

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 845 AUGUST 8, 2012

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

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

Absent: None

Others: Nick Pegueros, Town Manager  
Sharon Hanlon, Town Clerk  
Brandi de Garneau, Sustainability & Resource Efficiency (SURE) Coordinator  
Tom Vlastic, Town Planner  
Sandy Sloan, Town Attorney Representative

ORAL COMMUNICATIONS

CERPP: John Carnes, attending the meeting with Gaylyne Mann on behalf of CERPP, the Citizens Emergency Response Preparedness Program, provided an update on the High Fire Danger sign initiative that's about to begin. He said that the towns (Woodside and Portola Valley) and fire stations have banners and CERPP volunteers in the community would soon have yard-size sign to post on days that the Fire Chief and Fire Marshal determine the fire danger is high. He indicated that awareness posters and restaurant table tent cards have been distributed, drawing the public's attention to a website ([bereadytoday.org](http://bereadytoday.org)) that contains additional information about fire prevention and safety measures that are particularly pertinent when the danger of fire is high. He also said that briefing meetings would be held at Woodside Fire Station 19 on Jefferson Street in Redwood City, from 5:30-7:30 p.m. on August 13 and 14, 2012, during which residents may register to receive notifications and pick up signs for posting. Residents also may call the Fire Protection District for more information, he added.

According to Mr. Carnes, Mr. Pegueros and his Woodside counterpart, Kevin Bryant, should by now have received information briefing them on the program to share with their staffs, in the hope that everyone shares the same information. In addition to the [bereadytoday.org](http://bereadytoday.org) website, he said the same information should appear on the Portola Valley and Woodside websites as well as on CERPP's.

He also emphasized the importance of understanding that the absence of signs does not mean there's no fire danger. A case in point, he noted, is that today was not a high fire danger day, but a brush fire near Arastradero and Alpine Roads burned about five acres.

SMC Alert also has been used to send out community-wide notices on occasion, he explained, and that is likely to continue once the new sign program gets underway.

Sheriff's Office: Mayor Derwin introduced Lieutenant Tim Reid, Bayside Control Bureau commander and officer assigned to Portola Valley and Woodside. Lt. Reid said that now that the summer vacation season is over, he hopes to attend more Town Council meetings.

CONSENT AGENDA [7:36 p.m.]

- (1) Approval of Minutes: Regular Town Council Meeting of July 25, 2012
- (2) Ratification of Warrant List: August 8, 2012 in the amount of \$173,034.13

By motion of Vice Mayor Richards, seconded by Councilmember Driscoll, the Council approved the Consent Agenda with the following roll call vote:

Aye: Councilmember Aalfs, Driscoll, Wengert, Vice Mayor Richards, Mayor Derwin

No: None

#### REGULAR AGENDA

- (3) Recommendation by Town Planner: Direct ASCC to review and forward recommendation to the Town Council on the Kelley Property Bridge Application [7:37 p.m.]

Referring to the staff report dated August 8, 2012, Mr. Vlastic, explained that it sets forth a process to consider the design review of the plans for the driveway access and bridge from Ford Field to vacant properties on the east side of Los Trancos Creek, in Santa Clara County, which Ryland Kelley owns. The staff report also provides background about agreements recorded when Portola Valley acquired Ford Field, retaining an easement for access to the Kelley properties. Per the easement agreement, he said, the Town reserved the right to make final decisions about the driveway grade and alignment and conditions for crossing the creek. Mr. Kelley, who now wants to market the properties, has been working with CJW Architecture, whose representatives contacted the Town about a year ago to ask about clearing a path within the easement to identify it for realtors and potential buyers. With input from the Town Engineer and review of the Public Works Director, Mr. Vlastic said some minor clearing was allowed for this access identification.

Mr. Vlastic emphasized that fundamentally Portola Valley's role is limited to design review to determine acceptable design solutions for the driveway access and the creek crossing that would come back to the Town Council. The proposal will not mature into a full project in terms of environmental review, etc., until a plan is actually in place for development of the properties on the east side, and that in any case Portola Valley will not take primary responsibility in terms of CEQA because the properties are in Santa Clara County. Still, as plans evolve, the Town would retain the right to ensure that they remain consistent with directions provided in the design review.

The staff report recommends that the applicant cover the cost of the professional reviews needed in terms of planning activities and structural evaluations. Mr. Vlastic said Carter Warr, representing CJW Architecture, objected to Mr. Kelley bearing the full cost of this work. Staff's stance differs, Mr. Vlastic explained, because the agreement states that the first party in to develop the bridge and driveway would bear the cost, and staff considers design review one component of the bridge and driveway development. He added, though, that if the Town ultimately were to use the driveway to reach the properties on the Santa Clara side of the creek, the Town would have to pay a prorated share based on usage.

