tax credit on solar installations.
- Zero down solar leasing options with monthly
 payments less than your current electric bill.

Learn more.

Informational town meeting
Monday November 14th at 7:30pm
 Independence Hall in Woodside
 Refreshments and interactive displays at 7:00pm.
 Admission is free.
 Join your neighbors in the SunShares program!
<http://www.mygroupenergy.com/group/green-towns>



The BACC is a 501c3 non-profit public-private partner-
 ship accelerating the clean energy economy and
 providing replicable models of scalable climate action.
 A project of the Silicon Valley Leadership Group, major
 partners include Pacific Gas & Electric, and local
 governments including San Mateo County representing
 over 70 percent of the Bay Area population.

Michele Arana

From: Angela Howard
Sent: Thursday, November 03, 2011 11:05 AM
To: Michele Arana
Subject: FW: Dwight Crowder Trail and more
Attachments: MEMORIALS AND TRIBUTES.doc

For the digest

From: Tor/Nancy Lund [<mailto:thelunds@ix.netcom.com>]
Sent: Thursday, November 03, 2011 10:59 AM
To: Angela Howard
Cc: 'George Mader'
Subject: Dwight Crowder Trail and more

To: Portola Valley Town Council
From: Nancy Lund, Town Historian
Subject: Dwight Crowder Trail
Date: November 3, 2011

George Mader has made me aware of the possible plans to rename the Dwight Crowder Trail when its improvement has been completed. I strongly discourage you from doing this. Dwight was a major figure in the formation of the Town as we know it today. As a geologist, his insistence that the early Councils consider the significance of the dangers of the fault and potential landslides greatly contributed to the ordinances that have made us a pioneer in safe building in dangerous territory and a world leader in planning for seismic safety. It was a great loss to the community when he was killed in a bicycle/car accident on Portola Road in 1970. (Yes, he rode his bike to work way back then.)

I think it is important for townspeople to remember and honor those whose contributions have helped shape the Town in significant ways. Maintaining that heritage is part of what allows community cohesiveness and provides that "sense of place" that Bill Lane spoke of so often. To forget those who came before us is a regrettable loss.

I further believe that George's idea of keeping a list of who those honored with a memorial of some sort is useful. I prepared the attached list in 2009 when I discovered that the bench honoring the enormous contribution that Jane Ames made to the creation of Toyon Trail disappeared. I have updated the list today. (It still may not be complete.) Perhaps some sort of sign that can be updated could be on public display somewhere in Town Center so that residents can know of the contributions of those who have been honored.

MEMORIALS AND TRIBUTES as of November 2011

Trees/Shrubs

Dorothy Ford – tree and marker located in Dorothy Ford Park, adjacent to Ford Field. Dorothy was the mother of Town benefactor Tom Ford.

Tom Ford – tree and marker in Dorothy Ford Park, adjacent to Ford Field. Tom was a major benefactor of the Town, served on Planning Commission while PV Ranch was being planned.

Mary Kohut - tree and marker at Town Center. Town Council member, 1994, succumbed to cancer early in term.

Dwight Crowder – Tree and marker at Triangle Park: Sequoia sempervirens planted in memory of Dwight Crowder 1929-1970 By the Portola Valley 4'H Clubs. He was a geologist, active in Town's incorporation, and a catalyst in persuading the Town to study its geology in order to plan its growth to minimize risk. (**Redwood tree died c 2007 but is resprouting,; marker is still there**)

Jim Whitson – Triangle Park, planted in 1999. Jim was an active participant in Town's incorporation while serving on the ASCC & Planning Commission. He served on the Town Council 1972-1980. (**Tree died c 2007**)

Herb Dengler – Triangle Park: a quercus lobata and an engraved small rock with a trillium: Honoring Herb Dengler on his 90th birthday, July 5, 2002. A voice for conservation in Portola Valley for 50 years. A 50 year resident at the time of his death in 2002, a botanist, educator, & illustrator, he was the Town advisor on conservation issues. He laid out the Toyon Trail, and helped with many others.

Andy Garcia – A western redbud in Triangle Park. Town resident, who died on Sept. 11, 2001 in the Pennsylvania plane crash.

Benches

Triangle Green Park: plaque on a bench: 1973, Dedicated to, and with special thanks, to those children and their families who planted the Green. Chet Wruke, Jim Whitson, Herb Dengler

Betsy Crowder – Bench located on Betsy Crowder Trail, Windy Hill Preserve. She was a Town activist, member of the Planning Commission, a conservationist, and Mid-Peninsula Open Space board member.

Jane Ames – “Jane’s retreat,” a bench on Toyon Trail, in tribute to her tremendous work on that trail: (**bench was discovered missing 8/08.**) Jane was active with the planning of Town Trails and was the driving force that motivated and organized the volunteers who worked for two years to clear and build the Toyon Trail.

Bob Augsburger – “Bob’s Bench” on Windy Hill – not placed by Town. He was a PV resident, one of POST’s founders, and its first Executive director.

Victor Zenoff – Windy Hill bench placed c 1980, not by Town. Victor, an Atherton resident, plummeted hundreds of feet to his death from the Yosemite Falls Trail when he was 18. The bench is believed to be a memorial from his parents, David and Nisha Zenoff.

Land

Herb Dengler Preserve, Upper Hayfields, named for Herb Dengler, (see above.)

Dorothy Ford Park – Named for Tom Ford’s mother, Dorothy. He was given naming rights because of his generous financial contribution. Commonly referred to as Ford Field.

Russ Miller Soccer Field – named for Russ Miller, who died of ALS, and was a strong supporter of youngsters and soccer and was a role model for courage in dealing with adversity.

Mader Valley – named for George Mader, planning consultant for the Town, widely known for his forward thinking in planning for geological risks. The valley extends beyond the end of Acorn (which is off lower Valley Oak.) It’s a shady glade where various Ranch events are held. When Joe Whelan was first marketing the Ranch, he held jazz performances there

Enrico Rossotti Field. In 1940-1950, Enrico was the owner of the Alpine Inn and the adjacent field.

