

TOWN COUNCIL MEETING NO. 831 NOVEMBER 9, 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
Barbara Powell, Interim Assistant Town Manager
Sharon Hanlon, Town Clerk
Sandy Sloan, Town Attorney

ORAL COMMUNICATIONS

Vic Schachter, Golden Hills Drive, expressed support of the draft letter to Anna Eshoo about aircraft overflight (Item 12). He said that he and his wife moved to Portola Valley more than 20 years ago because of its beauty, quiet and bucolic lifestyle – which has been polluted by noise that has risen to an unprecedented level and continues to get worse.

CONSENT AGENDA [7:31 p.m.]

- (1) Approval of Minutes: Regular Town Council Meeting of October 26, 2011 [*removed from Consent Agenda*]
- (2) Ratification of Warrant List: November 9, 2011 in the amount of \$155,952.12
- (3) Recommendation by Mayor: Town Manager Employment Agreement
 - (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. 2534-2011)
- (4) Recommendation by Interim Assistant Town Manager: Resolution concerning Citizens' Option for Public Safety (COPS) Funding 2011-2012
 - (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. 2535-2011)
- (5) Recommendation by Interim Assistant Town Manager: Resolution denying the claim of Jane A. Hetrick
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley denying the Claim of Jane A. Hetrick (Resolution No. 2536-2011)

- (6) Recommendation by Town Planner: Second Reading of proposed Wireless Communications Facilities Ordinance
- (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. 2011-393)
- (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
- (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. 2011-394)
- (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
- (a) Adopt a Resolution of the Town Council of the Town of Portola Valley approving and authorizing execution of the Agreement between the Town of Portola Valley and County of San Mateo for stormwater inspection and follow-up services (Resolution No. 2537-2011)

By motion of Vice Mayor Derwin, seconded by Councilmember Richards, Items 2-8 on the Consent Agenda were approved with the following roll call vote:

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

No: None.

REGULAR AGENDA

- (1) Approval of Minutes: Regular Town Council Meeting of October 26, 2011 [7:35 p.m.]

Councilmember Wengert moved to approve the minutes, as amended, of the Regular Town Council Meeting of October 26, 2011. Seconded by Vice Mayor Derwin, the motion carried 5-0.

- (9) Recommendation by Town Manager: Heather Renschler of Ralph Andersen and Associates with proposed Town Manager Recruitment Brochure [7:40 p.m.]

Ms. Howard said that she, Ms. Renschler and Vice Mayor Derwin worked on the brochure to incorporate feedback from the Town Council during its October 26, 2011 meeting.

Councilmember Toben said that he appreciated the revisions and the brochure looks really nice. He suggested a few tweaks:

- Adding a phrase to the bullet point about the Town Manager serving as Director of Emergency Operations: "a nonprofit organization that promotes household and neighborhood disaster readiness and response" and changing the word "Citizen's" (singular possessive) to "Citizens'" (plural possessive).

- Changing the verb "is" to "are" in the second sentence of first paragraph in "The Ideal Candidate" section, and changing "innovated" to "innovative" in the fourth paragraph.
- Streamlining the boldface sentence in the "Review of Qualifying Experience and Education" paragraph; Ms. Renschler said that she'd alter the sentence to read, "Candidates should be aware that interpersonal and communication skills are paramount for success in this position."

Ms. Renschler thanked Ms. Howard and Vice Mayor Derwin for their help. She said that the fact that she's been receiving calls and inquiries before the brochure is released is a good sign of interest among potential candidates, and she hopes to provide the Council with an update on progress prior to the deadline for applications.

Vice Mayor Derwin moved to approve the proposed recruitment brochure, as amended. Seconded by Councilmember Richards, the motion carried 5-0.

- (10) Recommendation by Interim Assistant Town Manager: 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 [7:42 p.m.]

