



# TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, October 10, 2012

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

## REGULAR MEETING AGENDA

### 7:30 PM – CALL TO ORDER AND ROLL CALL

Councilmember Aalfs, Mayor Derwin, Councilmember Driscoll, Vice Mayor Richards, 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.

- (1) **PRESENTATION** – Len Materman, Executive Director, San Francisquito Creek Joint Powers Authority with San Francisquito Creek Joint Powers Authority Projects and Opportunities (3)

### 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.

- (2) **Approval of Minutes** – Regular Town Council Meeting of September 26, 2012 (4)  
 (3) **Approval of Warrant List** – October 10, 2012 (18)

### REGULAR AGENDA

- (4) **Recommendation by Public Works Director** – Proposed Removal of Oak Tree at Ford Field (30)  
 (5) **Recommendation by the Cable & Utilities Undergrounding Committee** – Request for Revision to formerly adopted Resolution #2500-2010 establishing the Alpine Road Undergrounding District (43)

### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (6) **Recommendation by Administrative Services Director** – Revisions to Application for use of Town Fields, Tennis/ All Sports Court, Ford Field Parking Lot and Town Center Picnic Area (46)  
 (7) **Reports from Commission and Committee Liaisons** (51)  
*There are no written materials for this item.*

### WRITTEN COMMUNICATIONS

- (8) **Town Council Weekly Digest** – September 28, 2012 (52)  
 (9) **Town Council Weekly Digest** – October 5, 2012 (64)

### CLOSED SESSION

- (10) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
 Government Code Section 54956.8  
 Properties: Town-owned lots in Blue Oaks subdivision  
 Town negotiators: Town Attorney and Councilmember Wengert  
 Under negotiation: price and terms of payment

### REPORT OUT OF CLOSED SESSION

### 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).

#1

There are no written materials for this agenda item.

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 847 SEPTEMBER 26, 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: Sharon Hanlon, Town Clerk  
Sandy Sloan, Town Attorney  
Nick Pegueros, Town Manager  
Tom Vlastic, Town Planner

Council approved the addition of urgency Closed Session item (#9) to the agenda at the request of Ms. Sloan. The item relates to the Town-owned lots 23, 24, 25 and 26 in the 6lue Oaks subdivision.

Councilmember Aalfs moved to add the item to the agenda. Seconded by Councilmember Driscoll, the motion carried 5-0.

ORAL COMMUNICATIONS [7:33 p.m.]

Resident Bud Eisberg, Wyndham Drive, stated that he and his wife oppose the Town's purchase of 900 Portola Road. He said theirs is not an elitist neighborhood opposed to affordable housing, but they see no plan, and the number of units mentioned – from eight to 14 – doesn't fit with the prevailing density in the neighborhood .If there is a design/plan, he said it should be made available to the public; if not, spending \$3 million on land without a design/plan in place is irresponsible.

- (1) Presentation: Vic Schachter and Jim Lyons, Co-Chairs of the Ad Hoc Citizens Committee on Airplane Noise Abatement for the South Bay, reporting on Airplane Noise Abatement Citizen Initiative and Update [7:35 p.m.]

Mr. Schachter, a Portola Valley resident, said he and Mr. Lyons, who lives in Woodside, have volunteered more than 100 hours to this issue because it's critical to enjoyment of the community. He pointed out that a rapid increase in commercial aircraft traffic has caused a substantial increase in noise from low-flying planes, and NextGen technology will worsen the situation. He said it's important for citizens to voice their concerns both with Rep. Anna Eshoo and the Airport/Community Roundtable. Beyond the extensive meetings held with Rep. Eshoo and the Federal Aviation Administration (FAA), he underscored the need for a widespread grassroots effort.

Providing some data about the increase in commercial jet traffic, Mr. Schachter noted that arrivals over the Woodside VOR increased 70% between 2005 and 2010. This VOR – short for VHF Omni-directional Range – is the main radar installation for flights approaching San Francisco International (SFO) and Oakland International (OAK) airports. It's located near Skyline Boulevard and Woodside-La Honda Road. Between January 1, 2010 and June 30, 2012, more than 57,000 commercial aircraft, approximately 23,000 per year, flew over this VOR, and SFO's Director of Airport Operations predicts a 10% increase in air traffic in the coming years.

At the same time, aircraft are flying lower, and as Mr. Schachter pointed out, noise levels increase geometrically, not arithmetically, as the altitude drops. He said that average altitude over the Woodside VOR fell 900 feet between May 2005 (when it was 7,500 feet) and February 2010 (6,600 feet). He underscored the fact that according to SFO records, from January 1, 2009 through May 31, 2012, more than 88% of all arriving flights over the Woodside VOR came in below 8,000 feet and almost 28% were

below 6,000 feet. This was despite the intervention from Rep. Eshoo that resulted in a 2006 agreement with the FAA to keep flights no lower than 8,000 feet.

In response to Councilmember Driscoll, Mr. Schachter explained that altitudes are measured in relation to sea level versus ground level, so planes fly a bit closer to Portola Valley than their altitudes indicate.

Mr. Schachter discussed recent efforts by the SFO Airport/Community Roundtable to address the problem, particularly since the January 2012 addition of new members and a change in leadership. For example: the group:

- Reached an agreement with SFO's Noise Abatement Office (NAO) to install noise monitors at the Woodside VOR and in Portola Valley and report the results after a four-month period.
- Formed a Woodside VOR Ad Hoc Subcommittee to review the NAO's findings. The Subcommittee comprises Roundtable Chair Jeff Gee (Redwood City Vice Mayor), Dave Burow (Woodside Councilmember), Elizabeth Lewis (Atherton Vice Mayor) and Councilmember Wengert.

Mr. Lyons reported that between March 6, 2012 and July 8, 2012, the NAO took aircraft noise measurements at two locations – the Woodside VOR and near Portola Road and Westridge Drive in Portola Valley. The NAO's technical report, issued on June 27, 2012, concluded that noise levels were well below state and federal standards. The NAO calculated average noise level on the basis of the CNEL (Community Noise Equivalent Level)—a 24-hour average of all aircraft noise above a certain threshold—and said that the SFO monthly aircraft CNEL ranged from 32.5 to 36.2 decibels (dB) for Portola Valley. He noted that 35 dB equates to the noise level in a library reading room.

Mr. Lyons said the Ad Hoc Citizens Committee on Airplane Noise Abatement for the South Bay has serious concerns about whether the NAO's conclusions are valid and/or accurate, for a number of reasons:

- The report data are incomplete. During the four-month period, according to SFO records, a total of 8,135 flights crossed the Woodside VOR on the path over Portola Valley to SFO and OAK, but the NAO's Portola Valley sound monitor recorded only 1,095 flights. The NAO acknowledged that its sound equipment failed to record about three of four flights at altitudes up to 5,500 feet over the VOR.
- The Portola Valley noise monitor, set seven feet up from the ground, did not conform to California Division of Aeronautics noise standards for setup (Section 5072). The standard required placing the measurement microphone 20 feet above ground.
- The monitor should have been set to record all aircraft noise greater than 55 dB, but its calibration ignored all flights generating less than 60 dB. Further, NAO's calculation of average noise was 0 dB for any flight generating noise of 59 dB or less. Flights calculated at 0 dB would cut the average noise level substantially.
- Some findings in the report are so irrational they can't possibly be correct. For instance, the NAO reported finding 13 days with SFO aircraft recording 0 dB CNEL in Portola Valley. That's the threshold of human hearing, Mr. Lyons pointed out, about four times quieter than the sound of a pin dropping. Other SFO data on those same days shows scores of flights, many lower than 6,000 feet, over the Woodside VOR.

On April 7, 2012, June 8, 2012 and July 6, 2012, for instance, NAO reported CNEL reading of 0 dB for Portola Valley –day that 51, 70 and 60 flights, respectively, flew over the Woodside VOR.

- The NAO calculated an ambient noise level range of 50.4 to 62 dB in Portola Valley – what might be expected in downtown San Francisco during rush hour, which would be about eight times louder than a quiet rural area. The ambient noise level in Portola Valley, Mr. Lyons said, would be 30 to 35 dB.

Despite the report's shortcomings, Mr. Lyons said the NAO data does confirm the fact that aircraft noise bombards Portola Valley. The equipment recorded more than 1,000 instances of aircraft noise events in Portola Valley of 60 dB or greater during the four-month monitoring period. Of these, 54 generated readings of 80 dB or more – loud enough to wake someone up in a home with the windows closed. One 97.1 dB reading, he said, was nearly equivalent to a rock-and-roll band (105 dB). The aircraft CNEL calculation by the NAO is much lower than these numbers because these figures are averaged against zeros and very low numbers over a 24-hour period.

The noise problem will worsen. Mr. Lyons warned, because the FAA and SFO are in the process of implementing NextGen technology. This technology will allow aircraft to fly at lower altitudes on approach to SFO and OAK, he said, and also to fly closer together in more concentrated, narrower flight paths.

According to Mr. Lyons, no evidence supports FAA's claim that the technology will reduce noise levels; in fact, in a January 12, 2010 FAA presentation, the FAA acknowledged that concentrating flight tracks could increase noise exposure in some areas. Furthermore, a Government Accountability Office (GAO) report dated October 5, 2011, said NextGen will expose some previously unaffected or minimally affected communities to increased noise levels.

Mr. Schachter said it's important to recognize the proactive way the Town Council has involved itself in the issue, and it's important for the Council remain involved. He suggested that the Council:

- Continue to communicate with Rep. Eshoo's office.
- Encourage residents to advise Rep. Eshoo's office of their aircraft noise complaints.
- Seek completion and evaluation of a credible environmental impact assessment before NextGen is implemented.

In response to Councilmember Aalfs asking whether a public hearing process for NextGen is planned, Mr. Schachter said that Congress apparently gave FAA an exemption to the environmental impact assessment. When asked about an assessment during a meeting with the FAA in Rep. Eshoo's office, the FAA spokesperson offered what Mr. Schachter described as a circular response: "We can't get into hypotheticals right now."

- Continue its support initiatives addressing aircraft noise, perhaps by hosting a community forum with Woodside and the Roundtable.
- Lead other South Bay communities in undertaking joint initiatives on these issues. As Mr. Schachter put it, more officialdom from these communities would help reach critical mass.
- Perhaps in coordination with Woodside, consider hiring an aviation consultant to review NAO findings and determine whether additional noise studies are required.

Councilmember Driscoll said he fully supports what the Ad Hoc Citizens Committee is seeking, but asked whether there's a way for the aircraft to reach SFO without causing a noise problem in some community?

Mr. Schachter said there are many alternatives other than pushing the load from one community onto another, which has been the Roundtable's underlying principle and a principle the Committee supports. An impact study could evaluate the options, Mr. Schachter stated. One option might be to fan the air

traffic out in such a way as to spread the flights over a number of communities. Another option might be to change the noise levels.

In response to Councilmember Aalfs, Mr. Lyons said flying at lower altitudes is driven more by economics than safety. Flying lower consumes less fuel and saves the airlines money. According to Mr. Schachter, the FAA claims NextGen's "glide method" of arrival would burn less fuel and make less noise.