Charlie Malkin. Old Tennis Courts Plaque says: *These tennis courts are dedicated in loving memory of Charlie Malkin, May 1973*, presumably the result of memorial contributions). As a resident of Golden Oak and a student in the PV Schools, Charlie died in a fire when he was on an overnight at a friend’s home. He would be 48-50 in 2009. **(The plaque, embedded in concrete is in storage in the corporation yard for some time was handed back to his family in 2010.)**

Memorials at Portola Valley Ranch:

Trees:

Mitzi Rubenstein, Big leaf maple near Ranch House, placed by friends and family.

Joan Boyce, live oak, near pond. She was an active Ranch Volunteer.

Benches:

Dickie Eyre – Arroyo Trail, placed by friends & family.

Land and Trails:

Dwight Crowder Memorial Trail along Alpine Road, named for Dwight Crowder, (see above.) The trail was extensively improved in 2011 with funds provided by Stanford University as a mitigation for extensive campus building.

Joe Quilter Trail, Westridge. Admiral Joe Quilter was a long-time active member of the Trails Committee.

Dick Andersen Trail – located behind the Ranch House. He was an intrepid Ranch hike leader, and served on the Town Trails Committee.

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

November 2, 2011

Mr. and Mrs. Philip White
95 Atherton Avenue
Atherton, CA 94027

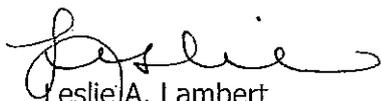
Re: Donation of Apples

Dear Phil and Cindie,

On behalf of the Town of Portola Valley, we would like to thank you for your generous donation of the delicious Jelich Ranch Organic Apples. The Town Council held the Council of Cities Dinner at Town Center on Friday, October 28th. The special dessert was a warm Jelich Ranch Apple Cobbler with Tahitian vanilla bean gelato. Everyone in attendance received a bag with a Jelich Ranch Apple and the recipe for the Cobbler.

Thank you very much for your generosity and delivery of the apples; you couldn't have been nicer and more accommodating.

Sincerely,



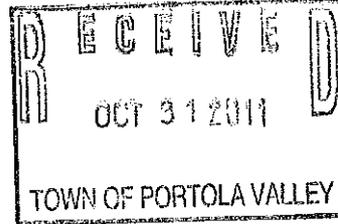
Leslie A. Lambert
Planning Manager

Citizens Emergency Response Preparedness Programs, CERPP

~ Town of Woodside
Susan George, Town Manager
2955 Woodside Road
Woodside, CA 94062

~ Town of Portola Valley
Angela Howard, Town Manager
765 Portola Road
Portola Valley, CA 94028

~ Woodside Fire Protection District
Chief Dan Ghiorso
3111 Woodside Road
Woodside, CA 94062



October 19, 2011

This letter is a request for a donation to CERPP

Over the past several months and at our last CERPP meeting we discussed plans of "Marketing Our Purpose and Goals" to the residents of our respective geographies. We want the message of "Preparedness" in the event of a major catastrophe attained by training our community in "What they can do to survive and help, in the event of a disaster". It has been decided to hire a professional marketer who will lead us in attaining our goals. The cost for this one year contract will be approximately \$20,000.

We are now asking you to consider a \$5,000 contribution to CERPP to help fund this effort. As in the past, we heartfully appreciate your support.

If you agree with our plan and can make such a contribution, please send a check to:

CERPP
c/o Joe Coleman, Treasurer
70 Sioux Way
Portola Valley, CA 94028

Thank you and best regards,

Joe Coleman, Treasurer
CERPP



MONTH END FINANCIAL REPORT

FOR THE MONTH OF: October 2011

C A S H	Bank of America	\$	18,182.72
	Local Agency Investment Fund (0.378%)	\$	7,235,032.37
	Total Cash	\$	7,253,215.09
F U N D S	05 General Fund	\$	2,095,992.51
	08 Grants	\$	24,171.46
	10 Safety Tax	\$	109,525.17
	15 Open Space	\$	3,097,124.87
	20 Gas Tax	\$	1,067.97
	22 Measure M	\$	(20,000.00)
	25 Library Fund	\$	415,403.88
	30 Public Safety/COPS	\$	(23,231.77)
	40 Park in Lieu	\$	6,206.79
	45 Inclusion In Lieu	\$	158,417.14
	60 Measure A	\$	49,177.83
	65 Road Fees	\$	346,063.72
	75 Crescent M.D.	\$	72,385.51
	80 PVR M.D.	\$	13,479.01
	85 Wayside I M.D.	\$	5,705.97
	86 Wayside II M.D.	\$	(109,063.01)
	90 Woodside Highlands M.D.	\$	159,268.00
95 Arrowhead Mdws M.D.	\$	(1,799.67)	
96 Customer Deposits	\$	853,319.71	
	Total Fund Balance	\$	7,253,215.09
A C T I V I T Y R E C E I V E S	Beginning Cash Balance:	\$	7,756,936.21
	Revenues for Month:	\$	325,812.12
	LAIF Interest Deposit (0.38%)	\$	7,720.21
	Total Revenues for Month:	\$	333,532.33
	Warrant List 10/12/11	\$	(167,015.83)
	Warrant List 10/26/11	\$	(552,783.26)
	Payroll	\$	(117,079.69)
	Total Expenses for Month:	\$	(836,878.78)
	Total JE's and Void Checks:	\$	(374.67)
	Ending Cash Balance	\$	7,253,215.09

FISCAL HEALTH SUMMARY:

Unreserved/Spendable Percentage of General Fund:	56.28%
<i>Adopted Town Policy is 60%</i>	
Days of Running Liquidity of Spendable General Fund:	205
<i>GASB recommends no less than 90 days</i>	

Per CGC #53646 governing the reporting of cash and investments, the Town's investment portfolio is in compliance with its adopted Investment Policy. Based on anticipated cash flows and current investments, the Town is able to meet its expenditure requirements for the next six months.

