

TOWN COUNCIL MEETING NO. 836 MARCH 14, 2012

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

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

Absent: None

Others: Angela Howard, Town Manager  
Barbara Powell, Interim Assistant Town Manager  
Howard Young, Public Works Director  
Sandy Sloan, Town Attorney

ORAL COMMUNICATIONS [7:33 p.m.]

Lieutenant Tim Reid, Santa Clara County Sheriff's Office, introduced himself as the new Bayside Control Bureau commander and officer assigned to Portola Valley and Woodside, succeeding Larry Schumaker, who is now working in the Detective Bureau.

Gary Moiseff, Shawnee Pass, spoke about the summer camp planned at Ormondale School and his concerns about the potential impacts it may have on the neighborhood. He said that the School District decided to rent out the school for this for-profit camp without announcing it and without notifying the neighbors. He also said that it is misleading for the School District to imply that it will make \$40,000 by renting out the school, because some costs, including daily janitorial service, would have to be subtracted from that amount.

Ms. Sloan, noting that the Council cannot discuss this issue because it isn't on the agenda, pointed out that copies of a memo summarizing Town staff's thinking about the issue were available on the table in the back of the Schoolhouse. She also explained that, after researching the issue, her office determined the Town has no jurisdiction over the School District in this matter. She suggested Mr. Moiseff address his concerns to the School District.

CONSENT AGENDA [7:48 p.m.]

- (1) Approval of Minutes: Regular Town Council Meeting of February 22, 2012
- (2) Ratification of Warrant List: March 14, 2012 in the amount of \$327,259.34
- (3) Recommendation by Interim Assistant Town Manager: Grand Jury Report and Response 2011/2012

By motion of Vice Mayor Richards, seconded by Councilmember Driscoll, Items 1-3 on the Consent Agenda were approved with the following roll call vote:

Aye: Councilmember Aalfs, Driscoll, Wengert, Vice Mayor Richards, Mayor Derwin (Aalfs and Wengert abstained on Item 1.

No: None.

REGULAR AGENDA

(4) Recommendation by Public Works Director: FY 2011/2012 Annual Street Resurfacing Project  
[7:49 p.m.]

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley approving plans and specifications and calling for bids for the 2011/2012 Street Resurfacing Project No. 2011-PW01 (Resolution No 2548-2012)

Mr. Young reported that the preparation of construction documents for the Town's annual Resurfacing Project is complete. This year's project will use a slurry Cape-type seal on streets selected for treatment based on the Town's Pavement Management System. The estimated cost is \$473,000, including a 10% contingency, he explained, noting that to date, \$21,000 of the adopted 2011/2012 budget of \$500,000 has been spent. The intent is to complete resurfacing before the end of the fiscal year.

In response to Councilmember Driscoll, who asked about the repairs needed as a result of some of West Bay Sanitary Sewer's fairly substantial modifications on Alpine Road, Mr. Young said that West Bay Sanitary District has made a commitment to slurry-seal the sections of the trenched road, and when bids open for the project being proposed to the Council, the Town will use the same contractor for the work that involves West Bay.

Considering the modest economic recovery, Councilmember Wengert asked whether Mr. Young expected to complete the work under budget. He said that he'd expected the number to be closer to \$430,000, but oil prices – which will affect the costs of slurry and Cape sealing – have increased significantly of late.

Councilmember Driscoll asked whether "greener" materials that could be used for slurry, perhaps of biological origin versus petroleum-based products. Mr. Young said that the only recyclable product he knows about is rubber, which is used in rubberized chip seal and asphalt, but those applications are appropriate for very large projects. Councilmember Driscoll said he believes that there is a recycled component in the oil used for slurry.

Councilmember Wengert moved to adopt Resolution No. 2548-2012, approving plans and specifications and calling for bids for the 2011/2012 Street Resurfacing Project No. 2011-PW01. Seconded by Councilmember Aalfs, the motion carried 5-0.

(5) Recommendation by Interim Assistant Town Manager: Proposed revision to Town's Website Policy  
[7:36 p.m.]