Tina Nguyen, 45 Alhambra Court, said she moved from Redwood Shores to Portola Valley to escape the airplane noise and was shocked to discover it was a problem here. She said she met with former Councilmember Steve Toben to talk about it several years ago, and the amount of air traffic has increased since then, in part because the planes now fly the Portola grinding route and over the Woodside VOR instead of the Big Sur route over Mountain View and Palo Alto.

Ms. Nguyen said that on a recent clear, cloudless Saturday, 11 planes came in to land in 35 minutes – 2.5 minutes apart. When she contacted SFO, she was told the planes were flying 6,000 feet above sea level. She also said that more Southwest Airlines flights are going to SFO rather than San Jose, and Virgin America has a route between SFO and Los Angeles.

Mr. Schachter said they were told that fog determined the pattern, but as Ms. Nguyen said, the problems seem no different in clear weather.

Mr. Lyons said that operating in an informational disadvantage has been one fundamental problem. The information they receive about sound, altitude and flight paths seems incomplete, which is why a recognized, impartial expert's objective assessment would be valuable.

Mr. Eisberg said that as a retired airline pilot who has also had a stint in air traffic control and participated in several NextGen studies at NASA, he does not claim expertise but has some knowledge about the subject. He stated that the Woodside VOR is not in the main gateway to SFO and aircraft use more fuel, not less, when flying at lower altitudes. He also noted the noise levels differ markedly between arriving aircraft at idle power and departing aircraft in climb power. Although NextGen has not yet been implemented, Mr. Eisberg said some erroneous conclusions have been reached about what NextGen is intended to achieve. (Mr. Schachter indicated that the data addresses only arriving aircraft.)

A Woodside resident [unidentified] said she's lived off Skyline Boulevard for 22 years and during the last two and one-half years, the noise and vibrations have become unbearable.

Al Gegaregian, Valley Oak Street, has lived in Portola Valley 24 years. Noting a significant increase in air traffic over the past two and one-half years, he said he's not trying to get it moved elsewhere but more spread out for safety reasons as well as peace and quiet. He said he contacted the NAO at SFO, and was told that 1) Portola Valley residents don't have a noise problem, 2) the NAO has no control over air traffic patterns, and 3) the FAA controls airplanes both on the ground and in the air. He identified three layers of aircraft traffic: a plethora of small planes buzzing around low, inbound planes at about 6,000 feet and outbound planes between 12,000 and 20,000 feet. Mr. Gegaregian said the Committee needs the Town Council's help because the FAA seems to feel immune to efforts to minimize the impact on residents and doesn't want to hear about it.

A Woodside resident [unidentified], former investment banker for the State of California, said he's worked in airports, and has tens of thousands of documents that have been publicly released on NextGen. It became operational in March 2011, he said, but they didn't use the word "implement." SFO was a test site for the original "optimized tailored arrivers." NextGen is a technology that enables landing planes in a leaner, computer-controlled path instead of circling, he said. All flight paths are published and available to the public. A navigational technique that allows planes to come down with their engines in idle power. The airframe of the jet is what causes the deceleration; when it lands the high-pitched frequency often drowns out conversation. That's the noise that's now being initiated earlier in the descent, over the coastal range. It's frictional, low-torque, lower-frequency noise created by slowing the aircraft down, a completely



different frequency than in takeoff. It's a typical airplane sound, but no longer occurring as the plane touches down but as it crosses over Woodside and Portola Valley. The implementation being discussed by FAA at this point is the "metroplex," which is the next level. It's a consolidation of flight paths into all Northern California airports.

Councilmember Wengert said her experience with the Roundtable since she became involved this year has been very positive, and she wants to continue the Council's support to the extent possible. She concurs with the idea of multiple communities coming together to bring collective pressure to bear as an effective vehicle. She mentioned several of the most affected communities, including Brisbane, Millbrae, Pacifica and San Bruno. She said of the Committee's recommendations, the need for an environmental impact assessment resonates the most with her. In addition, she encourages continuation of efforts being made by Rep. Eshoo's office. She said Portola Valley must be focused in its approach so as to allocate its limited resources most effectively. Councilmember Wengert also said she wanted to see a procedure set up whereby SFO notifies the Roundtable of pertinent plans. For instance, she said if a particularly bad weekend is coming, when runways will be closed, the Roundtable needs access to that information to pass along to its constituents and their communities.

Vice Mayor Richards, who said he's encouraged that the Roundtable has become a more effective organization, also underscored the importance of an environmental assessment of the NextGen technology. He said it might warrant another set of letters from Rep. Eshoo.

Councilmember Aalfs added that it would be helpful to implore people to report their aircraft noise complaints to Rep. Eshoo's office.

In terms of the community forum the Committee recommended, Councilmember Driscoll said he'd like to do it jointly with Woodside, and perhaps invite Rep. Eshoo. Mr. Schachter said San Mateo County Supervisor Dave Pine and some of his colleagues also might want to participate – particularly in this election year.

Mayor Derwin summarized Council's agreement to 1) Continue communications with Airport Roundtable through Councilmember Wengert; 2) post a link to Rep. Eshoo's office on the Town's website where complaints can be filed; 3) hold a joint public forum with other communities and 4) write a letter to Rep. Eshoo's office signed by all Councilmembers requesting her support and involvement.

#### CONSENT AGENDA [8:22 p.m.]

- (2) Approval of Minutes: Special Town Council Meeting of September 12, 2012
- (3) Ratification of Warrant List: September 26, 2012 in the amount of \$80,948.38

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

Aye: Councilmember Aalfs, Driscoll, Wengert, Vice Mayor Richards, Mayor Derwin (Richards abstained on Item 2)

No: None

#### REGULAR AGENDA [8:23 p.m.]

- (4) Discussion and Council Action: Report from Town Planner to the Town Council on consideration and possible direction to the Planning Commission to initiate Public Hearing for General Plan amendment, clarification of "Meadow Preserve" provisions



Mr. Pegueros said Mr. Vlasic would walk the Council through issues that sparked the request to provide direction on General Plan language relative to the Meadow Preserve, but to summarize the process ahead, he said that as a result of this meeting, the Planning Commission will have Council input to evaluate as Commissioners consider pertinent General Plan language and propose clearer wording. The Planning Commission recommendation would then come back to the Council.

Mr. Vlasic said the staff report of September 26, 2012 provides background on the situation and the issues of interpreting General Plan language as it was amended in 2011 and as it existed prior to that time. After providing the Planning Commission with some direction, he indicated that at some point Councilmembers and Commissioners might want to get together. For now, he provided some context.

The basic language in the General Plan before the 2011 amendment pertaining to the Meadow Preserve had been in place since about 1970, Mr. Vlasic said. The Meadow Preserve extends from the northern boundary of the Spring Ridge property to The Sequoias, and includes the Midpeninsula Regional Open Space District (MROSD) property. The Town signed a development agreement with the MROSD in the 1980s to allow installation of the parking lot and preserve the driveway to the Spring Ridge property. At that time, there also was discussion about changing the General Plan to show the MROSD on the Town's Plan Diagram.

In 1997, when the Recreation Element was updated, he said the language was extended to include: *a southern portion of the original Meadow Preserve is owned by the Midpeninsula Regional Open Space District and is part of the Windy Hill Open Space Preserve. The parking lot serving the preserve should be maintained so as to cause minimum conflicts with the Meadow and remain compatible with the natural setting to the maximum extent possible.* Mr. Vlasic said he pointed this out to underscore the fact that there were interpretations made under the definition of Meadow Preserve as to what could go in there. As he put it, "It's not unprecedented that there were interpretations made . . . based on how the Open Space District project was handled." In discussing with the Town Attorney, he said, one option going forward would be to further interpret the language as it exists today, work with the Planning Commission on that rather than modifying the General Plan.

Ms. Sloan called the Council's attention to an excerpt from an attachment to the staff report, an October 3, 2011 memorandum from the Planning Commission to the Town Council:

. . . prior to the May 2011 General Plan amendments, the key Meadow Preserve wording was in the Recreation Element of the General Plan and specifically stated the intent for the preserve as follows: *The Meadow Preserve, proposed for the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. The preserve should be kept **largely open, the existing character preserved, and present agricultural uses maintained.*** (Section 2313)

With the recent amendments, these provisions were moved to Section 2216.2 of the Open Space Element and modified to read: *The Meadow Preserve, the large field adjoining Portola Road and north of The Sequoias, lies astride the San Andreas Fault and is visually important to the entire quality of the valley. This preserve should be kept in a **natural condition and the existing agricultural character preserved.***

[Note: There was/is no boldface emphasis in the General Plan text; it appears here to draw attention to some of the terminology that has been troublesome.]

Whether through interpretation or amendment, Mr. Vlasic said it's important to have a guideline that will enable to come to closure on decisions regarding the Spring Ridge property.

Ms. Sloan recalled the Planning Commission struggling with the fact that the older version did not use the word “natural” but the newer one does. She advised the Council not to get too bogged down tonight in the exact words, but rather to come up with some guidance for the Planning Commission.

This guidance could reflect one of two alternatives, Ms. Sloan suggested. The Council 1) could give the Planning Commission additional guidance to work with the 2011 General Plan language, or 2) decide a General Plan amendment makes more sense, and provide suggestions on how the language might change.

Councilmember Wengert asked whether a timing differential is associated with those alternative plans of action – interpretation versus amendment. Ms. Sloan said the timing would probably be about the same, because notice of meetings about this issue on both Planning Commission and Town Council agendas would go out, whether public hearings are scheduled or not.

Councilmember Wengert, noting that the Portola Road Corridor is another factor to consider in the context of the Meadow Preserve, said that one of the Task Force’s top priorities relates to preserving the views of the western hills. View preservation actions could range from tree removal to maintaining a diversity of forest, field and meadow. Councilmember Wengert said neither the previous nor current General Plan language incorporates any of these ideas. Yet another aspect to take into account involves Portola Valley’s commitment to sustainability. She recalled an agriculture-related idea expressed by former Councilmember Toben resonating with his peers on the Council. Mr. Toben had discussed a vision of row gardening in the Meadow Preserve to augment the food supply, reduce transportation costs and transportation-related greenhouse gas emissions. Thus, Councilmember Wengert suggested, the Council might want to consider allowing agricultural uses that have no history in the Meadow Preserve. She suggested that she’s leaning toward preferring the General Plan amendment approach, because the situation calls for the type of overarching guidance typically provided in the General Plan.

Councilmember Aalfs said he considers the term “natural condition” both misleading and ambiguous. He said that the language might be changed with a view toward what the Town wants to see in the Meadow Preserve. As for the word “existing,” he said what exists changes over time. He agreed with Councilmember Wengert, that the language should be revised.

Councilmember Driscoll asked the reason why the old language was changed.