Town of Portola Valley

Issued Building Permit Activity: October 2011

	Permits This Month	Permits FY 11-12 To Date	Total Valuation This Month	Total Valuation FY 11-12 To Date	Application Fees Collected This Month	Application Fees FY 11-12 To Date	Plan Check Fees Collected This Month	Plan Check Fees FY 11-12 To Date	Total Fees Collected FY 11-12	Total Fees Collected FY 10-11
New Residence	0	1	0	1,330,000	0.00	6,813.25	0.00	4,428.61	11,241.86	23,067.91
Commercial/Other	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Additions	2	8	165,000	1,616,245	1,742.50	12,193.10	1,132.63	7,925.53	20,118.63	20,696.80
Second Units	1	4	375,000	780,000	2,533.75	6,010.50	1,646.94	3,906.83	9,917.33	4,351.22
Remodels	4	18	379,318	1,974,493	3,627.50	16,939.70	2,357.88	10,883.91	27,823.61	21,965.15
Pools	1	6	130,000	673,600	1,161.75	6,220.10	755.14	4,043.08	10,263.18	9,987.41
Stables	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Termite/Repairs	0	1	0	10,000	0.00	181.25	0.00	0.00	181.25	252.81
Signs	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
House Demos	1	1	0	0	100.00	100.00	0.00	0.00	100.00	300.00
Other	14	74	701,723	1,872,286	6,511.10	20,535.25	2,627.39	6,472.35	27,007.60	21,935.03
	23	113	1,751,041	8,256,624	15,676.60	68,993.15	8,519.98	37,660.31	106,653.46	102,556.33
Electrical	10	52	0	0	568.75	3,654.94	0.00	0.00	3,654.94	2,792.81
Plumbing	9	43	0	0	574.70	3,248.15	0.00	0.00	3,248.15	2,757.20
Mechanical	7	30	0	0	377.70	2,268.15	0.00	0.00	2,268.15	1,725.45
Total Permits	49	238	1,751,041	8,256,624	17,197.75	78,164.39	8,519.98	37,660.31	115,824.70	109,831.79

9

The Town of Portola Valley Seeks New Members to Join Its Sustainability Committee



The Portola Valley Sustainability Committee helps town residents save energy and reduce their utility bills. We are looking for two new members to join our committee. We are looking for people who are:

- Passionate about helping Portola Valley residents pursue sustainable lifestyles
- Available to meet once a month during office hours (between 9:00 am and 6 pm)
- Able to contribute fresh ideas for town energy- and water-saving initiatives

It is useful if you have one or more of the following experiences:

- A professional background in smart meters, power utilities
- Building or construction – either as a contractor or because you have had work done in your home
- Sustainable living, for example, growing a native plant garden or tending bees
- Volunteer work in an organization that helps people save energy, such as Acterra
- Public relations, marketing, funnel management or project management skills
- Experience in organizing lecture series and/or community events

Committee Mission:

This committee assists the Town in meeting the adopted greenhouse gas emissions reduction targets and the goals and objectives outlined in the Sustainability Element of the General Plan. The primary mission is to encourage residents to reduce their energy and water use. In the future, the committee may look at other areas ripe for emissions reductions (e.g. waste, commercial energy) and develop programs to address those areas.

Commitment:

- Meets third Monday of month
- Term: one-year – reappointed in January
- Time: attend at least 75% of meetings
- Activities
 - Read “Fostering Sustainable Behavior” and study community-based social marketing
 - Learn about current energy- and water-efficiency programs
 - Commit to getting a home performance assessment
 - Host at least one neighborhood/group meeting

Applications are available on-line at <https://portolavalley.net/index.aspx?recordid=61&page=24> or at Town Hall. **The deadline to submit an application is Thursday, December 8th at 5:00 p.m.**

For questions, please contact Brandi de Garmeaux, Sustainability & Resource Efficiency Coordinator at bdegarmeaux@portolavalley.net or 650.851.1700 ext. 222.



FOR IMMEDIATE RELEASE
Nov. 2, 2011

Towns Challenged to Reduce Wasted Electricity in “High Energy Homes”

Aiming to reduce unnecessary energy use in so-called “high energy” homes where the typical PG&E bill may exceed \$300/month, Acterra, a Palo Alto-based non-profit, is challenging the residents in five Peninsula towns to take simple steps that can make significant reductions in their home energy use.

“Five of the towns in our area use more energy per household than other places in all of PG&E’s territory,” explained Debbie Mytels, Associate Director at Acterra. “As you’d expect, the towns are Atherton, Los Altos Hills, Monte Sereno, Portola Valley and Woodside — communities known for their large homes.”

But rather than ask people to shiver in darkened homes, Mytels said, “Acterra’s High Energy Homes program offers a free, on-line audit that can identify areas of energy waste with simple remedies that won’t make significant changes in home operations.”

“Contrary to what you’d expect,” she said, “the biggest source of wasted energy in these large homes is not because of heating costs. Most of the larger homes have been built more recently, with insulation that meets California’s Title 24 energy-efficiency standards. So per square foot, they are more energy efficient than a typical smaller home.”

Instead, she explained, the problem lies in plug loads — the always-on devices that use electricity, ranging from refrigerators, entertainment and computer systems, and various high-end appliances. Some items, such as crystal-clear icemakers, may simply be unplugged and used only occasionally, while others, such as hot water recirculation pumps, can be put on a timer to provide the same usefulness with significant energy savings.

Since Acterra started the High Energy Homes program this spring, so far 75 residents have signed up to participate, saving an average of \$370/year in energy costs — and preventing over 37,000 lbs/year of climate-changing carbon dioxide from entering the atmosphere.