By way of background, Ms. Powell said that California initiated two State-funded grant programs – the Roberti-Z'Berg-Harris Block Grant Program and the Per Capita Grant Program in 2000. Portola Valley was able to take advantage of these grants at the time, using the proceeds (\$13,452 from the former and \$42,000 from the latter) to help fund renovations at Rossotti Field. Voters' 2002 approval to continue the programs made the Town eligible for additional allocations – a \$220,000 Per Capita Grant and a \$12,212 Roberti-Z'Berg-Harris Block Grant – which were intended to help pay for Ford Field renovations.

Although the Town was informed that funding is once again available for these grants, with new expiration dates of June 30, 2015, State budget problems in recent years have cast doubt on the actual receipt of the funds authorized in 2002. Portola Valley now must reassert its interest in the grant monies for Ford Field by entering into new contracts, which require deed restrictions and information about hours of operation. Under terms of these restrictions, which would safeguard the State's investment for a specific period of time, the Town would agree not to change the use of Ford Field for 20 years – through 2031.

Councilmember Wengert asked whether the deed restrictions would create problems if the Town wanted to renovate the field in any material way, and Councilmember Richards asked whether the contract terms would affect fundraising activities. Ms. Sloan said she didn't think so.

Councilmember Toben noted that the price tag for the Ford Field renovation is about \$400,000, and for some time the Town has been expecting it would be necessary to raise most of it. Ms. Powell said that the grants would reimburse funds spent on renovation, and that in recent meetings it was impressed upon the Little League the importance of getting underway – solidifying the design and starting the fundraising as soon as possible because the issue of State money has been a moving target. Ms. Howard, pointing out that the Little League committed to raising \$250,000 and others have expressed interest in donating as well, said the hope is to begin the project as soon as the next fiscal year starts.

Because the availability of this grant money has been off-again/on-again and funds would come by way of reimbursement rather than ahead of time. Councilmember Toben emphasized the importance of having the work done by the end of the fiscal year, while the money is available, especially because no one knows what the State will have in 2012-2013. Furthermore, he noted, it's important that the Little League understands its fundraising burden could nearly double if the grants fail to come through. Ms. Powell also indicated that the grant process allows for progress payments, so as work goes on, the Town could seek reimbursement without the project being finished.

Councilmembers agreed to give the Little League a deadline for the raising the amount pledged so far before the Town commits to any further spending on this project, and will stay informed of the fundraising status through the Parks and Recreation Committee liaison.

Councilmember Toben moved to direct 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. Seconded by Councilmember Wengert, the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (11) Discussion and Council Action: Request for Emergency Preparedness Consultant to assist in the Town's Emergency Preparedness [8:03 p.m.]

When the budget was prepared, Ms. Howard said, the plan was for the Town to partner with Woodside, the Woodside Fire Protection District and CERPP to create a paid position to assist CERPP in emergency preparedness. Because that doesn't appear likely to happen, she said, the fallback plan was for the Town to spend the \$20,000 budgeted on a consultant to assist staff and the Emergency Preparedness Committee reach goals that further the Town's emergency preparedness.

She said that Councilmember Toben did a great job of developing tasks for the consultant, with an eye toward things the EPC wants – e.g., getting the divisions staffed, getting a better idea of the level of community readiness, inventorying supplies, etc. She said that the consultant would be retained until either the end of the fiscal year or until the budgeted amount was gone.

Vice Mayor Derwin asked if the \$20,000 was a line item separate from funds earmarked for the chipper program and if CERPP knows about the Town's decision to engage a consultant. Ms. Howard said yes on both counts. While CERPP may not be 100% supportive of the idea, she said that she explained to CERPP that the consultant's work would help respond to some of the requests CERPP makes to staff and the EPC. She indicated that CERPP had already committed to hiring a public relations firm to help get the word out about CERPP, upgrade its website and recruit more volunteers, and then asked whether the Town would contribute \$5,000 toward the cost of that service.

Councilmember Toben said that a woman who's done extensive volunteer mobilization and management work came to one of the EPC meetings with Committee member Ray Rothrock. Councilmember Toben said that she seemed highly organized; possessing the kinds of qualifications the Town would want in the consultant. Ms. Howard concurred that this woman has an impressive résumé of experience working with volunteers in various organizations, including in the fundraising and recruitment arenas.