Mr. Vlastic explained that it didn’t begin with a discussion about the Meadow Preserve, but with updates for the Open Space and Recreation Elements of the General Plan. Those updates included some rewording, some reorganizing and some revising. The Planning Commission reviewed all sections of those elements, and when Commissioners got to the Meadow Preserve, they determined that the wording that existed at the time didn’t reflect the reality of Meadow Preserve conditions. The word “agricultural” later became an issue with the Town Council and the property owner, and the matter grew more confusing and complex from there.

Councilmember Wengert said one important thing to do would be to clarify the intent of the word “agriculture” so no ambiguity remains about what it means. Councilmember Driscoll noted that “natural” and “agricultural” actually contradict one another.

Planning Commissioner Denise Gilbert, addressing Councilmember Driscoll’s comment, said the agriculture approved in the Neely/Myers Conditional Use Permit (CUP) was a compromise, and it allowed agricultural uses only around the exterior portion of the meadow, so the central meadow would remain “largely open.” Prior to that compromise, she said the Planning Commission was deadlocked, with half saying agriculture didn’t fit with the definition of meadow, and half saying agriculture would be okay.

Jon Silver, Portola Road, said he’s pleased to see acknowledgement of the problematic wording in the General Plan, but is concerned lest the Council give direction to the Planning Commission before receiving public input.

Judy Murphy, Portola Green Circle, serves on the Conservation Committee. She said when Committee members reviewed the issue in the context of the Neely/Myers property, their task was made more complicated and bewildering by the fact that they were told to consider the General Plan only as it applied to Town-owned open space.

Mayor Derwin asked Mr. Vlastic exactly what he wanted from the Council tonight. He replied that if the Council appreciates some ambiguity in the language and wants to articulate some broader concepts as a result of the Portola Road Corridor Plan Task Force work, that provides some specific direction without telling anybody what to do – it's to consider these things. If the Council's consensus is that a General Plan amendment process is in order, he said that process would begin and go on the Planning Commission agenda.

Councilmember Wengert summarized her thoughts: attention to agriculture uses, diversity and preservation of the western hills viewshed. She said she's struggled with the inconsistency of the Town not having restricted vineyards anywhere else.

Mr. Vlastic said that in a study session, the Planning Commission could begin reacting to some wording that staff develops on the basis of input from this meeting and other feedback. He also suggested the Planning Commission and Town Council meet jointly before entering the hearing phase of the process.

Kirk Neely, Portola Road, expressed concerns about the Council waiting for the Portola Road Corridor Task Force to complete its recommendations before proceeding on this issue, and about Mr. Silver's suggestion for more public hearings. Dr. Neely pointed out that his project is moving into its fifth year, and he wants "a little clarity." He's also concerned about adding more and more codicils to the General Plan, he said it gets more and more complicated. The more complicated it gets, he continued, the more difficult it becomes, "so I think we have to be careful moving in that direction." Dr. Neely said he would like simple, flexible, mutually acceptable language in the General Plan, and would like to be part of the process. In the meantime, he asked whether the Council could at least give the Planning Commission guidance "from the get-go" in support of the vineyards in the meadow.

Mayor Derwin asked Ms. Sloan if that's even permitted. Ms. Sloan said it would be better if that's included when a proposal comes back to the Council. Ultimately, she said, it shouldn't be necessary to go back and forth between the Council and the Planning Commission multiple times, provided the discussions are fully encompassing of the vineyards question. She said, too, that it might be better to obtain significant public input first.

Councilmember Wengert, noting her sensitivity to Dr. Neely's point about the time he's invested in this and understanding his frustration, said a lot of progress has been made but the one issue remaining requires carefully attention. She said that an earlier change intended to broaden the definition unfortunately did not create the clarity they'd hoped for, and she isn't sure any other process could ultimately arrive at a decision whether the vineyards will work on this property. She also emphasized that she did not suggest that the Portola Road Corridor Plan be complete before this issue is resolved.

As he sees it, Dr. Neely said, no progress at all has been made in terms of the meadow. He said it's incumbent on the Council to provide some leadership in this matter.

Mayor Derwin said she is open to many kinds of agriculture in the meadow, including vineyards. She noted that the vineyards on the Napa County hillsides have an open look.

Councilmember Driscoll said "agriculture" is too broad, because it also could mean strawberries in little pots; so the focus should be on the character of visual corridor and the ability to see across the meadow. He said the meadow's character isn't a function of the actual plant materials and whether they're harvested.

Dr. Neely said he prefers simple General Plan language for various reasons, that every term in both versions was used at some point to object to agriculture in general and vineyards in particular, that all the language is in some way contentious and that the process will be very difficult. He also said he's very concerned that he hasn't heard much guidance going on to get back to the Planning Commission.

Dr. Neely said a fundamental question is whether the General Plan contains explicit or implicit language regarding whether the meadow must be maintained as hay or grassland. Having "hobby" agriculture around the edges, he contended, still imposes a requirement that his family maintains it as a meadow. He said a reasonable person looking at a General Plan requirement to maintain a significant portion of private property as hayfields and grassland for the benefit of passersby would say that represents an unfair burden. "I'll be very explicit," he said. "That's our position."

Mr. Silver said he has some sympathy regarding the time involved, and hopes this process will result in simpler, maybe even shorter, verbiage in the General Plan. As for hearings, he said there's no way to amend the General Plan without at least two hearings – one with the Planning Commission and one with the Town Council – and it might be necessary to hold more than that. He also said a public process yields the best results.

Mayor Derwin asked whether Commissioner Gilbert has heard enough guidance for the Planning Commission to move forward. Commissioner Gilbert replied that she's afraid the process may result in no difference, inasmuch as the Planning Commission and the public alike are divided pertaining to the central portion of the meadow. She said the debate will endure about how much agriculture can be allowed before a meadow is no longer a meadow.

Ms. Sloan said that unlike situations in which final decisions rest with the Planning Commission (unless a decision is appealed), the Council must approve General Plan amendments. Thus, if the Planning Commission remains deadlocked, a report describing their stances could be forwarded to the Council.

Councilmember Wengert said that this time she hopes it's clear that the message she wants to send relative to this new effort is that the goals are slightly different now than they were in 1970. The Meadow Preserve is narrowly defined now, she said. Councilmember Wengert, agreeing with Dr. Neely that hay and grass is at the heart of it, said the question is whether that narrow definition should be expanded to include agricultural uses. If the answer is yes, agriculture must be defined in the context applicable in other parts of Town.

Councilmember Aalfs, agreeing that the language should be as simple as possible, said the two bothersome words are "natural" and "agriculture."

Vice Mayor Richards said "agriculture" needs to be defined. Historically, he said, Portola Valley was an agricultural town, and one of the main reasons for incorporation in the first place was to maintain, preserve and protect agricultural uses.

Ms. Murphy said another word to bear in mind is "meadow," as in Meadow Preserve. She said if the Town decides the meadow will be used for agriculture, it's not a meadow anymore. As she put it, "That's pretty basic . . . I don't think you should fool yourself that you can continue to call it a Meadow Preserve" under those circumstances.

Dr. Neely agreed with Ms. Murphy: "The problem begins and ends with the term 'Meadow Preserve.'" The modifiers used with agriculture – "existing" and "present" – have also been problematic. Noting that "natural" is a term defined in the "eyes of the beholder," he added that essentially all the terms are subject to interpretation "in the eyes of the beholder."

Councilmember Wengert said the Planning Commission also could consider eliminating the term "meadow," which she said has become archaic given the multiple uses in the Portola Road corridor.

Mr. Vlasic said in the end, they don't want to bring the Council a document in which meanings are unclear. At this time, he said, in addition to the wording issues, the fact that there's a parking lot in the Meadow Preserve must be considered. Changes may be needed in the General Plan Diagram to reflect reality. He said the process could lead in a variety of directions to reach the clarity needed.

Councilmember Wengert agreed, adding that there have been many problems with this definition over the years. There are times, she said, when it's appropriate to take the General Plan and move it forward in a substantial way. If not, it will get fuzzier and more interpretive, so it's time to bring it current to reflect what we have and what we want, incorporating values and goals, so that it's workable for the Planning Commission and easier for everyone to understand.

When Mayor Derwin asked Mr. Vlasic if this discussion would help, he said he's convinced that when we get through the Council hearings and the General Plan is amended, it will provide clarity. In response to her question about a timeline, he said it probably can't get onto the Planning Commission agenda within the next month or two.

Commissioner Gilbert said the conversation raises questions about whether the Meadow Preserve should continue as a preserve at all, considering that at least two owners are involved and the uses may be inconsistent. Councilmember Wengert said it's the definition of a "meadow" that's troublesome, and she's not looking to diminish the visual impact of this area in any way as a result of any ownership status.

Ms. Murphy said that historically the area has been a Meadow Preserve, and it's visually unique along the Portola Road Corridor. Noting that Dr. Neely is in an awkward position because it's his land, yet so much of the community feels as if it's theirs too because of that iconic viewshed, she said that many people would be very upset if someone decided it's not a meadow any longer.

Mr. Silver said he's anxious for the action to be taken.

Mr. Pegueros said the joint study session with the Council and the Planning Commission could be beneficial. Mr. Vlasic said it would be important to have enough as a starting point to get good direction from such a session, so he'd discuss it with Mr. Pegueros before anything is scheduled.

Marilyn Walter, Coyote Hill, said that when she was a member of the Conservation Committee, one of the documents the Committee reviewed pertained to the Town's general values, including the night sky, the open space and so on. She said before getting mired down into the legalities, the whole question should be framed with the Town's historical values in mind.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [9:17 p.m.]

- (5) Appointment by Mayor: Request for Appointment of Member to the Cable and Utilities Undergrounding Committee

Councilmember Driscoll moved concurrence with the Mayor's appointment of Dar Hay to the Committee. Seconded by Councilmember Wengert, the motion carried 5-0.

- (6) Reports from Commission and Committee Liaisons

Vice Mayor Richards:

- (a) Planning Commission

The Architectural and Site Control Commission (ASCC) and Planning Commission held joint field meetings at The Priory (September 10, 2012) and at Woodside Elementary School (September 24, 2012). At The Priory, they looked primarily at the proposed location of the track and playing field, as well as where the trail abuts Portola Road. At

Woodside School, they focused on its artificial turf installation. During its regular meeting on September 19, 2012, the Planning Commission discussed the size and location of the proposed storage shed, use of the softball field, landscaping plans and the possibility of undergrounding wires when the berm is removed.

Commissioner Aalfs, who also attended the field meetings, said there was a big question about the impact of the track on the trail, because they would come within about 20 feet of each other at one point. He also observed that from a distance, it was hard to tell which of the Woodside School fields used natural turf and which used artificial turf, but up close there was no question. Councilmember Aalfs said the central issue seems to involve three main points: aesthetics, environment and values.

(b) Emergency Services

Following a change in personnel, San Mateo County Emergency Services introduced some new people at its meeting, explained metrics for tracking participation of cities within the County, discussed emergency evacuation exercises, previewed upcoming programs, and put three running trucks on display – including a mobile crisis center and an assault vehicle! (Vice Mayor Richards explained that the assault vehicle had been used in a hostage situation, where a man locked himself in a house and was threatening to shoot his wife and child. As soon as the gunman saw this vehicle pull onto his lawn, he gave himself up.)