To encourage more residents to participate, Acterra is starting a “friendly competition” among the five towns, aiming to see which community can meet the goal set by Acterra’s grant from the California Energy Commission which has provided funds to complete 1,000 audits among the five towns.

So far the percent of participation, based on an allocation of the 1,000 free audits to each town, pro-rated by population, is as follows:

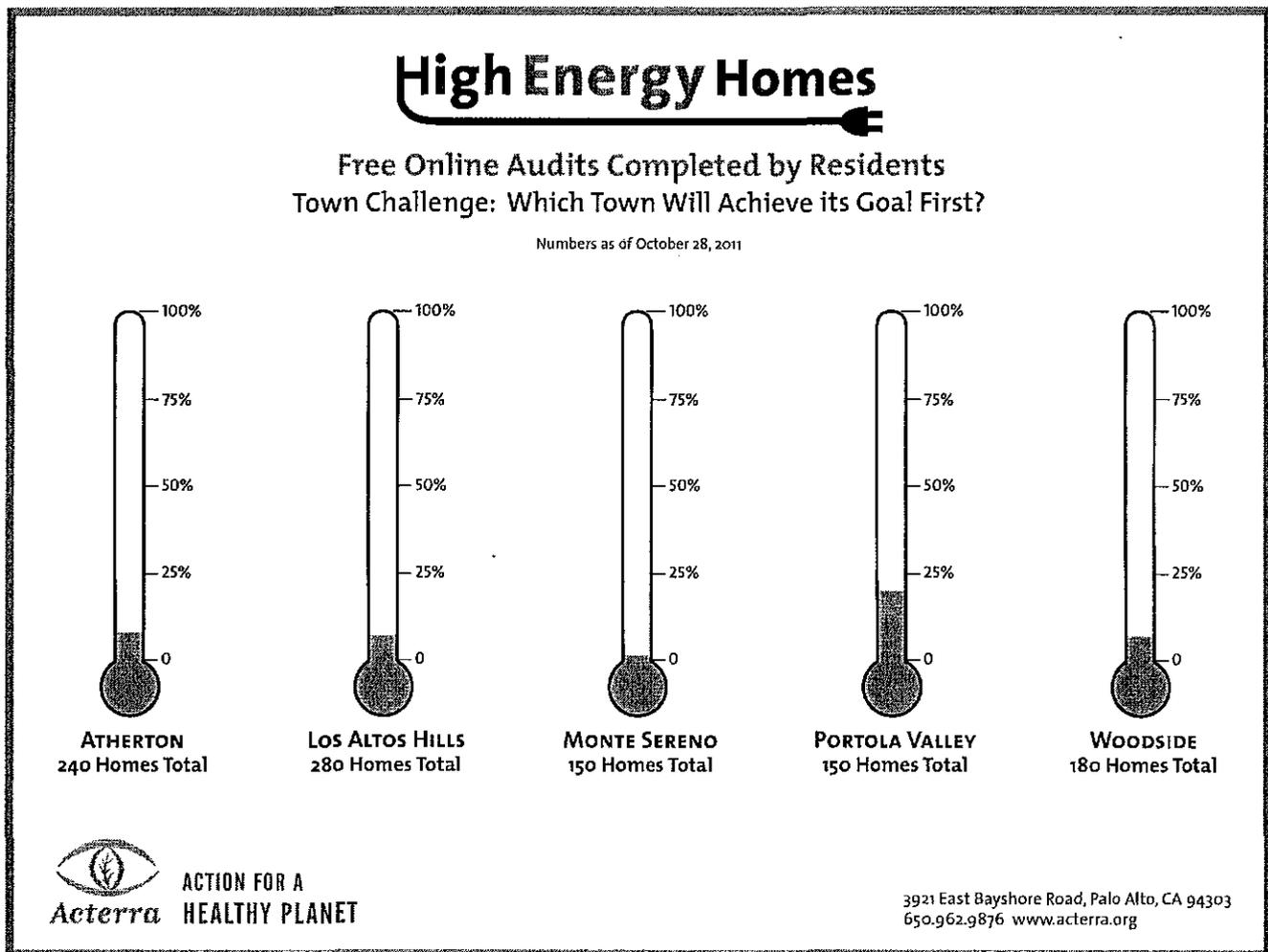
Atherton — 7% of its allocated 240 audits (17 participants)

Los Altos Hills — 6% of allotted 280 audits (18 participants)

Monte Sereno — 1% of allotted 150 audits (1 participant)

Portola Valley — 19% of allotted 150 audits (29 participants)

Woodside — 6% of allotted 180 audits (10 participants)



While efforts to reduce energy waste are typically focused on average sized homes, “larger homes represent a huge opportunity for energy savings that will benefit all of our communities,” noted Steve Schmidt the software engineer who designed the High Energy Homes program based on extensive energy audits of a dozen homes over 3,500 square feet. “While these ‘high energy’ homes make up only 10% of all houses, they represent 20% of all residential energy use — and a whopping 30% of the most cost-effective residential energy savings opportunities.” Schmidt explained.

“With the coming of the winter season, we anticipate that more residents will be interested to sign up for this free service that is funded by their town’s share of the Federal ARRA Stimulus bill,” said Acterra’s Mytels.

To sign up for the no-cost program, residents in the five communities can go to www.acterra.org/highenergy

Acterra is a non-profit environmental education organization whose mission is to bring people together to create solutions for a healthy planet. With a history of over 40 years serving the Midpeninsula community, Acterra involves over a thousand volunteers each year in energy conservation activities, restoring native plant and animal habitats, recognizing businesses with innovative environmental programs and educating the public about how to protect our local ecosystems. See www.acterra.org to find out more.