By way of background, Ms. Powell said that the Town periodically receives requests from individuals and organizations to have links to their websites or materials on the Town website. Supposing that the Town's website policy did not anticipate such requests, and noting that some other portions of the policy are outdated, she indicated that updating the policy might be timely.

Ms. Powell cited a number of options the Council might want to consider. For example, links could be restricted to:

1. Services, programs, projects and/or activities that are directly provided or sponsored by the Town.
2. Services, programs, projects and/or activities directly provided by a) the Town, b) other governmental entities; c) non-profit organizations whose governing body includes official representatives from other public agencies whose jurisdictions include the Town, and/or d) franchisees such as PG&E, cable providers and the water company).

3. Exclude advertising or promoting a commercial interest, consistent with the Town's philosophy about not recommending particular businesses. Ms. Sloan agreed that it's important to not link to commercial or for-profit businesses.

Another option would be to:

4. Allow links to certain "user types" that are not charged fees for use of Town-owned facilities. These would include:
  - Town bodies and committees.
  - Public agencies such as the Woodside Fire Protection District, the Citizens Emergency Response Preparedness Program (CERPP), the Library Joint Powers Authority (JPA), the Portola Valley School District and Woodside Priory.
  - Community- or neighborhood-sponsored local groups such as 4-H, Parent-Teacher Associations (PTAs), American Youth Soccer Organization (AYSO), Little League, Portola Valley Garden Club, Westridge Garden Club, Children's Theater, local Homeowners' Associations (HOAs).
  - Local nonprofits such as Windmill School, churches such as Our Lady of the Wayside Church, Christ Church and Valley Presbyterian Church), and organizations conducting local blood drives. (Ms. Powell indicated that these organizations pay no fee for use of Town facilities for events that are free to the public; if the use involves fundraising, they pay half of the applicable fee.)

Councilmember Wengert said that she'd been approached on two occasions by citizens complaining about negative experiences with sustainability and green building companies that had been included in a Town listing. Vice Mayor Richards reported receiving similar comments. Councilmember Wengert noted that such problems have occurred despite the Town's emphasis that such listings don't imply the Town's endorsement or recommendation of any listed companies.

Councilmember Aalfs indicated that in terms of Energy Upgrade California, there is a level of ongoing oversight to provide market protection on behalf of consumers and providers alike. In response to Mayor Derwin, Councilmember Wengert said that she didn't know whether the complaints involved Energy Upgrade in particular; she recalled only that they were under the sustainability umbrella. She said that she does not want to burden staff with the additional role of oversight of companies on lists provided.

Ms. Sloan pointed out that opening the door to one type of listing is problematic, as it then makes exclusion of others discriminatory. She said it's important to be careful.

Councilmember Driscoll said he didn't want to make a decision based on a defensive posture, and to remember that the point of the website is to provide a service to citizens. He said that the caveat about not endorsing commercial enterprises is fine provided that what the Town puts on the website increases traffic and benefits residents. Otherwise, he said, the Town runs the risk of sterilizing the site to the point that it isn't very useful.

Vice Mayor Richards said there may be a way of using organizational links rather than links to particular companies.

Councilmember Wengert said she didn't want to sterilize the site, either, and pointed out that it's more and more robust. She said that newcomers should be able to find just about anything they might want.

Councilmember Driscoll said that Town committees are beginning to be more involved in the website as well, noting that the Bicycle, Pedestrian and Traffic Safety Committee is posting safety advice. He added that the Town wants to encourage that sort of outreach.

Ms. Howard said that the issue is bigger than that, and the website guidelines need to make it clearer what to do when a group comes to the Town asking for a link to support a fundraiser, or an individual who wants to sell his home. She said that the banner policy provides a very good framework, and emphasized that the Town needs a link policy. If it is to be broadened, the guidelines need to indicate how, so that it is clear not only to the public but to staff members who find themselves in the position of having to say “yes” or “no”.

When Councilmember Wengert suggested excluding commercial links except perhaps in cases where the Town is getting certain programs going, Ms. Howard said that those links should go to another agency, or to the program, and those sites may have links to commercial providers. As she put it, “That’s one of the dangers of having all these links; I don’t know what happens once you get there.”