Councilmember Richards moved to approve an expenditure of up to \$20,000 for an Emergency Preparedness Consultant. Seconded by Vice Mayor Derwin, the motion carried 5-0.

- (12) Discussion and Council Action: Proposed letter to Congresswoman Anna Eshoo regarding aircraft overflights [8:10 p.m.]

Mayor Driscoll complimented Councilmember Toben on the letter that he drafted to Congresswoman Anna Eshoo. Indicating a preference for working through existing channels, Councilmember Toben stated that approach didn't work in this instance. He said that in the letter he drafted he described having exhausted the remedy of working through the SFO Airport/Community Roundtable. As he told the Council, though, establishing a separate line of communication with Congresswoman Eshoo means very likely cutting off any prospect of future Roundtable cooperation.

Councilmember Toben noted that Mr. Schachter, who spoke earlier in the meeting, and 16 other residents met on November 7, 2011 to talk about the aircraft noise situation. Councilmember Toben said

that he was impressed by the turnout and by participants' considerable comments on changing circumstances with regard to aircraft noise.

An interesting development that he learned about, Councilmember Toben added, is that the pattern of air traffic over southern San Mateo County may be shifting more inland, consistent with what Brisbane is experiencing. Some residents also have indicated an increased frequency of departure traffic. These developments add ammunition to the argument that changes in air traffic patterns and frequency should be subject to environmental review, Councilmember Toben stated, and represent avenues that could be explored with Congresswoman Eshoo's intervention.

Coming away from the meeting with a sense of how serious the issue is to many Portola Valley residents, Councilmember Toben said that he's confident about the amount of "firepower" in citizens who are motivated to address this issue. He noted, too, that Andrew Pierce, a member of the Nature and Science Committee, is a litigator who made some interesting observations about aviation law during the meeting.

Pointing out that the original Eshoo agreement with the Federal Aviation Administration (FAA), dating back to 2000, was a citizen-led effort, Councilmember Toben said that he doesn't expect that Portola Valley's "leading the charge" to develop this channel of communication with the Congresswoman will become burdensome to either the Town Council or staff, because Mr. Schachter and others at the meeting have resources to bring to bear on the issue.

Councilmember Wengert said that all of the points that Councilmember Toben laid out in the letter he drafted to Congresswoman Eshoo were terrific, and her only reservations concern breaking from the Roundtable to get information from the FAA and having Portola Valley "flying solo" – because the issue affects a number of other communities. As to "flying solo," Councilmember Toben said that he's been informing his Woodside counterpart on the Roundtable, Dave Burow, about what Portola Valley is doing. Via Jim Lyons, a San Mateo County resident, Councilmember Toben said, Mr. Burow is also encouraging the involvement of Dave Pine, a member of the San Mateo County Board of Supervisors and new Roundtable appointee representing the County. In terms of other channels, Councilmember Toben said he doesn't see an alternative to reaching out to Congresswoman Eshoo; in fact, he suggested that enlisting her help may ultimately facilitate getting data from the SFO Aircraft Noise Abatement Office (ANAO), because it's technically an SFO agency and not an adjunct to the Roundtable.

Regarding the forum of community representatives, citizens and elected officials – including a senior member of the Congresswoman's staff – that the letter Councilmember Toben drafted proposes, Councilmember Wengert asked how the jurisdictional membership of the group would be established. Councilmember Toben said that the forum would benefit from participation from Palo Alto, Mountain View and other communities, but broadly speaking, he anticipates forum membership as being "elastic and buildable" without specific jurisdictional parameters at this point.

Vice Mayor Derwin asked whether the original agreement that Congresswoman worked out with the FAA predates the establishment of the Roundtable. Councilmember Toben said no, the Roundtable has been in existence for about 30 years, although membership was extended to South County communities at about the time of that agreement.

Mayor Driscoll expressed concern about continuity in terms of Portola Valley's representation on the Roundtable when Councilmember Toben's term expires in December 2011. Councilmember Toben agreed to advise his successor in that role.

Councilmember Wengert moved to approve the letter as drafted. Seconded by Councilmember Richards, the motion carried 5-0.