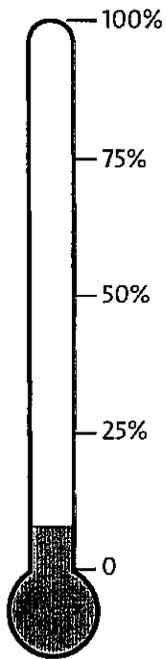
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For more information, contact Debbie Mytels, Associate Director, Acterra at debbiem@acterra.org or (650) 856-7580.

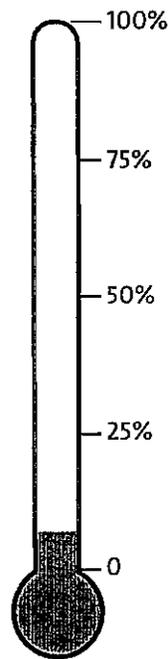
High Energy Homes

Free Online Audits Completed by Residents
Town Challenge: Which Town Will Achieve its Goal First?

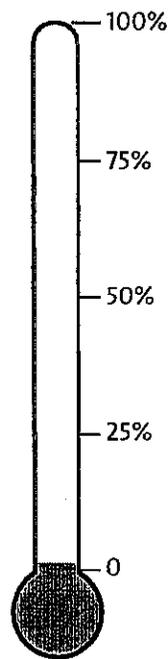
Numbers as of October 28, 2011



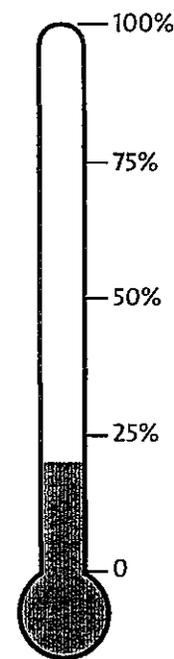
ATHERTON
240 Homes Total



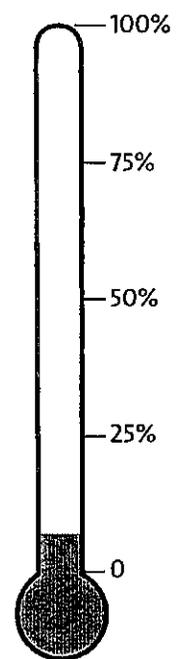
LOS ALTOS HILLS
280 Homes Total



MONTE SERENO
150 Homes Total



PORTOLA VALLEY
150 Homes Total



WOODSIDE
180 Homes Total



Acterra

**ACTION FOR A
HEALTHY PLANET**

3921 East Bayshore Road, Palo Alto, CA 94303
650.962.9876 www.acterra.org

San Mateo County Sheriff's Office



Town of Portola Valley

Crime Activity Report



Quarterly Summary

July - September, 2011

Greg Munks
Sheriff

San Mateo County Sheriff's Office

Crime Activities Town of Portola Valley

Quarterly Summary

July - September, 2011

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San Mateo County Sheriff's Office

Crime Activities Town of Portola Valley

Quarterly Comparison for Year of 2011

Total dispatched and self-initiated activities:

	<i>1st Quarter Jan. - March</i>	<i>2nd Quarter April - June</i>	<i>3rd Quarter July - Sept.</i>	<i>4th Quarter Oct. - Dec.</i>	<i>Total Year to Date</i>
Activities	776	534	593		1,903

Crime related - reported and self-initiated activities:

<i>Type</i>	<i>1st Quarter Jan. - March</i>	<i>2nd Quarter April - June</i>	<i>3rd Quarter July - Sept.</i>	<i>4th Quarter Oct. - Dec.</i>	<i>Total Year to Date</i>
Homicide	0	0	0		0
Rape	0	0	0		0
Robbery	0	0	0		0
Assault	2	0	0		2
Burglary - Other*	0	0	0		0
Burglary - Auto	1	1	0		2
Theft	0	1	1		2
Auto Theft	0	0	0		0
Arson	0	0	0		0
Kidnap	0	1	0		1
Missing Person or Runaway	1	3	1		5
Firearm Discharge	2	1	3		6
Suspicious Circumstance**	46	24	26		96
Disturbances (F/N)***	0	7	21		28
Drug Activities	0	1	1		2
Vandalism	1	1	0		2
Intoxicated Person	1	0	0		1
Alarm Commercial	0	0	0		0
Alarm Other	86	76	83		245
Emergency Medical	4	11	5		20
Domestic Violence	1	0	1		2
Total Crime Activities	145	127	142		414

* Commercial / Residential

** Includes suspicious persons and vehicles

*** (F) Family / (N) Neighbor

San Mateo County Sheriff's Office

Crime Activities Town of Portola Valley

Quarterly Comparison for Year of 2011

Traffic related - reported and self-initiated activities:

<i>Type</i>	<i>1st Quarter Jan. - March</i>	<i>2nd Quarter April - June</i>	<i>3rd Quarter July - Sept.</i>	<i>4th Quarter Oct. - Dec.</i>	<i>Total Year to Date</i>
Enforcement Stops	222	114	91		427
Drunk Driving	0	3	0		3
Abandoned Vehicles	0	0	0		0
Vehicles Towed	0	0	1		1
Traffic Investigation*	15	21	26		62
Accidents -Total	11	14	12		37
Property	8	8	10		26
Injury	3	6	2		11
Total Traffic Activities	248	152	130		530

* Includes investigation of speeding vehicles, reckless drivers, parking violations, traffic hazards, traffic controls, etc.