Councilmember Aalfs said that the Council’s concern should be where links go from the Town’s site, but no further. Councilmember Wengert said that she can’t remember for sure whether the list she referred to was on the Town website or after clicking a link. Ms. Howard said she’s not aware of a case that takes website visitors directly from the Town website to any specific commercial provider.

Councilmember Driscoll thought it might make sense to have guidelines for committees that differ from those for the rest of the Town. Ms. Sloan said there’s nothing inherently wrong with that, but, for example, if the Conservation Committee posted links to nurseries that specialize in native plants, it would be difficult to monitor and other businesses could reasonably expect the same treatment. Ms. Sloan also indicated that a policy for paper handouts could differ from what applies to the website, such as a list of all the solar companies the Town knows about that serve Portola Valley. She said that would be more manageable than links.

Councilmember Driscoll said that another possibility would be for the Conservation Committee, for instance, to have a message on its web page advising readers how to do an internet search to find local nurseries specializing in native plants.

In response to Mayor Derwin, Ms. Powell confirmed that the list of organizations using Town facilities free of charge (Option 3) is complete insofar as user types are concerned. Councilmember Wengert said that the list of local nonprofits (in Option 2) would be a more robust group.

Ms. Howard said that the Town website currently has links to other government agencies, and seasonally puts up links for registration for Little League and AYSO (in Option 2), but so far not to HOAs, garden clubs and others. Councilmember Wengert said that the banner policy would allow, for instance, the Westridge Garden Club. Ms. Howard said that she didn’t believe that is the case.

When Councilmember Driscoll asked Ms. Howard which option she would choose, she said Option 2 – which is current practice, with the individual committees being the only gray area because their web pages haven’t been monitored regularly. In response to Councilmember Wengert, she confirmed that current practice would exclude links to local nonprofits, but would allow links to Little League and AYSO during registration, as does the banner policy.

Councilmember Aalfs suggested that if the Town is comfortable with the content of an event in a Town facility that is sponsored by one of the no-fee user groups, it may be appropriate to be comfortable also with a link to its website if requested.

Ms. Howard suggested coming back to the Council with a specific proposed policy.

Note: Item 7 from the Council, Staff, Committee Reports and Recommendations portion of the agenda was moved up on the agenda.

(7) Discussion and Council Action: Parks and Recreation Committee Ford Field Fundraising Proposal [8:26 p.m.]

Jon Myers, Chair, Parks and Recreation Committee, referred to the March 14, 2012 memorandum to the Council from Ms. Powell and Mr. Young in the Council's agenda packet. He indicated that of the projected renovation cost of approximately \$539,000 (including a 10% contingency), about \$232,000 will come from the State, leaving a fundraising goal of approximately \$307,000. A major donor has expressed interest in contributing \$100,000 in matching funds; if that full amount comes through, it would require raising \$107,000 beyond the \$100,000 to match.

Mr. Myers said that he believes the goal is achievable, because he expects a number of residents will put up significant amounts. The Little League organization has committed \$50,000, he said, but Mark Lockareff and Randy Gabrielson, who both serve on the Little League Board, expect to raise an additional amount from the Little League. In addition, he said, Little League families also will contribute.

Mr. Myers also said that the Committee has created a list of potential donors to contact for major contributions. With the Council's approval, he pointed out that emails would go to PV Forum recipients, Little League families and others, and a banner would be created not only to request contributions, but would be placed at Ford Field, and would call attention to the need for renovations. In the hope of making it as easy as possible for donors, he said he hopes that the Council will approve online contributions.

According to Mr. Myers, there are discussions underway with another potential major donor, who may be interested in more ambitious renovations than those in the current plan.

As for donor recognition, he said at this time it may be best not to set any expectations beyond thank-you letters, but the Committee is thinking about additional possibilities.

Councilmember Driscoll asked whether the Portola Valley Community Fund (PVCF), which was set up to raise money for the Town Center project, remains as a shell that could be used for the Ford Field fundraising.

Ms. Howard said that if the Committee decides to do a printed mailer, it needs to be approved in advance by the Town Manager.