(c) Conservation Committee

Meeting on September 25, 2012, the Committee discussed:

- Preparation of a final draft for its Redwood Removal Policy statement proposal.
- The Portola Road Corridor Plan Task Force report.
- A Wildlife Incentive Garden program.

The Conservation Committee also met jointly with the Parks and Recreation Committee at Ford Field on September 17, 2012.

Councilmember Wengert:

(d) Parks and Recreation Committee

Councilmember Wengert said one of the mitigation measures discussed for the large oak tree at Ford Field during the Conservation Committee and the Parks and Recreation Committee joint special meeting was to fence the tree, but to work the fence would have to extend close to third base. Because the meeting went so long, Councilmember Wengert said that she and Vice Mayor Richards had to leave, but Mr. Pegueros reported a resolution: After assessing the options, members of both committees reached consensus that the tree should be removed.

(e) Regional Housing Needs Allocation (RHNA)

Finally set, numbers for the next decade's affordable housing needs were released at the RHNA meeting. Portola Valley has 64 units; with the category breakdown of 21 in very low income, 15 in low income, 15 in moderate income and 13 in above-moderate income. The RHNA numbers require Council approval by each community by January 2013.



According to Councilmember Wengert, the idea of a more regional approach to affordable housing is gaining traction, because some communities face a more challenging burden meeting the numbers than others, for example, Menlo Park (655), Atherton (93) and Hillsborough (91).

Councilmember Driscoll:

(f) Cable and Undergrounding Utilities Committee

At a special meeting called for September 20, 2012, the Committee discussed a memorandum that would go to the Council requesting approval of a revised amendment to the current resolution to establish an underground utility district on Alpine Road.

Councilmember Driscoll said he challenged the Committee to undertake some research to find a way of undergrounding that doesn't cost \$1,000 per foot.

Councilmember Aalfs:

(g) Portola Road Corridor Plan Task Force

The Task Force met again, and will forward its report to the Planning Commission. Councilmember Aalfs said members have arrived at a "rough, good agreement" on what they want to achieve in the corridor, but questions remain about how to do so. Most specifically, Task Force members are focused on view enhancement and preservation, increased usage without increased vehicular traffic, and safety.

(h) Architectural and Site Control Commission (ASCC)

Meeting with the Planning Commission on September 24, 2012, the ASCC discussed not only The Priory proposal for artificial versus natural turf, but also reviewed a proposal for a driveway and bridge design on the easement on Ford Field leading to property owned by Ryland Kelley on the east side of Los Trancos Creek in Santa Clara County.

Mr. Pegueros said he encountered Carter Warr, who asked about the possibility of using open space acquisition funds to buy the Ryland properties. Mr. Pegueros referred Mr. Warr to the Open Space Acquisition Advisory Committee.

Mayor Derwin:

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

The C/CAG Board Meeting on September 13, 2012 included:

- A presentation by The Peninsula Traffic Congestion Relief Alliance.
- Discussion about a controversial five-year maintenance contract involving the smart corridor lights that regulate traffic (metering lights).
- An overview of the OneBayArea Grant (OBAG) call for projects as well as a discussion about "proximate access" to Priority Development Areas (PDAs) as they relates to the OBAG Program.

The Board also discussed how best to replace retiring Executive Director Richard Napier. Members agreed to assemble five people to vet candidates and use the County Human Resources Department.



(j) Resource Management and Climate Protection Committee

Meeting on September 6, 2012, the RMCP Committee (a C/CAG subcommittee) heard about:

- Joint Venture: Silicon Valley's very successful joint solar purchase program, which is a group buy for large groups.
- A PG&E program exploring energy efficiency improvements for schools throughout San Mateo County.
- San Mateo County plans to post city-specific progress reports based on energy consumption and emissions data.

The program also included an update on RICAPS (the Regionally Integrated Climate Action Planning Suite).

(k) Silicon Valley Watershed Summit

Mayor Derwin participated in the September 22, 2012 Summit, reporting that it was well-attended with some 240 people. She said the well-attended event was intended to rouse enthusiasm about watersheds, improve understanding of how watersheds connect communities, and encouraging appreciation of water as an asset. She said one of the slide presentations showed Portola Valley's creek project.

(l) Housing Endowment and Regional Trust (HEART)

Mayor Derwin reported that HEART's Member Agency Committee (MAC), which holds twice-yearly meetings to which every agency member is invited to serve on the Board, met on September 22, 2012. She said HEART is trying to make the program more relevant, improve communication and fill a niche where redevelopment had been. She gave Mr. Pegueros packet of information about the organization's New Home Buyer Assistance Program in San Mateo County.

WRITTEN COMMUNICATIONS [9:47 p.m.]

(7) Town Council September 14, 2012 Weekly Digest – None

(8) Town Council September 21, 2012 Weekly Digest

- (a) #7 – Email from Jorge Jaramillo, President of the Hispanic Chamber of Commerce for San Mateo County, to Mayor Derwin re: Invitation to 2012 Mayors' Diversity Celebration Awards for San Mateo County

Council concurred with Mayor Derwin's suggested candidates for the diversity awards.

- (b) #8 – Email from Becky Romero, City Selection Committee Secretary, to the Town Council re: Nomination to the California Coastal Commission at the October 26, 2012 Council of Cities dinner meeting

Mayor Derwin reminded Council that the topic of discussion at the September 28, 2012 Council of Cities dinner meeting is whether to restore or retain the Hetch Hetchy Reservoir.

CLOSED SESSION [9:50 p.m.]

- (9) Conference with Real Property Negotiators [*added as urgency item*]

Government Code Section 54956.8

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

Negotiating parties: Town Attorney and Councilmember Wengert

Under negotiation: price and terms

REPORT OUT OF CLOSED SESSION

Council (by a vote of 5-0) approved an amendment to the Listing Agreement for Blue Oaks lots 23, 24, 25 and 26.

ADJOURNMENT [9:58 p.m.]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

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

MIKE AGOFF	Instructor Fees, Fall 2012	13558	10/10/2012	
			10/10/2012	
2341 KEHOE AVENUE	0016		10/10/2012	0.00
SAN MATEO	BOA	47066	10/10/2012	0.00
CA 94403				768.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	768.00	0.00

Check No.	47066	Total:	768.00
Total for	MIKE AGOFF		768.00

ALLIANT INSURANCE SERVICES	3rd Qtr. Event Ins Premium	13603	10/10/2012	
			10/10/2012	
SPECIAL EVENTS	475		10/10/2012	0.00
NEWPORT BEACH	BOA	47067	10/10/2012	0.00
CA 92658				1,390.71

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4338	Event Insurance	1,390.71	0.00

Check No.	47067	Total:	1,390.71
Total for	ALLIANT INSURANCE SERVICES		1,390.71

ALMANAC	September Advertising	13559	10/10/2012	
			10/10/2012	
450 CAMBRIDGE AVE	0048		10/10/2012	0.00
PALO ALTO	BOA	47068	10/10/2012	0.00
CA 94306				290.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	290.00	0.00

Check No.	47068	Total:	290.00
Total for	ALMANAC		290.00

ANIMAL DAMAGE MGMT INC	September Pest Control	13605	10/10/2012	
			10/10/2012	
16170 VINEYARD BLVD. #150	804		10/10/2012	0.00
MORGAN HILL	BOA	47069	10/10/2012	0.00
CA 95037	62210			310.00

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

Check No.	47069	Total:	310.00
Total for	ANIMAL DAMAGE MGMT INC		310.00

AT&T (2)	October M/W	13560	10/10/2012	
			10/10/2012	
P.O. BOX 5025	877		10/10/2012	0.00
CAROL STREAM	BOA	47071	10/10/2012	0.00
IL 60197-5025				64.16

GL Number	Description	Invoice Amount	Amount Relieved
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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

05-52-4152	Emerq Preparedness Committee	64.16	0.00	
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Check No.	47071	Total:	64.16
Total for	AT&T (2)		64.16

AT&T	August Statement	13561	10/10/2012	
			10/10/2012	
P.O. BOX 9011	441		10/10/2012	0.00
CAROL STREAM	BOA	47070	10/10/2012	0.00
IL 60197-9011				393.36

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	393.36	0.00

Check No.	47070	Total:	393.36
Total for	AT&T		393.36

BANK OF AMERICA	DLP Projector	13601	10/10/2012	
Bank Card Center		00006074	10/10/2012	
P.O. BOX 53155	0022		10/10/2012	0.00
PHOENIX	BOA	47072	10/10/2012	0.00
AZ 85072-3155				729.29

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4312	Office Equipment	729.29	729.29

BANK OF AMERICA	September Statement	13602	10/10/2012	
Bank Card Center			10/10/2012	
P.O. BOX 53155	0022		10/10/2012	0.00
PHOENIX	BOA	47072	10/10/2012	0.00
AZ 85072-3155				1,036.66

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4152	Emerq Preparedness Committee	412.32	0.00
05-52-4165	Sustainability Committee	5.10	0.00
05-64-4311	Internet Service & Web Hosting	9.99	0.00
05-64-4326	Education & Training	450.00	0.00
05-64-4336	Miscellaneous	159.25	0.00

Check No.	47072	Total:	1,765.95
Total for	BANK OF AMERICA		1,765.95

BIANCHINI'S CATERING	Catering Blues & BBQ	13598	10/10/2012	
		00006072	10/10/2012	
810 LAUREL STREET	1138		10/10/2012	0.00
SAN CARLOS	BOA	47073	10/10/2012	0.00
CA 94070	2509			14,405.63

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4146	Community Events Committee	14,405.63	14,405.63

Check No.	47073	Total:	14,405.63
Total for	BIANCHINI'S CATERING		14,405.63

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

CALPERS	September Retirement	13563	10/10/2012	
FISCAL SERVICES DIVISION			10/10/2012	
ATTN: RETIREMENT PROG ACCTG	0107		10/10/2012	0.00
SACRAMENTO	BOA	47074	10/10/2012	0.00
CA 94229-2703				13,901.21

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4080	Retirement - PERS	13,901.21	0.00

Check No.	47074	Total:	13,901.21
Total for	CALPERS		13,901.21

CANARY FOUNDATION	Refund Litter Deposit	13606	10/10/2012	
			10/10/2012	
1501 S. CALIFORNIA AVE	867		10/10/2012	0.00
PALO ALTO	BOA	47075	10/10/2012	0.00
CA 94304				100.00

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

Check No.	47075	Total:	100.00
Total for	CANARY FOUNDATION		100.00

COMCAST	Wifi, 9/21 - 10/20	13564	10/10/2012	
			10/10/2012	
P.O. BOX 34744	0045		10/10/2012	0.00
SEATTLE	BOA	47076	10/10/2012	0.00
WA 98124-1744				77.23