Citations Issued:

<i>Type</i>	<i>1st Quarter Jan. - March</i>	<i>2nd Quarter April - June</i>	<i>3rd Quarter July - Sept.</i>	<i>4th Quarter Oct. - Dec.</i>	<i>Total Year to Date</i>
Citations Issued - Moving	170	118	80		368
Citations Issued - Parking	8	3	7		18
Citations Issued - Bicycles	32	46	32		110
Total Traffic Citations	210	167	119		496

SUMMARY OF PORTOLA VALLEY CRIME STATISTICS July - September, 2011

<u>DATE</u>	<u>CRIME</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
07/04/11	Death Investigation #11-3012	300 Blk. Grove Drive	An 80 year old female who has a history of heart palpitations was discovered deceased by her husband he is in shock and calls a friend who tells him to call the San Mateo County Sheriff's Office. The detective bureau and Coroner's Office are notified of the incident. The elderly female's death appeared to be of natural causes.
07/05/11	Found Property #11-3030	Alpine Rd. / Golden Oak Dr.	Deputy was dispatched to a report of a person lying next to Alpine Road. Further, the R/P, a passerby, reported seeing a bicycle also lying next to the road. Upon arrival, the deputy located a black juvenile's Specialized bicycle on the south roadway edge of Alpine Road. The deputy searched the area but was unable to locate any persons associated with the bicycle. Upon closer examination of the bicycle, it did not appear the bicycle was involved in any type of fall or traffic collision. The deputy took the bicycle and later booked it into Sheriff's Property for safekeeping as Found Property.
07/11/11	Commercial Burglary #11-3150	4000 Blk. Alpine Rd.	Unknown suspects attempted to break into the Corte Madera Elementary School science lab. The suspects cut and removed window screens, smashed windows and pried the metal frame from a window sill. However, the suspects were unable to gain entry into the building. The Reporting Party estimated the damage at approximately \$2500.00. There are no suspects or potential leads at this time.
07/11/11	ID Theft #11-3162	100 Blk. Paloma Road	Unknown suspect(s) used Victim's personal identifying information to purchase a cellular phone and activate a T-Mobile wireless account. The victim learned of the use of her information upon receiving a T-Mobile statement in the mail. The victim called T-Mobile and

advised them the account was fraudulent and it was subsequently closed. There are no suspects in this case at this time.

07/15/11	Incident Report #11-3219	Bear Gulch Drive / Golden Oak Drive	Deputies were dispatched to the report of a mountain lion sighting. Deputies arrived in the area and began to scour the area for the mountain lion. After an approximate 15 minute search, the deputies were unable to locate it. The Reporting Party said he was driving in the area of Golden Oak Dr. and Bear Gulch Dr. when he saw the mountain lion along the road. He stated he turned on his high beam lights and watched the animal crouch and sneak into the foliage of the area and walk onto a resident's property. He described the cat as being over 100 pounds and approximately 6 feet long and tan in color. The R/P was confident that the animal he saw was a mountain lion. OES was contacted and advised of the sighting as well as the California Fish and Game.
07/16/11	Vehicle Stolen #11-3240	100 Blk. Shawnee Pass	Unknown suspects took the Victim's silver Toyota Camry from the driveway of a residence on Shawnee Pass. The vehicle was left unlocked and the keys were in the ignition. There are no leads or suspect information at this time.
07/16/11	Theft #11-3241	100 Blk. Shawnee Pass	Unknown suspect(s) entered the victim's unlocked vehicle. Once inside they removed the victim's money clip containing victim's California driver's license, Bank of America Visa debit card and thirty dollars in cash. The debit card was later used at two gas stations and a 7-Eleven with an approximate loss of \$110.00.
07/21/11	Traffic #11-3357	200 Blk. Willowbrook Dr.	Vehicle #1 was traveling east on Willowbrook Drive at approximately 15-20 mph. The driver was not paying attention to the roadway and made an unsafe turning movement and left the roadway and collided with a speed limit sign post.
07/22/11	Commercial Burglary	300 Blk. Portola Rd.	Unknown suspects entered the computer

	#11-3377		lab door by cutting the window screen next to the front door and slid the window open. The unknown suspect(s) then reached in and opened the door to the computer lab. The unknown suspect removed 10, I MAC computers for a total loss of approximately \$12,000.00.
07/22/11	I.D. Theft #11-3379	100 Blk. Meadowood Dr.	Deputy was dispatched to the report of an identity theft. Upon arrival, the deputy met with the victim who stated that she received notification via mail that a new bank account had been opened in her name. The victim did not authorize anyone to use, possess, or sign her name to open a new account.
07/27/11	Vandalism #11-3460	4000 Blk. Alpine Road	Unknown suspect(s) pried open a ten foot high gate and drove an unknown type of vehicle onto the soccer field spinning donuts in the grass.
07/30/11	DUI #11-3504	1000 Blk. Westridge Drive	Carter Madsen Boyce from Portola Valley was arrested for driving under the influence of alcohol. He was transported to the county jail.
08/01/11	Vandalism #11-3543	200 Blk. Shawnee Pass	Unknown suspect(s) attempted to pry open a locked gate at Ormondale School. The gate, if opened allows access to the school playgrounds.
08/01/11	Vehicle Towed #11-3545	100 Blk. Portola Rd.	The driver was pulled over for a stop sign violation and found to be driving without a valid California driver's license. The driver was cited and released at the scene for driving unlicensed, and her vehicle was towed.
08/02/11	Vandalism #11-3572	Alpine Rd. / Willowbrook Dr.	The victim stated her vehicle was vandalized and was not sure if the vandalism had occurred at the location or at her home in Portola Valley. The estimated damage was approximately \$2000.00 to the convertible top. Nothing was taken from the vehicle.
08/02/11	Theft #11-3578	300 Blk. Cervantes Dr.	Sometime between 08/01/2011 at approximately 2300 hours and 0800 hours on 08/02/2011, unknown suspect(s) entered the open garage door at 355