Councilmember Driscoll said that the Council would be well-advised to assign a liaison or two to work with the Fundraising Committee to review materials. Councilmember Wengert, as liaison to the Parks and Recreation Committee, agreed to do it. She thanked Mr. Myers for all the hard work done so far, and said it's a great start.

(6) Recommendation by Town Manager: Adoption of revised Advisory Committee Handbook [7:36 p.m.]

Ms. Howard said that in 2008, the Town Council created a Panel on Committees comprised of staff, two councilmembers (Ms. Derwin and Ms. Wengert), several committee chairs and members, and the late Bill Lane. Their work led to creation of the *Advisory Committee Policy & Procedures Handbook*. The document has served the Town well, Ms. Howard said, but she is now suggesting a few minor revisions and some possible policy changes.

One question to be answered, she said, is whether the Council would prefer two-year terms for committee members, or to keep the policy intact at one-year terms. She also proposed making attendance at the annual Orientation Meeting mandatory for new committee chairs.

An important area to address, she continued, concerns agendas. At this time, committee agendas go directly to Town Clerk Sharon Hanlon, who posts them. Ms. Howard suggested that it would be good

policy to have the Town Manager or a designee to review agendas before posting, because there are some cases in which items that should appear on agendas are missing, and sometimes items appear that should be omitted.

In terms of commissions (as opposed to committees), Ms. Howard said that the Council previously determined that whenever a four-year term approaches its expiration, the commissioner would have to reapply for a seat on the commission. Ms. Howard also recommended conducting interviews prior to a regular Council meeting, perhaps in the conference room. Although these proceedings would be noticed public meetings, only one candidate would be invited to an interview at a time, avoiding some of the awkwardness of having all candidates all together for consecutive interviews.

Ms. Howard said that a further issue she addressed in proposing handbook revisions is the process involved in removing a committee member if and when the need arises. She said that instead of requiring the full Town Council doing so at a public meeting, she recommends involving three people in such a decision – the Mayor, the Council liaison and the committee chair.

Councilmember Wengert said that all the suggestions are great ones.

Although Councilmembers agreed that two-year terms for committee membership would be good, it's difficult sometimes to get commitments for one year. The Council agreed to leave it at one year.

Councilmember Driscoll moved to adopt the revised *Advisory Committee Policy & Procedures Handbook*, as amended. Seconded by Vice Mayor Richards, the motion carried 5-0.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (8) Appointment by Mayor: Request for Appointment of Member to the Emergency Preparedness Committee [8:53 p.m.]

Mayor Derwin, with concurrence of the Council, approved the appointment to the Emergency Preparedness Committee.

Councilmember Aalfs moved concurrence with the Mayor's appointment of Bud Trapp to the Emergency Preparedness Committee. Seconded by Councilmember Wengert, the motion carried 5-0.

- (9) Reports from Commission and Committee Liaisons [8:54 p.m.]

Councilmember Aalfs:

- (a) Finance Committee

At its February 6, 2012 meeting, Finance Committee members discussed the topic of employee contributions to healthcare insurance coverage. George Savage and Bill Urban agreed to work on revisions to the Town's Investment Policy.

- (b) Open Space Acquisition Advisory Committee

The March 6, 2012 Open Space Committee meeting was cancelled. Councilmember Aalfs indicated that there may be some issues with membership or participation.

Councilmember Driscoll:

(c) Conservation Committee

Councilmember Driscoll said the Conservation Committee is an amazing group with enormous expertise. Members remain concerned about not receiving plans with adequate time to review and provide comments to the ASCC.

He also reported that Judy Murphy's stepping up to Committee Chair, and Marianne Plunder stepping down to Vice Chair is now official.

(d) Bicycle, Pedestrian and Traffic Safety Committee

Councilmember Driscoll missed the Bicycle, Pedestrian & Traffic Safety Committee, but received a report that the group is forming subcommittees on infrastructure and education. Councilmember Driscoll said that he will give Officer Reid's phone number to Committee Chair Steve Marra to address a situation that was reported, involving speeding traffic that imperils children trying to cross a street.

(e) Firewise Committee

A meeting is scheduled for March 29, 2012.