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	77.23	0.00

Check No.	47076	Total:	77.23
Total for	COMCAST		77.23

COTTON SHIRES & ASSOC. INC.	Applicant Charges	13565	10/10/2012	
			10/10/2012	
330 VILLAGE LANE	0047		10/10/2012	0.00
LOS GATOS	BOA	47077	10/10/2012	0.00
CA 95030-7218				10,106.71

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geologist - Charges to Appls	10,106.71	0.00

Check No.	47077	Total:	10,106.71
Total for	COTTON SHIRES & ASSOC. INC.		10,106.71

DENISE DE SOMER	Catering, Lambert Retirement	13597	10/10/2012	
		00006075	10/10/2012	
17 DOLPHIN COURT	1367		10/10/2012	0.00
HALF MOON BAY	BOA	47078	10/10/2012	0.00
CA 94019				3,205.09

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	3,205.09	3,205.09

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

Check No.	47078	Total:	3,205.09
Total for	DENISE DE SOMER		3,205.09

AMY DEBENEDICTIS	Instructor Fees, Fall 2012	13566	10/10/2012	
819 LAUREL AVENUE	2130		10/10/2012	0.00
MENLO PARK	BOA	47079	10/10/2012	0.00
CA 94025				906.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	906.00	0.00

Check No.	47079	Total:	906.00
Total for	AMY DEBENEDICTIS		906.00

FEDEX	Shipping Charges	13567	10/10/2012	
P.O. BOX 7221	0066		10/10/2012	0.00
PASADENA	BOA	47080	10/10/2012	0.00
CA 91109-7321				26.87

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	26.87	0.00

Check No.	47080	Total:	26.87
Total for	FEDEX		26.87

THOMAS FOGARTY	Beverages, Blues & BBQ	13599	10/10/2012	
3270 ALPINE ROAD	756	00006073	10/10/2012	0.00
PORTOLA VALLEY	BOA	47081	10/10/2012	0.00
CA 94028				1,170.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4146	Community Events Committee	1,170.00	1,170.00

Check No.	47081	Total:	1,170.00
Total for	THOMAS FOGARTY		1,170.00

RICHARD GIL	Refund League Fees	13568	10/10/2012	
102 N. SPRINGER ROAD	1137		10/10/2012	0.00
LOS ALTOS	BOA	47082	10/10/2012	0.00
CA 94024				125.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4160	Parks & Rec Adult Sports	125.00	0.00

Check No.	47082	Total:	125.00
Total for	RICHARD GIL		125.00

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

GRAGG PAVING	Refund Deposit	13576	10/10/2012	
			10/10/2012	
P.O. BOX 5246	730		10/10/2012	0.00
REDWOOD CITY	BOA	47083	10/10/2012	0.00
CA 94063				405.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	405.00	0.00

Check No.	47083	Total:	405.00
Total for	GRAGG PAVING		405.00

HIGHWAY TECHNOLOGIES, INC	Replacement of Damaged Signs	13569	10/10/2012	
			10/10/2012	
33946 TREASURY CENTER	0067		10/10/2012	0.00
CHICAGO	BOA	47084	10/10/2012	0.00
IL 60694-6300	65111136-001			356.90

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4268	Street Signs & Striping	356.90	0.00

Check No.	47084	Total:	356.90
Total for	HIGHWAY TECHNOLOGIES, INC		356.90

ICMA	September Def Comp	13570	10/10/2012	
VANTAGE POINT TFER AGTS-304617			10/10/2012	
C/O M&T BANK	0084		10/10/2012	0.00
BALTIMORE	BOA	47085	10/10/2012	0.00
MD 21264-4553				400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2557	Defer Comp	400.00	0.00

Check No.	47085	Total:	400.00
Total for	ICMA		400.00

JAMES ILLICH	Refund Deposit	13571	10/10/2012	
			10/10/2012	
	1226		10/10/2012	0.00
	BOA	47086	10/10/2012	0.00
				5,705.86

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	5,705.86	0.00

JAMES ILLICH	Refund Temp Electric Bond	13572	10/10/2012	
			10/10/2012	
	1226		10/10/2012	0.00
	BOA	47086	10/10/2012	0.00
				200.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	200.00	0.00

Check No.	47086	Total:	5,905.86
Total for	JAMES ILLICH		5,905.86



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State/Province Zip/Postal	Invoice Number			Check Amount

KUTZMANN & ASSOCIATES	September Plan Check	13577	10/10/2012	
			10/10/2012	
39355 CALIFORNIA STREET	0090		10/10/2012	0.00
FREMONT	BOA	47087	10/10/2012	0.00
CA 94538				9,174.07

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4200	Plan Check Services	9,174.07	0.00

Check No.	47087	Total:	9,174.07
Total for	KUTZMANN & ASSOCIATES		9,174.07

RENE LACERTE	Refund Deposit	13574	10/10/2012	
			10/10/2012	
35 ANTONIO COURT	647		10/10/2012	0.00
PORTOLA VALLEY	BOA	47088	10/10/2012	0.00
CA 94028				4,058.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	4,058.00	0.00

RENE LACERTE	Refund Temp Gas Bond	13575	10/10/2012	
			10/10/2012	
35 ANTONIO COURT	647		10/10/2012	0.00
PORTOLA VALLEY	BOA	47088	10/10/2012	0.00
CA 94028				500.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	500.00	0.00

Check No.	47088	Total:	4,558.00
Total for	RENE LACERTE		4,558.00

KAITLIN MCGHEE	Refund Facility Deposit	13578	10/10/2012	
			10/10/2012	
2 OLIVE COURT #108B	1135		10/10/2012	0.00
REDWOOD CITY	BOA	47089	10/10/2012	0.00
CA 94061				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-56-4226	Facility Deposit Refunds	1,000.00	0.00

Check No.	47089	Total:	1,000.00
Total for	KAITLIN MCGHEE		1,000.00

PAPA MEMBERSHIP	Annual Dues, Macias	13579	10/10/2012	
			10/10/2012	
P.O. BOX 80095	346		10/10/2012	0.00
SALINAS	BOA	47090	10/10/2012	0.00
CA 93912				45.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	45.00	0.00

Check No.	47090	Total:	45.00
Total for	PAPA MEMBERSHIP		45.00

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

PERS HEALTH	October Health Premium	13580	10/10/2012	
			10/10/2012	
VIA EFT	0108		10/10/2012	0.00
	BOA	47091	10/10/2012	0.00
				15,112.37

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4086	Health Insurance Medical	15,112.37	0.00

Check No.	47091	Total:	15,112.37
Total for	PERS HEALTH		15,112.37

PETTY CASH	Petty Cash Reimbursement	13581	10/10/2012	
			10/10/2012	
765 PORTOLA ROAD	993		10/10/2012	0.00
PORTOLA VALLEY	BOA	47092	10/10/2012	0.00
CA 94028				1,156.75

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4146	Community Events Committee	49.50	0.00
05-64-4308	Office Supplies	34.58	0.00
05-64-4328	Mileage Reimbursement	625.51	0.00
05-64-4333	Fire Prevention	29.00	0.00
05-64-4334	Vehicle Maintenance	100.00	0.00
05-64-4335	Sustainability	44.33	0.00
05-64-4336	Miscellaneous	226.22	0.00
05-66-4340	Building Maint Equip & Supp	47.61	0.00

Check No.	47092	Total:	1,156.75
Total for	PETTY CASH		1,156.75

PG&E	September Statements	13582	10/10/2012	
			10/10/2012	
BOX 997300	0109		10/10/2012	0.00
SACRAMENTO	BOA	47093	10/10/2012	0.00
CA 95899-7300				294.92

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	294.92	0.00

Check No.	47093	Total:	294.92
Total for	PG&E		294.92

PORTOLA VALLEY HARDWARE	September Statement	13583	10/10/2012	
			10/10/2012	
112 PORTOLA VALLEY ROAD	0114		10/10/2012	0.00
PORTOLA VALLEY	BOA	47094	10/10/2012	0.00
CA 94028				829.69

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	407.27	0.00
05-66-4340	Building Maint Equip & Supp	422.42	0.00

Check No.	47094	Total:	829.69
Total for	PORTOLA VALLEY HARDWARE		829.69

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State/Province Zip/Postal	Invoice Number			Check Amount

DIANA RAINES	Reimb, Blues & BBQ Event	13584	10/10/2012	
			10/10/2012	
4205 ALPINE ROAD	0186		10/10/2012	0.00
PORTOLA VALLEY	BOA	47095	10/10/2012	0.00
CA 94028				150.23

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4146	Community Events Committee	150.23	0.00

Check No.	47095	Total:	150.23
Total for	DIANA RAINES		150.23

REGINA PLUMBING INC	Water Fountain Repair	13585	10/10/2012	
			10/10/2012	
1955 CARMELITA DRIVE	685		10/10/2012	0.00
SAN CARLOS	BOA	47096	10/10/2012	0.00
CA 94070	358713			187.50

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	187.50	0.00

Check No.	47096	Total:	187.50
Total for	REGINA PLUMBING INC		187.50

RR DONNELLEY	Receipt Register Machine	13586	10/10/2012	
			10/10/2012	
PO BOX 100112	582		10/10/2012	0.00
PASADENA	BOA	47097	10/10/2012	0.00
CA 91189	003664365			60.56

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	60.56	0.00

Check No.	47097	Total:	60.56
Total for	RR DONNELLEY		60.56

SHARP BUSINESS SYSTEMS	September Copies	13587	10/10/2012	
			10/10/2012	
DEPT. LA 21510	0199		10/10/2012	0.00
PASADENA	BOA	47098	10/10/2012	0.00
CA 91185-1510	C754660-541			32.05

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	32.05	0.00

Check No.	47098	Total:	32.05
Total for	SHARP BUSINESS SYSTEMS		32.05

SIERRA PACIFIC TURF SUPPLY INC	Fertilizer for Fields	13588	10/10/2012	
			10/10/2012	
P.O. BOX 84	842		10/10/2012	0.00
CAMPBELL	BOA	47099	10/10/2012	0.00
CA 95009	0384065-IN			301.11

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

05-58-4240	Parks & Fields Maintenance	301.11	0.00	
		Check No. 47099	Total:	301.11
		Total for	SIERRA PACIFIC TURF SUPPLY IN	301.11

SONICLEAR TRIO SYSTEMS LLC	Annual Tech Support 2012-13	13604	10/10/2012	
4 E. HOLLY STREET	1352		10/10/2012	0.00
PASADENA	BOA	47100	10/10/2012	0.00
CA 91103	64390			407.50

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4314	Equipment Services Contracts	407.50	0.00	
		Check No. 47100	Total:	407.50
		Total for	SONICLEAR TRIO SYSTEMS LLC	407.50

SPANGLE & ASSOCIATES	8/22 - 9/20 Statement	13589	10/10/2012	
770 MENLO AVENUE	0121		10/10/2012	0.00
MENLO PARK	BOA	47101	10/10/2012	0.00
CA 94025-4736				30,357.70

GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4140	ASCC	2,414.00	0.00	
05-52-4162	Planning Committee	4,826.00	0.00	
05-54-4196	Planner	14,052.00	0.00	
96-54-4198	Planner - Charges to Appls	9,065.70	0.00	
		Check No. 47101	Total:	30,357.70
		Total for	SPANGLE & ASSOCIATES	30,357.70

STATE COMP INSURANCE FUND	October Premium	13590	10/10/2012	
PO BOX 748170	0122		10/10/2012	0.00
LOS ANGELES	BOA	47102	10/10/2012	0.00
CA 90074-8170				3,226.67

GL Number	Description	Invoice Amount	Amount Relieved	
05-50-4094	Worker's Compensation	3,226.67	0.00	
		Check No. 47102	Total:	3,226.67
		Total for	STATE COMP INSURANCE FUND	3,226.67

JAN SWEETNAM	Refund Deposit	13573	10/10/2012	
190 GOLDEN OAK DRIVE	1136		10/10/2012	0.00
PORTOLA VALLEY	BOA	47103	10/10/2012	0.00
CA 94028				226.20

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4207	Deposit Refunds, Other Charges	226.20	0.00	
		Check No. 47103	Total:	226.20

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State/Province Zip/Postal	Invoice Number			Check Amount

Total for JAN SWEETNAM 226.20

THERMAL MECHANICAL, INC	Temp Repair, Munchkin Boiler	13592	10/10/2012	
		00006064	10/10/2012	
425 ALDO AVENUE	955		10/10/2012	0.00
SANTA CLARA	BOA	47104	10/10/2012	0.00
CA 95054	AC-53066			1,049.73

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	1,049.73	1,049.73

THERMAL MECHANICAL, INC	Boiler Repair, Community Hall	13593	10/10/2012	
		00006048	10/10/2012	
425 ALDO AVENUE	955		10/10/2012	0.00
SANTA CLARA	BOA	47104	10/10/2012	0.00
CA 95054	AC-52942			711.19

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4341	Community Hall	711.19	711.19

Check No. 47104 Total: 1,760.92  
 Total for THERMAL MECHANICAL, INC 1,760.92

TOTLCOM, INC.	Labor, Remote Prog	13591	10/10/2012	
			10/10/2012	
65 HANGAR WAY	349		10/10/2012	0.00
WATSONVILLE	BOA	47105	10/10/2012	0.00
CA 95076	210918			75.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4346	Mechanical Sys Maint & Repair	75.00	0.00

Check No. 47105 Total: 75.00  
 Total for TOTLCOM, INC. 75.00

TOWNSEND MGMT, INC	CIP 2011/12 Road Inspections	13594	10/10/2012	
			10/10/2012	
P.O. BOX 24442	609		10/10/2012	0.00
SAN FRANCISCO	BOA	47106	10/10/2012	0.00
CA 94124	200103-08-12			380.00

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4530	CIP12/13 Street Resurface	380.00	0.00

Check No. 47106 Total: 380.00  
 Total for TOWNSEND MGMT, INC 380.00

TURF & INDUSTRIAL EQUIPMENT CO	Blade Replacement	13595	10/10/2012	
			10/10/2012	
2715 LAFAYETTE STREET	513		10/10/2012	0.00
SANTA CLARA	BOA	47107	10/10/2012	0.00
CA 95050	IV97777			81.80

GL Number	Description	Invoice Amount	Amount Relieved
05-60-4267	Tools & Equipment	81.80	0.00

Check No. 47107 Total: 81.80

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

Total for TURF & INDUSTRIAL EQUIPMENT 81.80

VERIZON WIRELESS	September Cellular	13607	10/10/2012	
			10/10/2012	
P.O. BOX 9622	0131		10/10/2012	0.00
MISSION HILLS	BOA	47108	10/10/2012	0.00
CA 91346-9622	1123037180			180.45

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	180.45	0.00

Check No. 47108 Total: 180.45

Total for VERIZON WIRELESS 180.45

KATHY WADDELL	Instructor Fees, Fall 2012	13596	10/10/2012	
			10/10/2012	
460 CERVANTES ROAD	1354		10/10/2012	0.00
PORTOLA VALLEY	BOA	47109	10/10/2012	0.00
CA 94028				4,884.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4246	Instructors & Class Refunds	4,884.00	0.00

Check No. 47109 Total: 4,884.00

Total for KATHY WADDELL 4,884.00

Total Invoices: 48	Grand Total:	130,556.17
	Less Credit Memos:	0.00
	Net Total:	130,556.17
	Less Hand Check Total:	0.00
	Outstanding Invoice Total:	130,556.17

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**October 10, 2012**

Claims totaling \$130,556.17 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 \_\_\_\_\_

\_\_\_\_\_  
Nick Pegueros, 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





# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Mayor and Members of the Town Council

**FROM:** Howard Young, Public Works Director

**DATE:** October 10, 2012

**RE:** **Proposed Removal of Oak Tree at Ford Field Park**

### RECOMMENDATION

- A. After having considered practical mitigation measures, support the Parks and Recreation Committee, Conservation Committee, Arborist, ABAG Plan Corporation, and staff recommendations to remove the decayed oak tree at Ford Field. To authorize staff to obtain a contractor to remove the tree within 45 calendar days.
- B. Direct the Parks and Recreation Committee, Conservation Committee, and staff to develop a plan to memorialize the removed tree and/or plant a replacement tree nearby.

### BACKGROUND

Extensive discussion occurred in 2008 concerning the decision to either remove or not remove the oak tree located next to the baseball dugout at Ford Field. The issue was agendaized and discussed at the April 9, 2008 Town Council meeting. The minutes of that meeting are attached (Exhibit A).

The main concern was the compromised structural integrity of the tree due to severe decay (the tree is hollow from its base up 15 feet to its crown) and leaning. The tree's condition caused concerns about public safety and Town liability. In addition, Little League has continuously expressed their concerns that the tree creates a hazardous condition for both their young players and visiting family members. Ford Field is primarily used by the local Little League Baseball teams consisting primarily of children

ages 8 – 12. Visiting family members, including young siblings, play around the facility and open space areas during games.

As a result of the concerns, the Town staff consulted with four professional arborists. All four arborists recommended removal of the tree due to its location adjacent to the baseball field, citing the potential for failure and injury from such failure as a high risk. Despite the fact that all the arborists recommended removal, staff requested that the arborists provide alternatives for preserving the tree. The arborist reports and alternative preservation methods were submitted to the Town Council on April 8, 2008. There was discussion from members of the public in favor of preserving the tree. Ultimately, the Council decided to implement alternatives to preserve the oak tree, that the oak tree be trimmed to lighten its weight, wire fence be wrapped around the tree trunk, and a post installed to support the decaying tree's weight. In addition, the Council directed the adjacent dugout under the hazardous tree to be closed.

As a separate matter, discussion about the need to renovate Ford Field began to take place. Although not optimal, a design was developed to allow the oak tree to remain. The construction project went to bid, but due to high bids, all bids were rejected and staff is currently re-evaluating the project scope. During that process, the Town Council requested an updated arborist report for the oak tree (Exhibit B). The 2012 arborist report indicates that the tree should be removed. In addition, staff also sought an evaluation of the situation from its insurance provider ABAG-Plan Corporation (Exhibit C). ABAG-Plan's risk manager visited the site and arrived at the conclusion that the tree should be removed to abate the hazard.

A joint public meeting with the Parks and Recreation and Conservation Committees was scheduled on September 17, 2012 at Ford Field to discuss and observe the condition of the oak tree. The arborist and ABAG-Plan reports were presented to the Committees for review and consideration. After extensive discussion, a motion was made to "Remove the tree unless reasonable mitigation steps can be taken to eliminate the risk and liability to the Town." The motion was unanimously approved by both the Parks and Recreation Committee and the Conservation Committee.

## **DISCUSSION**

The Town, as well as other public agencies, annually inspect and are responsible for maintaining trees in the public right-of-way and on public property. When hazardous trees pose a danger to the public, the standard practice is to remove the hazard as soon as possible. This is especially important if a decayed and hollow tree is hanging over a public street or walkway. If this tree were located over a public right-of-way, the recommendation would be to remove it immediately.

Nevertheless, staff performed an investigation for reasonable mitigation steps to address the risk and liability of the Town without removal of the tree. This included discussions with the projects landscape architect Carducci & Associates. Staff has also consulted with tree moving companies which indicate that the tree can be moved 100' away for an approximate cost of \$25,000-\$30,000. However, these companies warned of the survival rate and the chance of the tree breaking apart during the move. If the tree

was moved, the hazardous condition would still exist and a surrounding fence with supporting posts would still be needed.

The most practical mitigation measure that would be appropriate to satisfy the motion made by the Committees, would be to move the baseball field, dugouts, and bleachers west, until a distance safe from the tree could be achieved. This could be a distance of up to 36-40 feet. In addition, a protective fencing would have to be installed around the entire perimeter of the tree. Unfortunately, the site is already constrained due to lot size, creek set back, building set back, and the scenic corridor. The existing batting cage is currently within the creek set back and the existing snack shack is within the existing building set back. Moving the entire baseball facility west would involve:

1. Removing two mature redwood trees from an existing Redwood grove that help screen the facility from Alpine Road.
2. Encroaching into the areas of the existing ten foot vehicle access along the Southside of the facility. Moving the field would eliminate the vehicle access.
3. Encroaching into the existing equestrian trail along Los Trancos creek.
4. Reducing the already small parking lot's size which would result in fewer spaces for all users and a smaller lot for events held in the parking lot such as the Town's Neighborhood Clean Up event held three times a year. The lot also acts as a staging and turn around area for large trucks serving the community and Town projects.
5. Eliminating the picnic table area in front of the snack shack. Reducing the distance from the home plate to the snack shack which results in a smaller safety zone between the ball field and the snack shack.
6. Placing the outfield and facility closer to Alpine Road, affecting both users and drivers along the Alpine scenic corridor.
7. Impacting the view with a protective cyclone fence surrounding the oak tree.
8. Adding unanticipated design and construction costs.

Based on the above, moving the baseball field, dugouts and bleachers do not meet the test of reasonableness and, therefore, does not meet the motion made by the Committees. Although the Town prefers to preserve trees, it does not appear to be the best course of action in this instance. In an effort to provide a safe and desirable public facility on a constrained site, staff supports the Committees, Arborists, and ABAG-Plan's recommendations to remove the hazardous oak tree.

In addition, during the joint Committee meeting, there were several suggestions on how to memorialize the tree. One suggestion by resident Jon Silver was to place the trunk in the open space field so it can be used as habitat. Another suggestion by the Little League was a potential plaque at the site and to plant another oak tree nearby. Staff recommends further exploring these memorial options.

**FISCAL IMPACT**

The removal of the oak tree is estimated to cost \$1,800. The current adopted 2012/2013 budget does not allocate for this expense, but there are Parks and Recreation maintenance funds available for tree work.

Moving the tree, installing the associated fence, supporting posts, and irrigation is estimated to be \$30,000. The current adopted 2012/2013 budget does not allocate for this expense. Fundraising or donations could be a potential source of funds.