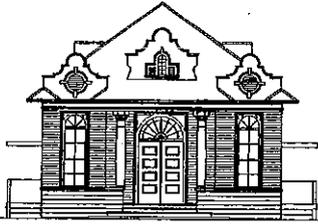
			<p>Cervantes Road, Portola Valley. Once inside the suspect(s) took a power saw and a set of Ping golf clubs from the garage. The suspect(s) also took the victim's wallet and keys from inside the unlocked car. Keys were also taken from the seat of a second car parked inside driveway. The victim had his house re-keyed, cancelled all his credit cards, and requested a fraud alert from the credit reporting agencies. There was no known use of the credit cards at the time of the report. The victim estimated the loss at approximately \$2231.00.</p>
08/3/11	Drunk #11-3601	100 Block Portola Rd.	<p>Suspect Esther Amelia Cross entered Fire Station 8, threw brownies at the victim, then grabbed a knife from the counter and lunged at the victim. Suspect was arrested and booked into the county jail for 245(a)(1) PC Assault with a deadly weapon , 417(a)(1) Brandishing a weapon other than a firearm, and 647(f) drunk in public.</p>
08/10/11	Theft #11-3726	Alpine Rd. / Willowbrook Dr.	<p>The Reporting Party advised that sometime between 08/09/11 and 08/10/11 unknown suspect(s) removed a field maintenance sign. The sign was 2' x 4', white and black with "Field Closed for Turf Maintenance" written on the front of it. The estimated value of the sign is \$200.00. A check of the area revealed negative results for the sign or any suspects or evidence.</p>
08/11/11	Suspicious Circumstance #11-3740	3000 Blk. Alpine Rd.	<p>Deputies were telephoned by a Portola Valley Public Works worker, who stated that a small campfire was started in the batting cage of Ford Field. The worker showed the Deputies where the campfire was started. There was also a soda bottle, hot dog buns, chocolate bar wrappers, and a ketchup bottle that was scattered around the campfire. Deputies were able to find some identifying information that led them to 2 local juveniles who admitted to their late night BBQ. No damage was caused and the juveniles were released to their parents with a warning.</p>

08/20/11	ID Theft #11-3870	4000 Blk. Alpine Rd.	The victim reported that unknown subject(s) had obtained her American Express credit card information and had fraudulently used the information to obtain goods over the Internet. The victim stated that the loss was approximately \$177.02 in athletic equipment and was shipped to an unknown location in Baypoint Ca.
08/28/11	AWI #11-4009	5000 Blk. Alpine Rd.	A bicyclist was traveling E/B on Alpine Road descending down the grade. The bicyclist was traveling 25 to 30 mph by her own admission and hit a pothole causing her to lose control of the bicycle causing her to fall. The bicyclist was transported to Stanford Hospital for medical attention.
08/30/11	Vehicle Towed #11-4044	100 Blk. La Sandra Way	Deputy was dispatched to the report of a suspicious vehicle parked on the 100 Blk. of Sandra Way. When the deputy arrived on scene, he saw a black 4 door truck parked with three occupants. There was a strong odor of burnt Marijuana from the vehicle. The passengers admitted that they had smoked Marijuana prior to the deputy's arrival. The deputy had all of the occupants contact their parents as they were juveniles. The vehicle was towed due to the driver being unable to operate the vehicle.
09/07/11	Traffic #11-4169	700 Blk. Westridge Dr.	Driver #1 was traveling E/B with the sun in her eyes. Driver #1 continued at an unsafe speed and collided with Driver #2 who had made a left turn into a driveway.
09/11/11	Theft #11-4262	700 Blk. Portola Rd.	Unknown suspect(s) entered Reporting Party's vehicle through a slightly opened side window and took a black Apple I-Pad off the front passenger's seat. The R/P was alerted to this by her vehicle's alarm sounding. The I-Pad belongs to Menlo School and was on loan to the R/P's son from the school.
09/12/11	Incident Report #11-4293	4000 Blk. Alpine Rd.	Deputy was dispatched to a call of a mountain lion sighting. Upon arrival, the deputy contacted the Reporting Party who stated that at approximately 9:30PM she

was driving with her two children on the 4700 block of Alpine Road and saw a mountain lion located on the right side of the roadway. The Reporting Party said her son was driving so she had him back up her vehicle and shine the headlights on the animal. She stated that they looked at the mountain lion for approximately ten seconds and then it ran away. The Reporting Party described the mountain lion as approximately 100 pounds, tan in color and a tail approximately 3 1/2 feet long. San Mateo County Communications advised the Department of California Fish and Game of the incident. OES was contacted and a SMC Alert went out to the residents.

09/14/11	Incident Report #11-4338	300 Blk. Willowbrook Dr.	<p>Deputy was dispatched to the report of a mountain lion sighting. The Reporting Party stated that he was inside his residence and heard a loud noise coming from outside. The R/P turned on his outside light and opened his door. When he opened his door, he noticed a mountain lion get startled and run through his fence. After the mountain lion ran through the fence it stood there approximately 30 feet away. The R/P described the mountain lion as approximately 50 pounds, tan in color and a tail approximately 1 1/2 feet long. San Mateo County Communications advised the Department of California Fish and Game of the incident. The deputy contacted the on call Office of Emergency Services Liaison, who later, sent out a SMC Alert advising local residents of the mountain lion sighting in the.</p>
09/16/11	Counterfeit #11-4358	4000 Blk. Alpine Road	<p>On 09/01/11 an unknown white male entered a business to purchase a small item with a counterfeit \$50.00 bill. The unknown suspect then leaves the business. On 09/16/ 11 the reporting party called the Sheriff's Office to report the counterfeit bill. The R/P provided the deputy with the \$50.00 bill and several black and white printed copies of the surveillance pictures at the time of purchase.</p>

09/20/11	Traffic #11-4439	Alpine Rd. / Groveland Street	The suspect/driver was pulled over for driving without a seatbelt and found to be driving on a suspended license. He was cited and released at the scene.
09/20/11	Accident w/ Injuries #11-4454	Alpine Rd. / Westridge Dr.	Driver #1 driving Vehicle #1 on Alpine Road, and after overtaking Driver #2, made a right turn in front of Driver #2. Driver #2 abruptly applied his brakes but was unable to stop his vehicle from causing a collision with the rise side of Vehicle #1.
09/23/11	Incident Report #11-4524	100 Blk. Valencia Court	Deputies were dispatched to a report of a structure fire. Upon arrival the deputies met with the home owners, who were across the street. They confirmed that there were no other occupants in the house. The house was fully engulfed in flames and several fire agencies began tending to the fire. The home owners informed the deputies that they were in their living room and heard a smoke detector sounding. They checked the garage and saw that it was fully engulfed in flames. They immediately left the house. At the time of the fire, there were no signs of arson or foul play.
09/25/11	Drunk #11-4549	Windy Hill Parking	Dean Ponce from Mountain View and Matthew Gnam from Palo Alto were arrested for being drunk in public. They were transported to the San Mateo County Jail for booking. Gnam's vehicle was towed.