Councilmember Driscoll asked about the size of the parcels Mr. Kelley owns on the Santa Clara side. Mr. Warr said it's about four acres, running the length of Ford Field.

In response to Councilmember Wengert, Mr. Warr affirmed that there is no existing access from the Ford Field side to the property.

Explaining his side of the disagreement with staff, Mr. Warr said that it's one neighbor owning property and another neighbor owning an easement. The neighbor with the easement has the right to see what the design looks like, but that neighbor also would bear the cost of reviewing the design. He said he believes that was the intent of the language in the papers drawn in 1971. He pointed out that the Town would have to grant permission for other jurisdictional issues also, because the driveway probably would require a grading permit, and an encroachment permit would be needed where the driveway enters the Alpine Road right-of-way. Mr. Warr said that the applicant takes no issue at all with the review process Mr. Vlastic described, but only the cost burden for this level of review.

In response to Councilmember Wengert, Mr. Warr said the disputed costs relate to the cost of the application only, not the costs of permits or construction, which he agrees is clearly described in the easement papers.

In response to Ms. Sloan's question about Stanford's rights to buy the property, Mr. Vlastic said that if Stanford wanted to purchase the land, the easement would disappear, but Stanford apparently is not interested.

Mayor Derwin asked how much staff time would be involved to address the review process he described. Mr. Vlastic said it would range from at least six to 10 hours, the time associated with resolving issues with LAFCO (Local Agency Formation Commission), assembling materials, having two ASCC meetings, probably a site meeting and a follow-up, completing reports and then bringing that recommendation to the Town Council. In summary, he said that while the time commitment is not expected to be huge, but neither is it insignificant.

Mayor Derwin then asked whether there have been other similar projects for which the Town did not charge the applicant for staff time. Mr. Vlastic said he was unaware of any.

In response to Councilmember Wengert, Mr. Vlastic said that in the course of a normal design review or site control application, the cost of staff time probably runs in the range of \$1,500-\$2,500.

Councilmember Driscoll moved to direct the ASCC, upon receipt of sufficient deposit to cover the Town's costs for the professional services needed to do so, to review proposed plans for the driveway and bridge within the easement across the Ford Field property, prepare a recommendation to the Town Council on the proposal. Seconded by Councilmember Aalfs, the motion carried 5-0.

- (4) Recommendation by Administrative Services Officer: Signature Policy Update [7:51 p.m.]
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Modifying Signature Authority for Checks (Resolution No. 2567-2010)

Mr. Pegueros explained that policy requires two signatures on Town checks written in amounts in excess of \$5,000, and historically the Town Manager and Assistant Town Manager did so. Currently, with no Assistant Town Manager, he recommended authorizing Ms. Hanlon, as Town Clerk, as the second signatory. For internal control purposes, he suggested that it would be inappropriate to have the person who prepares the checks – Acting Administrative Services Director, Stacie Nerdahl – also be a signatory.

In response to Councilmember Driscoll, who asked whether the Town Council would have an opportunity to learn about checks written for more than \$5,000, Mr. Pegueros said that the warrant list would continue to serve this purpose.

Councilmember Wengert said that what Mr. Pegueros proposed sounded like a good suggestion.

Councilmember Wengert moved to adopt Resolution No. 2567-2010, to modifying signature authority for checks. Councilmember Aalfs seconded. In response to Councilmember Aalfs, Mr. Pegueros said that the \$5,000 threshold is fairly low in relation to other jurisdictions, and he does not recommend changing it because it's an excellent internal control and has imposed no operational issues. The motion carried 5-0.

- (5) Recommendation by Administrative Services Officer: Fiscal Year Ending 06/30/12 Interfund Transfer [7:55 p.m.]

Mr. Pegueros said staff is in the process of closing the books on FY 2011-2012, and as part of the process, the Council typically reviews any transfers from the General Fund. The only such transfer that was not budgeted went to Measure A, which funds roadway improvements. The Town spent somewhat

more than the Measure A funds received, resulting in a deficit of \$8,540, he explained, so that amount was transferred from the General Fund.

In response to Councilmember Wengert, Mr. Pegueros said the shortfall was more a function of lower revenues than greater expenditures.

Councilmember Driscoll moved to approve the requested interfund transfer. Seconded by Councilmember Aalfs, the motion carried 5-0.