Councilmember Wengert:

(f) SFO Airport/Community Roundtable

A significant amount of activity has occurred related to overflights of the Town. Councilmember Wengert said that she and Public Works Director Howard Young met with some Roundtable people at Jean Lane's property. Two temporary monitors have been placed in Town to provide additional data.

The Roundtable has also increased meeting frequency, from four meetings annually to six. The new chair is Redwood City Councilmember Jeff Gee. A subcommittee comprising representatives of Woodside, Atherton and Portola Valley also has been created.

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

Ms. Sloan and Ms. Howard were among participants at a meeting, and Councilmember Wengert expects to be able to report some positive activity in terms of moving forward on Below Market Rate (BMR) housing.

(h) Trails and Paths Committee

The March 13, 2012 meeting was an excellent one, and new Committee Chair Judith Hasko did a great job of managing the continuing issue of equestrian signage. Despite two new signs up at Town entrances, some people are requesting even more signs.

Also, Councilmember Wengert reported that Conservation Committee Chair Judy Murphy attended the meeting to explore ways that the Conservation Committee might work with the Trails and Paths Committee. Councilmember Wengert said that these two committees, as well as the Parks and Recreation Committee, are likely to work together

on a plan for the grand opening of the Crowder (C-1) Trail, perhaps in conjunction with the Town Picnic on June 12, 2012.

Vice Mayor Richards:

(i) Emergency Preparedness Committee

New member Bud Trapp was among those on hand for the Emergency Preparedness Committee meeting on March 8, 2012. Discussion topics included:

- Committee goals for the year.
- The need to get more Town residents into CERPP training, perhaps facilitated by having the training in Town and recognizing those who complete the training.
- Holding a "Fifth Wednesday" training session with the Town Council on May 30, 2012.

(j) Cultural Arts Committee

The Committee met on March 8, 2012, discussing:

- Plans for summer concerts in June, July and August.
- Ideas for an Art in Action event.

Vice Mayor Richards reported that the Committee has ongoing membership issues.

Mayor Derwin:

(k) Community Events Committee

At Community Events Committee meetings on March 1 and March 13, 2012, members discussed:

- Coordination with other committees on the Town Picnic and the Crowder (aka C-1) Trail grand opening. (Town Historian Nancy Lund had pointed out that the proper name is the Crowder Trail.)
- The starting spot for the Zots to Tots run.
- Use of Qlubb, an online service to facilitate signups for volunteers for the Town Picnic and Blues & BBQ event.
- Blues & BBQ, scheduled for September 16, 2012. (Mayor Derwin reported that Committee Co-Chair Karen Mobley has begun marshalling volunteers to take charge of various aspects of the event, such as auction, communication, entertainment, food and beverages, etc.)
- The Volunteer Appreciation Party, slated for November 30, 2012.



(l) Town Newsletter

Mayor Derwin said she and Ms. Howard met to discuss the Town's newsletter. The online version did not get many hits, so the next edition will be printed, and will invite residents to indicate whether they find the newsletter of value and want it to continue.

(m) Annual Commission/Committees Meeting

Mayor Derwin said Ms. Hanlon did a great job on the Annual Commission/Committees meeting, and the turnout was good. She said that Vice Mayor Richards also attended.

(n) Sustainability Committee

Mayor Derwin noted she held a well-attended "Energy Upgrade" party at her home.

The Tuesday Harvest Speaker Series program on March 13, 2012, "Be Energy Efficient in Your Sleep", featured:

- Atherton resident and *Addicted to Energy* author Elton Sherwin speaking about "Reducing Large Electric Bills". Mayor Derwin said he made the subject extremely accessible because he relates his personal odyssey.
- Steve Schmidt of the Acterra High Energy Homes Program, on "Cutting Energy Waste".