(13) Reports from Commission and Committee Liaisons [8:25 p.m.]

Vice Mayor Derwin:

(a) Library JPA Governing Board

At its November 1, 2011 meeting, the group discussed:

- Recent shifts in some internal positions triggered by the departure of the San Mateo County Library's Assistant Library Director.
- Revisions to Building/Planning policy that will increase funds for cities' library renovations from \$25,000 to \$50,000.

Vice Mayor Derwin said she was disappointed that Randy Royce, the San Carlos representative on the Library/JPA Governing Board, failed to get reelected to the San Carlos City Council in the November 8, 2011 election. She said that Christine Wozniak, Belmont's alternate representative on the Library/JPA governing board, had a narrow lead in her bid for the Belmont City Council, with the outcome depending on the results of the mail-in ballot count.

(b) Community Events Committee

- Lacking a quorum, the Committee was unable to vote on new applicant at its November 8, 2011 meeting.
- The group discussed details of the Volunteer Appreciation Party, slated for December 2, 2011.
- Michael Bray may step down as Committee Chair.

(c) Council of Cities

- Nice comments have come in about the October 28, 2011 meeting, held in Portola Valley's Community Hall.

Councilmember Richards:

(d) Architectural and Site Control Commission (ASCC)

- During a special field visit on November 1, 2011, ASCC members reviewed the C-1 Trail landscaping and decided to reduce the number of plantings and use hydroseeding only. Representatives of the Conservation Committee participated.

Councilmember Wengert:

(e) Planning Commission

At its November 19, 2011 meeting, the Planning Commission:

- Approved a request for deviation from Resolution 2506-2010 for the project at 21 Santa Maria Avenue.

- Discussed The Priory's annual report for its conditional use permit (CUP) review, including enrollment data, number of large events, parking issues, conformance to below-market-rate (BMR) housing unit requirements, lay faculty count and the athletic field turf status.

(f) Bicycle, Pedestrian & Traffic Safety Committee

- Interviews have been conducted with 18 applicants so far, with two to go. Mayor Driscoll described the applicants as "awesome" – men and women of all ages and representative of all of the interest groups – and mostly new faces.

(g) Finance Committee

Meeting on November 8, 2011, the Committee:

- Reviewed the Town's financial statements for the fiscal year ending June 30, 2011.
- Discussed the restricted stock and its current value.
- With one member unable to attend the meeting, discussion of the investment policy will be put on the agenda of a later meeting.

Mayor Driscoll:

(h) Trails and Paths Committee

- Members expressed concerns over the possibility of renaming of the C-1 trail.

WRITTEN COMMUNICATIONS [8:37 p.m.]

(14) Town Council October 28, 2011 Weekly Digest – None

(15) Town Council November 4, 2011 Weekly Digest

- a) #1 – Memorandum to Town Council from Brandi de Garneau regarding Group Incentive Program for Energy Efficiency and Solar – November 4, 2011

In response to a question from Councilmember Wengert, Vice Mayor Derwin explained that Portola Valley initiated the program, but the effort is intended to be collaborative, including Woodside as well as probably Hillsborough and possibly Atherton.

- b) #2 – Email and attachment to Town Council from Nancy Lund regarding Dwight Crowder Trail – November 3, 2011

Ms. Howard said that she has discussed this with Ms. Lund, who thought the idea of changing the C-1 Trail name was coming from the Town Council. She said she explained to Ms. Lund that the idea was just reported out from the Trails and Paths Committee, but there's definitely been no action on it.

- c) #4 – Letter to Angela Howard from Joe Coleman requesting a donation of \$5,000 to CERPP – October 19, 2011

Ms. Howard said that she also was asked whether the Town would donate at the CERPP Board meeting. She basically said no, she reported, but, as in years past, the group could request a donation during the next budget cycle. Councilmember Toben agreed that Ms. Howard's instincts in saying no were absolutely correct, particularly considering that CERPP has more than \$60,000 in the bank, if his understanding is correct. Other Council members concurred; there would be no donation at this time.

ADJOURNMENT [8:45 p.m.]

Mayor

Town Clerk