- (6) Recommendation by Sustainability Coordinator: Consideration of a Position Statement on Current Legislation SB1222 [7:57 p.m.]

Ms. de Garmeaux said that she analyzed the impact of SB1222 on Portola Valley, and recommended sending the letter in support that she drafted for Mayor Derwin's signature to the Assembly Appropriations Committee. The proposed legislation would cap building permit fees for residential solar system installations. Ms. de Garmeaux said the issue came to the Town's attention because the League of California Cities opposes the bill on the grounds that it would take local control away from cities. The Town charges a \$50 flat rate fee on these permits, which Ms. de Garmeaux suggested is responsible for increasing the number of applications for residential solar installations in Portola Valley.

Councilmember Wengert moved approval of the recommended letter in support of SB1222. Seconded by Councilmember Aalfs, the motion carried 5-0.

- (7) Recommendation by Sustainability Coordinator: Consideration of the League of California Cities proposed Resolution requesting suspension of implementation or revision of the California Global Warming Solutions Act (AB32 of 2006) [7:59 p.m.]

Ms. de Garmeaux said that Needles, California, located in the Mojave Desert, created a resolution for the League of California City to be voted on at the League's San Diego conference, which will take place from September 5-7, 2012. Ms. de Garmeaux recommends that Portola Valley oppose the resolution, which calls for suspension of implementation or revision of the California Global Warming Solutions Act (AB32 of 2006). She said that opposition to the resolution would be consistent with the Portola Valley General Plan's Sustainability Element. Ms. de Garmeaux indicated that the Town Council would have to send a delegate to attend the conference and cast the negative vote.

Mayor Derwin credited Ms. de Garmeaux for her August 8, 2012 analysis of the issue. Councilmember Wengert agreed that it was very clear.

Councilmember Aalfs asked about the League stance on the issue in light of its opposition to abrogation of local control. Ms. de Garmeaux said that the League does not appear to have taken a position on this resolution. Although League policy does object to regulations that take away local control, she explained, other League policies tend to support AB32.

Mayor Derwin noted that various Southern California communities seem to take turns trying to overturn AB32.

Councilmember Driscoll moved to appoint Mayor Derwin to attend the League of California Cities conference and vote against the Needles resolution. Seconded by Councilmember Aalfs, the motion carried 5-0.

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

- (8) Recommendation by Conservation Committee: Proposed change to Committee Charter [8:04 p.m.]

Councilmember Driscoll moved to change the Conservation Committee Charter to begin its meetings at 7:45 p.m. on the fourth Tuesday each month (from 8:00 p.m.) Seconded by Vice Mayor Richards, the motion carried 5-0.

(9) Reports from Commission and Committee Liaisons [8:07 p.m.]

Councilmember Aalfs:

(a) Windmill School

Councilmembers Aalfs reported that on August 2, 2012, he, Councilmember Driscoll and Mr. Pegueros met with representatives of Windmill School and discussed a number of properties that might be suitable places for the school to relocate. Despite the administrative and financial hurdles, he said he thought the most promising option from Windmill's perspective was the idea of working with the Midpeninsula Regional Open Space District (MROSD) on the Woods/Hawthornes property.

Councilmember Driscoll:

(b) Open Space/Historic Resources

Councilmember Driscoll indicated that he and Vice Mayor Richards are trying to assemble a subcommittee including Town Historian Nancy Lund, ASCC Member Jeff Clark and a member of the Planning Commission to discuss options for the Woods/Hawthornes property with a representative of the MROSD.

Councilmember Wengert:

(c) Regional Housing Needs Allocation (RHNA)

As of its July 26, 2012 meeting, draft allocations have not been finalized in terms of housing requirements for communities in San Mateo County. The discussion focused on four different housing allocation scenarios that are being considered. The sub-region now plans to adopt the draft allocation on August 23, 2012, after which it will be considered at the RHNA meeting in September 2012.

(d) Bicycle, Pedestrian and Traffic Safety Committee (BPTS)

Infrastructure Subcommittee discussions centered on best practices and overall guidelines within the multi-jurisdictional transportation based program.

(e) Alpine Beer Garden CUP

Councilmember Wengert reported that she, Mr. Vlastic and Mr. Pegueros met with Mollie Alexander, her daughter and son-in-law in a follow-up to a discussion at the June 20, 2012 Town Council meeting, regarding the extension to the Alpine Beer Garden's ground lease and conditional use permit. This was the second meeting on this issue, the first involving only Councilmember Wengert, Mr. Vlastic and Ms. Alexander. For the time being, Councilmember Wengert said the lease would continue to run on a month-to-month basis.