Moving the entire baseball facility west may add up to \$60,000 to the field renovation project. The current adopted 2012/2013 budget does not allocate funds for this added expense nor does the project budget or fundraising goals.

**ATTACHMENTS**

1. **Exhibit A- Town Council meeting minutes for 4/9/2008**
2. **Exhibit B- Current Arborist report dated 5/25/2012**
3. **Exhibit C- ABAG letter dated 9/14/2012**

**APPROVED:** Nick Pegueros, Town Manager *N.P.*

By motion of Councilmember Driscoll, seconded by Councilmember Merk, Council adopted Resolution No. 2390-2008 Declaring April 21 through April 25, 2008, West Nile Virus and Mosquito and Vector Control Awareness Week by a vote of 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Options for Oak Tree at Ford Field

Ms. Lambert reviewed the staff report of 4/9/08 on the condition of the home dugout coast live oak tree at Ford Field. She noted that McClenahan had forwarded a second report that indicated what would need to be done if the tree was retained. She added that if the tree was removed, one recommendation was to replace it with a 48" box valley oak, which would cost about \$900. Alternatively, two smaller trees could be planted. She noted that Councilmember Toben forwarded an e-mail indicating his strong view that the tree should be removed immediately to protect the safety of the Little Leaguers. He suggested planting five oaks to replace the tree for future generations to enjoy. He felt the Town had been put on notice and that the Council needed to act on this now.

Councilmember Driscoll said he understood that the backstop at Ford Field itself might soon be in need of repair or replacement. That meant that the backstop fence structure, which incorporated the dugout, would also be coming up for replacement. It might be possible to reconstruct the dugout in a slightly different place that wasn't directly under the tree. The posts on the backstop were quite tall. If they went down in a bad windstorm, it would be a serious problem. The backstop was built 30-40 years ago, and the insurance standards for backstops had probably become substantially stiffer. He thought it might be reconstructed in a slightly different place.

Councilmember Merk said if the backstop was moved, the position of the field would have to change, which would result in a major project. These were separate items, and he felt the Council should just deal with the tree. Councilmember Wengert agreed. Even if the dugout was moved as part of the backstop realignment, the tree would still be in the same place and hanging over a part of the field.

Responding to Jon Silver, Ms. Lambert said Mayne Tree estimated it would cost \$1,800 to remove the tree. Mr. Silver said 20-25 years ago, an arborist recommended taking the tree down. The history of the tree was reviewed to find that it had been hit by lightning and continued to live. An arborist from the County felt it had a lot of life left. He said he read the recent reports and looked at the tree. He felt it would be simple to move the dugout, which was a very simple structure. He also agreed that a valley oak should be planted away from the field. Using the blackboard, he discussed where the dugout and bleachers could be moved to. Since the season had started, he recommended that the dugout be closed. Temporarily, the bleachers could be the dugout. The tree went from not being a hazard in the mid eighties to being a hazard today. It probably would have been good to catch it sooner and monitor it more often. If the decision was to take down the tree, he thought enough of the tree should be left to leave the nest of birds undisturbed.

Councilmember Driscoll suggested closing the dugout and informing the Little League that kids were not to use it. Mr. Young, in cooperation with Parks and Rec, could look at alternative locations for the dugout and report back at the next meeting. The backstop apparently needed to be replaced, and he would like to see a more comprehensive plan to put the dugout and bleachers in a different place and make the tree as healthy as possible.

Councilmember Wengert said she was not sure that trimming the tree addressed the hazard. She looked at the tree closely and saw how fragile it was. Having read the arborists' reports, she felt it had lived its life cycle and was about to collapse on itself. It looked robust and was beautiful, but given the six reports, the terms were very strong relative to the hazard. She questioned whether removing the dugout would entirely

remove the hazard or solve the problem. Unfortunately, the Town was now put in the position of having to

act. She was not convinced that the tree would have enough of a lifespan remaining to warrant super human efforts. She would rather look at what the Town might do to memorialize it and think about planting some other trees. She favored making the hard but necessary decision to take the tree out or enough of it out to remove the risk. If there had been a different report from even one arborist, she might feel differently. But, the comments were universal and very straightforward about the risk of keeping the tree anywhere where there were people playing sports. The risk of injury to someone in the community outweighed her personal desire to keep the tree.

Councilmember Merk said he tended to agree. But, the arborists probably all had the same insurance carrier, which might have a lot to do with the kind of answer the Town received. Responding to Councilmember Merk, Mr. Silver said there appeared to be birds nesting in the hollow trunk. Councilmember Merk said they were probably titmouses or nuthatches. Both of those were declining species. If those birds were nesting in the tree, he would like to see the trunk left standing for a couple more months so that the chicks could hatch and fly away. Even if the rest of the limbs were removed, they would come back to the nest after the people were gone. He did not want to spend \$900 on a 48" box tree. He suggested spending \$150 each on three 15-20 gallon trees. Valley oaks grew quite fast. Younger trees also did better when planted and were less likely to die. Ultimately, when the trunk was cut, it would be nice if the trunk was set over in the field. Kids could play or sit on it, look inside, etc.

Councilmember Driscoll said this tree was vulnerable to SOD. In the next two years, it might die naturally. Secondly, the Town would still have to deal with the backstop issue in the next couple of years. If the backstop was re-planned, he thought there should be a way to plan it around this tree with the notion that eventually, another tree would be put into that location. He was concerned about the immediate hazard and agreed that the dugout needed to be closed immediately. But, he was willing to study further whether the tree needed to be taken down. Councilmember Wengert said with six studies, all of the experts had been brought in. Councilmember Driscoll said 30-40 years ago, they probably would have given the same answer. This tree had had its death knell before and had been doing fine. He was hesitant to be the arbitrary executioner.

Mr. Silver said of the arborists' reports he read, none of them said the tree was on its last legs. He understood that the problem was that it was over a dugout. Even if there wasn't a dugout under it, there could be a person leaning on the tree when it fell. A low fence would be a simple way of dealing with that so that people didn't go in there. If the Town tried to protect itself from every tree that might fall, a lot of trees would be cut down on Town property. If the dugout was moved, it was important not to leave that area under the tree open. Also, it looked as though none of the weighty parts of the tree were over fair territory. If that was not the case, another low, temporary fence could be installed to keep players out of that area. He read an editorial in the 4/9/08 issue of *The Almanac* about plans to remove a 300-year-old oak tree at Oak Knoll elementary school. He felt the message that the Town should be sending was that the Council was willing to rope off an area, keep the tree, and save some birds that were a declining species. The obvious solution was to take down the tree, but the Town could work around it. He supported Councilmember Driscoll's suggestions.

Councilmember Wengert said there was a difference between the Oak Knoll situation and this tree. Taking down this tree was not in the name of progress. Everyone shared the same desire to preserve the tree if at all possible. When she saw the tree for the second time on Sunday morning, there were kids everywhere—under the tree and next to the tree. Reluctantly, she felt it should be removed and the issue addressed right now. The risk to the community should outweigh that single tree. There was a very high probability that a major portion of the tree might topple. She did not think the Town should be taking that risk for anybody—including outsiders using the field.

Councilmember Driscoll said by closing the dugout today, the immediate hazard problem would be



addressed. Kids ran under old trees all the time, and the Town couldn't prevent that everywhere in Town.

He felt with further study, a better solution could be found. The backstop needed to be replaced, and that deserved to be looked at.

Councilmember Merk said Councilmember Driscoll was moving him over to his side. Mayor Derwin agreed. She had been prepared to kill the tree, but now thought further study was warranted. Councilmember Wengert reiterated that two issues were being melded. Councilmember Driscoll said these were coincident and simultaneous issues. They would both have to be dealt with in the next couple of years. Councilmember Wengert said the Town had been given significant testimony from people who were very well versed and schooled on the condition of this tree. To take any measures to try to preserve it at this point would delay the decision in order to implement a temporary solution when the outcome would likely be the same. She was not sure that the tree was savable. Councilmember Driscoll wanted to let nature take its course.

Councilmember Merk said the tree had proved everyone wrong at least once and maybe twice in the past. That didn't mean it would do it again. The tree might be dead right now but didn't know it yet. He asked Councilmember Wengert if she would feel more comfortable taking out 50% of the foliage—particularly that which was on the leaning side. If the tree was healthy, it would sprout back.

Councilmember Wengert said if 50% of the canopy was removed in the direction it was leaning, she questioned what you would be left with. Councilmember Merk said it would be an ugly tree for a couple of years. But, it would respond and put out growth wherever there was light.

Councilmembers discussed whether a supporting pole was needed. Councilmember Wengert felt it would be a new hazard. Councilmember Merk said it could be part of the fence as suggested. He agreed that the dugout needed to be closed tomorrow.

Councilmember Driscoll moved to close the dugout, inform all playing teams that it was not to be used, and wire or fence it off. Councilmember Merk seconded, and the motion passed 4-0.

Councilmember Merk moved to direct staff to have the tree pruned to 40-50% and install a post support as part of the fence. Councilmember Driscoll seconded the motion. Responding to Councilmember Wengert, Ms. Lambert used the photos to show which limb would be removed and where the post would go. Councilmember Merk said when it was trimmed in the 1980s, it looked unsightly for a couple of years and then filled out. Responding to Councilmember Wengert, Ms. Lambert said there wouldn't be any remaining branches hanging over the field. Mayor Derwin called for the question, and the motion carried 4-0.

Councilmember Driscoll suggested that the liaison take the dugout and backstop issue to the Parks and Rec Committee. Ms. McDougall noted that at the last Committee meeting, the budget was discussed. There was \$10,000 in the current budget to look at needed improvements to Ford Field. That would include the backstop. Mr. Silver discussed access to the field when the dugout was closed. Councilmember Driscoll asked staff to ensure there was an appropriate and safe opening in the fence for access.

(9) Change in Cable and Undergrounding Committee Charter

Referring to the Committee's memo, Councilmember Driscoll said the Committee wanted to increase their membership from 5 to 7 members. They had 7 interested members, and more work was being done on undergrounding issues than in the past. Councilmember Merk noted that since the change in the State law, less work was required on supervising the cable franchisee. Council agreed with the request.