**Town of Portola Valley
Trails and Paths Committee Meeting
Notice of Cancellation
Tuesday, November 8, 2011**

MEETING CANCELLATION NOTICE

The regularly scheduled meeting of the Trails and Paths Committee for Tuesday, November 8, 2011 at 8:15 a.m. has been cancelled



Emergency Preparedness Committee
Notice of Cancellation
Thursday, November 10, 2011 8:00 AM
EOC / Town Hall Conference Room

EMERGENCY PREPAREDNESS COMMITTEE

NOTICE OF CANCELLATION

Thursday, November 10, 2011

The Emergency Preparedness Committee meeting scheduled for Thursday, November 10, 2011 at 8:00 a.m. has been cancelled.



Town of Portola Valley
COMMUNITY EVENTS COMMITTEE
Tuesday, November 8, 2011 – 5:00 PM
Portola Valley Library Learning Center
765 Portola Road
Portola Valley, CA 94028

AGENDA

1. Call To Order
2. Roll Call
3. Oral Communications
4. Approval of Meeting Minutes from the May 3, 2011
5. Approval of Meeting Minutes from May 24, 2011
6. Planning for 2011 Events
 - i. Town Picnic – June 4th 2011
 - ii. PVSD 150 Celebration – October 2nd 2011
 - iii. Volunteer Appreciation Party – December 2nd 2011
7. Application to Join the Community Events Committee
8. Committee Appointments for 2012
9. Adjournment

***Committee members *please* confirm attendance (yes or no) to Chair, Michael Bray at michael@braycentral.com or (650) 851-9495.**



TOWN OF PORTOLA VALLEY
Finance Committee
Tuesday, November 8 – 5:30 PM
Town Hall Conference Room
765 Portola Road, Portola Valley, CA

AGENDA

1. Call to Order
2. Oral Communication
3. Approve minutes from May 31, 2011 meeting
4. Review Basic Financial Statements for fiscal year ending June 30, 2011
5. Discussion of Investment Policy
6. Adjournment



TOWN OF PORTOLA VALLEY
Cable & Undergrounding Committee
Thursday, November 10, 2011 – 8:15 AM
Historic School House
765 Portola Road, Portola Valley, CA

AGENDA

1. Call meeting to order
2. Minutes: Approval of September minutes
3. Communications from Members of the Public
4. Old Business
 - a. Undergrounding
 - Review of proposed "issues to consider" in selecting final section to be undergrounded.
 - Evaluation of other city's policy on undergrounding aerial drops to homes and businesses
 - b. Samcat
 - c. New member recruitment
5. New Business
 - a. 2012 Committee appointments
6. Adjournment:

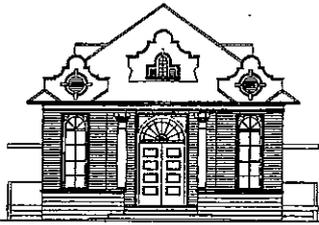
Next meeting on January 12, 2012 at 8:15 am



**Town of Portola Valley
Cultural Arts Committee
Thursday, November 10, 2011 – 1:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

AGENDA

1. Call to Order
2. Oral Communications (topics for future meetings)
3. Approval of Minutes from September 8, 2011
4. Update, letter of Thanks re: Priory Show
5. Confirmation of current members for Town Council
6. Confirmation / vote approval for Linda Olson membership submit to Town
7. Report and Requests for Volunteers and assignments for the Holiday Fair: Crystal Ciancutti. Set up, take down, point persons
8. Project Happiness discussion, Sharon Reich
9. December meeting:
 - Chair Volunteer
 - Determine if meeting will be held or canceled in view of Holiday Fair participation
10. Chair solutions discussion
11. Adjournment; set next meeting date



**TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING**
765 Portola Road, Portola Valley, CA 94028
Wednesday, November 2, 2011 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

ACTION

AGENDA

Call to Order, Roll Call 7:33 p.m.

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni (**Gilbert absent. Also present: Town Council Liaison Ann Wengert, Town Planner Tom Vlastic, Planning Technician Carol Borck**)

Oral Communications **None.**

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. *Public Hearing:* Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers **Commission unanimously approved deviation request subject to conditions of the set forth in the 9/29/11 report from the Town Geologist and of the ASCC at their 10/24/11 meeting.**
2. Compliance with Annual Reporting Conditions, Conditional Use Permit X7D-30, The Priory School **Zaffaroni recused herself. Commission discussed use permit key items as detailed in the staff report, provided comment, and unanimously accepted (3 – 0) the report of annual compliance.**

Commission, Staff, Committee Reports and Recommendations

1) Commission McKitterick informed PC that he attended a meeting today with the developers interested in purchasing the Sausal Creek Associates property.

2) Vlastic announced that Tmobile had allowed their use permit for the monopine on Golden Oak to expire.

3) Vlastic announced the Wireless Ordinance is going to the Town Council 11/9/11.

Approval of Minutes: September 21, 2011 and October 19, 2011 **Both minutes approved as submitted, (3 – 0) and (4 – 0) respectively.**

Adjournment 8:36 p.m.

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.

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: October 28, 2011

CheyAnne Brown
Planning Technician