Mayor Derwin:

(f) Bay Area Water Supply and Conservation Agency (BAWSCA)

After attending the Bay Area Water Supply and Conservation Agency (BAWSCA) Board meeting on July 19, 2012, Mayor Derwin said she met with Rob Guzzetta, Cal Water's Vice President of Operations.

They discussed BAWSCA, the San Francisco Public Utilities Commission's proposal to take water from the Modesto Irrigation District, the outlook on water prices, the future of the Hetch Hetchy reservoir and the possibility of Portola Valley getting Cash for Grass funding from Cal Water.

(g) Safe Routes to School Coalition

Kari Rust, Portola Valley School District parent and Safe Routes to School Coalition member, and Mayor Derwin met with SamTrans marketing executive Rita Haskin, to talk about encouraging Portola Valley children to bus between Ormondale and Corte Madera Schools and the Town Center library. She said that SamTrans representatives are willing to discuss it at the schools' back-to-school nights.

(h) The Sequoias

Mayor Derwin, Vice Mayor Richards and Mr. Pegueros attended a lunch meeting at The Sequoias where they met the Sequoias' new Executive Director, Jay Zimmer and the new Residents' Council President and Vice President, Pat Skillman and Pat Brown, as well as the Town Council Liaison Eleanor Cray. Mayor Derwin said that they are all looking forward to the joint meeting with the Town Council in October 2012.

(i) Community Events Committee

Although she was unable to attend the Committee's meeting on August 7, 2012, Mayor Derwin received a report from Karen Mobley indicating that Blues & BBQ planning is going well. Bianchini's Market will provide the BBQ dinner and a beer truck, Amigos Grill and Webb Ranch will serve appetizers. Volunteers will staff the wine bar, and the Teen Committee will staff the children's beverage bar.

The next event in the Summer Concert Series, scheduled for August 23, 2012, will feature Bundy Browne & the Espresso Rhythm Section.

WRITTEN COMMUNICATIONS [8:27 p.m.]

(10) Town Council July 27, 2012 Weekly Digest

(a) #8 – Memo from Town Manager Nick Pegueros – Weekly Update – July 27, 2012

In reference to Item 3, Public Records Act Request, Mayor Derwin said the work involved in responding to the request would be expensive and disruptive. She wants the Town to have a separate line item to track the expense so Portola Valley taxpayers realize how much it costs.

In reference to Item 4, Hedges at 140 Shawnee Pass, Councilmember Wengert said the resolution seemed to be a good one.

(11) Town Council August 3, 2012 Weekly Digest

(a) #6 – Memo from Acting Administrative Services Director – 2012-13 Adopted Budget

Mr. Pegueros said that as he understands it, in the past the Town has sent postcard summaries of the Town budget to all residents. He indicated that the summary referenced in Ms. Nerdahl's has been posted to The Forum, and it's important to include on the website, but he wanted to know if it is necessary to continue with the postcard tradition.

Councilmember Aalfs said no postcard is needed. Councilmember Driscoll said no one has ever asked him about the postcards. Councilmember Wengert said that providing residents with more robust information and graphics, as in the summary, makes more sense than postcards, and the Town can mail hard copies to those who request them.

(b) #10 – Memo from Town Manager Nick Pegueros – Weekly Update – August 3, 2012

In reference to Item 1, Mr. Pegueros said that the Affordable Housing web page went live on Friday, August 3, 2012, and as of 9:15 a.m. on the following Monday, Ms. Nerdahl reported 245 hits. He said, too, that the initial round of questions has been received, and staff has begun circulating draft responses to ensure that the answers are succinct and accurate. Although the website will be updated periodically, he added, he doesn't yet have an update schedule in place.

Mr. Pegueros also indicated receiving a number of compliments from residents, expressing their thanks for providing the resource to help them better understand the issue.

Councilmember Driscoll asked whether more detail about website activity is available. Mr. Pegueros said he would check.

CLOSED SESSION [8:35 p.m.]

(12) Conference with Real Property Negotiator

Government Code Section 54956.8

Properties: 900 Portola Road and Town-owned lots in Blue Oaks subdivision

Town negotiators: Town Attorney and Councilmember Wengert

Negotiating parties: Geoff and Colleen Tate

Under negotiation: price and terms of payment

REPORT OUT OF CLOSED SESSION

No reportable actions.

ADJOURNMENT [9:11 p.m.]

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Mayor

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Town Clerk