(o) Council of Cities

At the February 24, 2012 Council of Cities dinner meeting, Mayor Derwin reported:

- A non-controversial City Selection Committee election for HEART Board seats. Councilmembers Jack Matthews (San Mateo), Andy Cohen (Menlo Park) and Ron Collins (San Carlos) were elected.
- Joe Nation, former member of the California Assembly (2000-2006) and now Stanford Professor of the Practice of Public Policy, was a phenomenal speaker. His specialty area is policy and budgets. His topic was also the topic of his November 2010 Stanford Institute for Economic Policy Research (SIEPR) policy brief, *The Funding Status of Independent Public Employee Pension Systems in California*. Mayor Derwin said that what she learned is "hair-raising" and "frightening," and she plans to write it up to share with Councilmembers.

(p) Sustainable Cities Strategy/Regional Housing Needs Allocation (SCS/RHNA) Policy Advisory Committee

Attending on behalf of Councilmember Wengert, Mayor Derwin described the meeting as an overview of what the group would do. In addition:

- There were examples of how Woodside and Redwood City working together on there SCS options.
- The group also elected a chair.

(q) San Mateo County Transportation Task Force

At a meeting of the Task Force, mayors and councilmembers from several cities met to discuss transportation issues, options and funding problems.

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

At C/CAG's March 8, 2012 meeting:

- One agenda item concerned a Pre-Tax Commuter Benefit Model Ordinance, designed to help businesses with 100-plus employees encourage their employees to carpool or use public transportation.

Onnolee Trapp, a member of C/CAG's Congestion Management and Environmental Quality (CMEQ) Committee, often attends these meetings, Mayor Derwin said, and after the meeting Ms. Trapp approached her to suggest getting this ordinance going in Portola Valley so The Sequoias can take advantage of it.

- Another item on the agenda related to review and approval of C/CAG and San Mateo County Transportation Authority Shuttle Program's call for projects for FY2012/2013.

Although it's too late for Portola Valley to submit a project for this fiscal year, Mayor Derwin said she spoke with Woodside Councilmember Deborah Gordon about the possibilities of getting together to pursue some possibilities for the next round.

(s) Resource Management and Climate Protection Committee

Mayor Derwin, who sits on this C/CAG subcommittee, attended the group's March 9, 2012 meeting.

- The most interesting item on the agenda, she said, concerned the Property Assessed Clean Energy (PACE) Programs. Federal action effectively killed the residential applications of this program, which would have enabled local government entities to offer sustainable energy project loans to eligible homeowners, Mayor Derwin reported that the program's commercial application survived, though, and is being revived, which offers some hope that the residential piece may be restored.
- She also found the presentation and discussion about energy use trends across San Mateo County interesting, comparing the different communities. She learned that Portola Valley is no longer the county leader in solar energy use, which is a good sign that solar energy use is increasing throughout the County.

(t) HEART of San Mateo County

Mayor Derwin said she attended a meeting of a HEART Subcommittee that is working to retain cities in the organization. Daly City's annual cost to participate is not as high as many other communities, but the organization wants to show the value of membership.

Emergency Preparedness Activities

Vice Mayor Richards indicated that the Emergency Preparedness Committee wants the Council's thoughts about a training session ("Fifth Wednesday") on May 30, 2012; Ms. Howard said the EPC is looking for direction from the Council as to what type of training the Council wants. After some discussion of the prior exercise and suggestions that the next training focus on wildfire,

Ms. Howard noted that a Wildland Fire Evacuation Exercise is planned for April 19, 2012, including setting up the Emergency Operations Center (EOC), working with the Sheriff's Department and the Woodside Fire Protection District.

During this evacuation exercise, which is part of a regional April 2012 Wildland Fire Preparedness Activities program, in collaboration with the Red Cross and the Woodside Fire Protection District, one of the CERPP neighborhoods will be evacuated to a location in Community Hall.

WRITTEN COMMUNICATIONS [9:25 p.m.]

(10) Town Council February 24, 2012 Weekly Digest – None

(11) Town Council March 2, 2012 Weekly Digest

- a) #2 – Memorandum to Town Council from Barbara Powell regarding Follow-up on Electric Vehicle Charging Stations – February 27, 2012

Ms. Howard reminded the Council that the ribbon-cutting ceremony for the launch of the EV stations will take place on March 15, 2012.

(12) Town Council March 9, 2012 Weekly Digest – None

ADJOURNMENT [9:27 p.m.]

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Mayor

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Town Clerk