(10) Proposed Revision of Town Policy on Memorials





## McClenahan Consulting, LLC

Arboriculturists Since 1911

1 Arastradero Road, Portola Valley, CA 94028-8012

Telephone (650) 326-8781

Fax (650) 854-1267

www.spmcclenahan.com

May 25, 2012

### **Town of Portola Valley**

Attention: **Mr. Howard H. Young**

765 Portola Road

Portola Valley, CA 94028

RE: **Ford Field**  
**Portola Valley, CA**

### **Assignment**

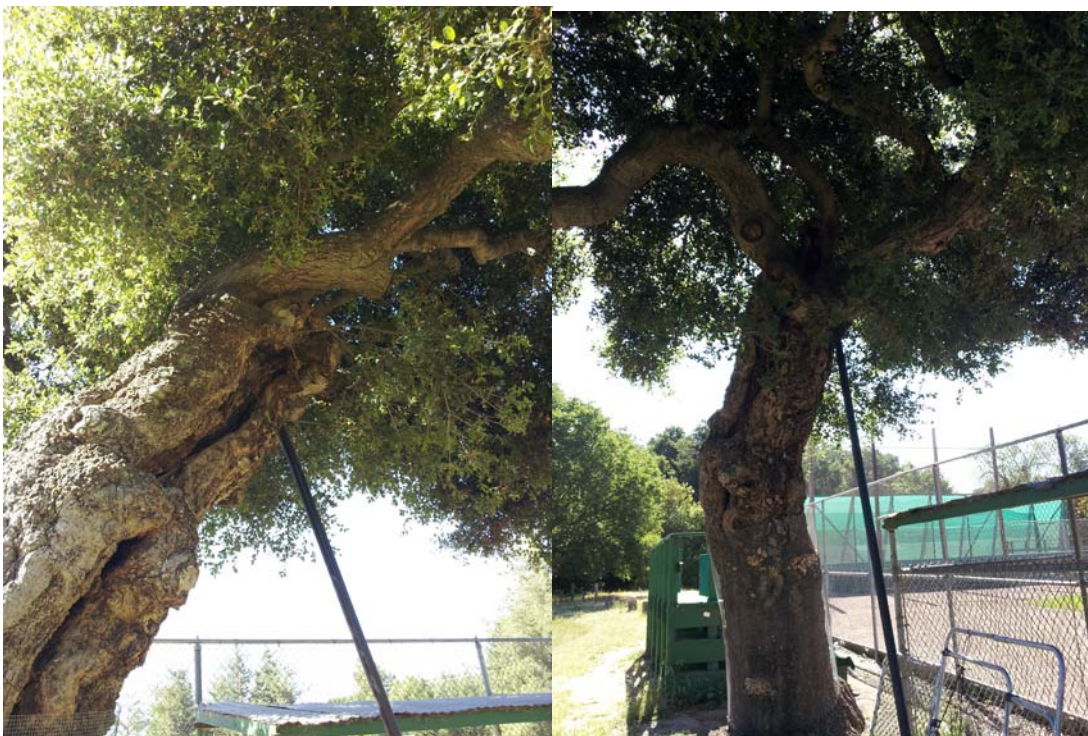
As requested, I performed a visual inspection of one coast live oak to determine if it can be safely retained.

### **Background**

In March of 2008, our firm condemned the tree and recommended immediate removal. Other arborists also inspected the tree in 2008. The result was substantial crown reduction pruning followed by installation of a steel post support. Plans to build a new field with new dugouts have been approved.

### **Summary**

Every effort has been made to preserve this tree since 2008. The crown spread is considerably smaller than in 2008 and a post support has been installed. The lush foliage can be attributed to an intact root system and growth response from heavy pruning. Both the pruning and post support were a necessity to preserve the tree. The efforts to preserve the tree dramatically reduce the failure potential of the main stem and root flare despite the poor shell wall thickness. However, the decay appears to extend on the top side of the post support in the tension wood and there is still a moderate to high potential for limb failure over the dugout. This type of failure could occur at or beyond the post support attachment. **Limb failure potential is considered high, therefore removal is recommended.** This limb overhangs the existing dugout and in the future will overhang the first base line. Should the tree remain the footing for new dugout will likely require root pruning of tension side roots. The result of root pruning will be weakened tree health and weakened structure.



### Methodology

No root crown exploration, climbing or plant tissue analysis was performed as part of this survey.

In determining Tree Condition several factors have been considered which include:

Rate of growth over several seasons;  
Structural decays or weaknesses;  
Presence of disease or insects; and  
Life expectancy.

The following guide for interpretation of Tree Condition as related to Life Expectancy is submitted for your information.

0 - 5 Years = Poor  
5 - 10 Years = Poor to Fair  
10 - 15 Years = Fair  
15 - 20 Years = Fair to Good  
20 + Years = Good

### Tree Description/Observation

**#1: Coast live oak** (*Quercus agrifolia*)

**40.5" DSH** (diameter standard height)

**Height: 26' Spread: 26'**

**Condition: Poor due to structural issues**

**Location: First base dugout**

**Observation:** Foliage appears vigorous; this is at least partially because of the growth response to heavy pruning. Extensive heartwood decay is visible from grade to 12 feet.

**(Observation continued)**

A post support has been installed at approximately 12-feet. Decay is visible in the tension wood above the post support. Open cavities are visible on the low trunk. Wired fencing material has been wrapped around the trunk to prevent children from entering the decayed main stem. Large open cavities at the root flare are visible.

All written material appearing herein constitutes original and unpublished work of the Arborist and may not be duplicated, used or disclosed without written consent of the Arborist.

We thank you for this opportunity to be of assistance in your tree preservation concerns.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

Very truly yours,

**McCLENAHAN CONSULTING, LLC**



By: **John H. McClenahan**  
ISA Board Certified Master Arborist, WE-1476B  
member, American Society of Consulting Arborists

JHMc: pm

## ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.



Arborist:

\_\_\_\_\_  
John H. McClenahan

Date:

May 25, 2012



**ABAG PLAN CORPORATION  
101 Eighth Street  
Oakland, CA 94607- 4707**

**MEMO**

Date: September 14, 2012  
To: Nick Pegueros, Town Manager - Portola Valley  
From: Jim Hill, Risk Manager  
Re: Hazardous Condition Report – Ford Field

Overview

ABAG PLAN Operational Best Practices include the implementation of an Urban Forest Management program (Trees and Vegetation) that provides for the identification and mitigation of hazards related to trees, shrubs and vegetation. It also contains guidelines with respect to the selection, placement and maintenance of trees to minimize hazards. Portola Valley has effectively managed these exposures in the past and has implemented all of the required Best Practices. It is the goal of ABAG PLAN to reduce the frequency of property or liability claims related to trees or vegetation in an effort to preserve the limited fiscal resources of our member cities and towns.

As PLAN Risk Manager, I was asked to review concerns raised by certain indemnification provisions contained in a proposed facilities usage agreement between the Town and the Little League governing the League's usage of Ford Field. The League was concerned about the risk of bodily injury to child participants in the program and wanted to insert a reciprocal indemnity provision into the contract limiting their liability for injury associated with an Oak tree located on the premises. Specifically, concerns were noted regarding a decaying Oak tree which is precariously perched in close proximity to a dugout used by the home team on the east side of the baseball field (first base side of infield). The League expressed concerns regarding injury to participants sitting in the "dugout" adjacent to the tree.

Recognizing that the town has received "constructive notice" of an apparent hazardous condition, I met with yourself and the Public Works Director and conducted a site visit to examine the field and condition of the Oak tree. I was also provided with several inspection reports produced by professional arborists containing their assessment of the tree and its current condition. The inspections were performed in early 2008 (February and March). The inspection reports are contained in a memorandum dated April 9, 2008 from Leslie Lambert, Planning Manager to the Town Council. An additional supplemental follow up report from McClenahan Consulting, LLC was provided to the Town on May 25, 2012. This report also indicated that the health and stability of the tree was compromised. In addition to a physical inspection, I took photos of the tree and the adjacent ball field in the company of Howard Young, Public Works Director.

Recommendations

Commentary and recommendations related to the physical condition of the tree, its characteristics and whether or not the tree can be preserved will be deferred to the professionals in this area (Arborist). We currently have each of their independent assessments on file. I will provide an opinion in terms of Risk Management recommendations and as it relates to the impact of this class of claims within our "pooled" loss portfolio.

After my visit and inspection of the premises, it is clearly apparent that this tree is a hazard and presents increased risk to the Town of Portola Valley and its citizens. The Town by virtue of the dialog and request by the Little League to consider changing the indemnity provision of the usage agreement has been put on notice of the "alleged" hazardous condition. This weakens any defense with respect to claims brought on behalf of third parties related to injury/damage as a result of an accident caused by the tree. Further, all of the reports provided by the Professional Arborists recommend the removal of the tree to abate the hazard. It is notable that these reports could become a part of the "discovery" process, should a claim or suit be brought against Portola Valley and as pointed out earlier, each report notes the condition of the tree and suggests removal of the entire tree or full abatement of the hazard (tree limb).

From a historical perspective, ABAG PLAN has worked with each member agency to reduce claims occurring due to trees or vegetation. While PLAN has done a tremendous job working with member agencies to reduce the frequency and severity of losses related to this area of risk management, tree claims still comprise 13.3% of our total claims. Over the last five years, we have incurred over \$1.7 million in claims related to trees (primary causation) and have paid over \$1.6 million during the period. Our largest claim, a bodily injury claim resulted in damages over \$800K.

When factoring in PLAN claims history, our overall exposure to tree claims is significant enough to raise concerns relative to this matter. Our Best Practices program and our risk pooling nature compel us to ask you to give serious consideration to not only the risk faced by Portola Valley, but the risk (increased loss funding/pricing) faced by the pool and its other members. With this in mind, our recommendation is to remove the tree and abate the hazard as soon as practical.



## MEMORANDUM

**To:** Portola Valley Town Council  
**From:** MJ Lee, interim chair  
Cable & Undergrounding Committee

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**Date:** September 20, 2012

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**Subject:** Revision to Town Council Resolution of July 28, 2010

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### Background

On July 28, 2010, the Council adopted Resolution No. 2500-2010, thereby establishing an Underground Utility District on Alpine Road between Nathorst Avenue and the Town Limit at Ladera. The establishment of the District enabled the Town to enter a statewide PG&E prioritization queue for a future undergrounding project utilizing Rule 20A funding, an electric tariff authorized by the California Public Utilities Commission (CPUC).

### Recent Changes Requiring a Revised Resolution

In January 2012, PG&E notified the committee and the Public Works Department that the qualification process for the queue has changed. The Town is required to establish that the project has sufficient Rule 20A funding and then reapply with a revised Resolution and a General Conditions form that was previously not required

Bob Bondy, our new committee member and a retired PG&E field supervisor familiar with the Town's infrastructure, worked with PG&E to revise and define two cost-feasible projects in the District (see attached). The revision to the Resolution also reflects changes in roles and responsibilities in project coordination and management; these will incur some costs that Howard Young, Director of Public Works, will address in the 2013 budget.

### Phase 1

PG&E estimates that the \$400k cost for the Phase 1 project will be covered by the Rule 20A Work Credit Allocations assigned to the Town of Portola Valley from the rate payers. If the Council approves the new Resolution by Dec-2012, PG&E would begin engineering estimating by Q4 2013, with construction completion estimated by Q3 2015.

### Phase 2

PG&E estimates that Phase 2 would cost \$541k. The Town would have to save work credits again after expending its Rule 20A funds on Phase 1. By saving and borrowing work credits, Phase 2 can be completed in year 2050 as a Rule 20A project paid for by the accumulated funds from the rate payers.

Alternatively, the Town could decide in the future to perform the Phase 2 under Rule 20B. In this scenario, the Town of Portola Valley would completely fund the \$541k for the project, construct, and coordinate the construction of Phase 2. There would be additional charges

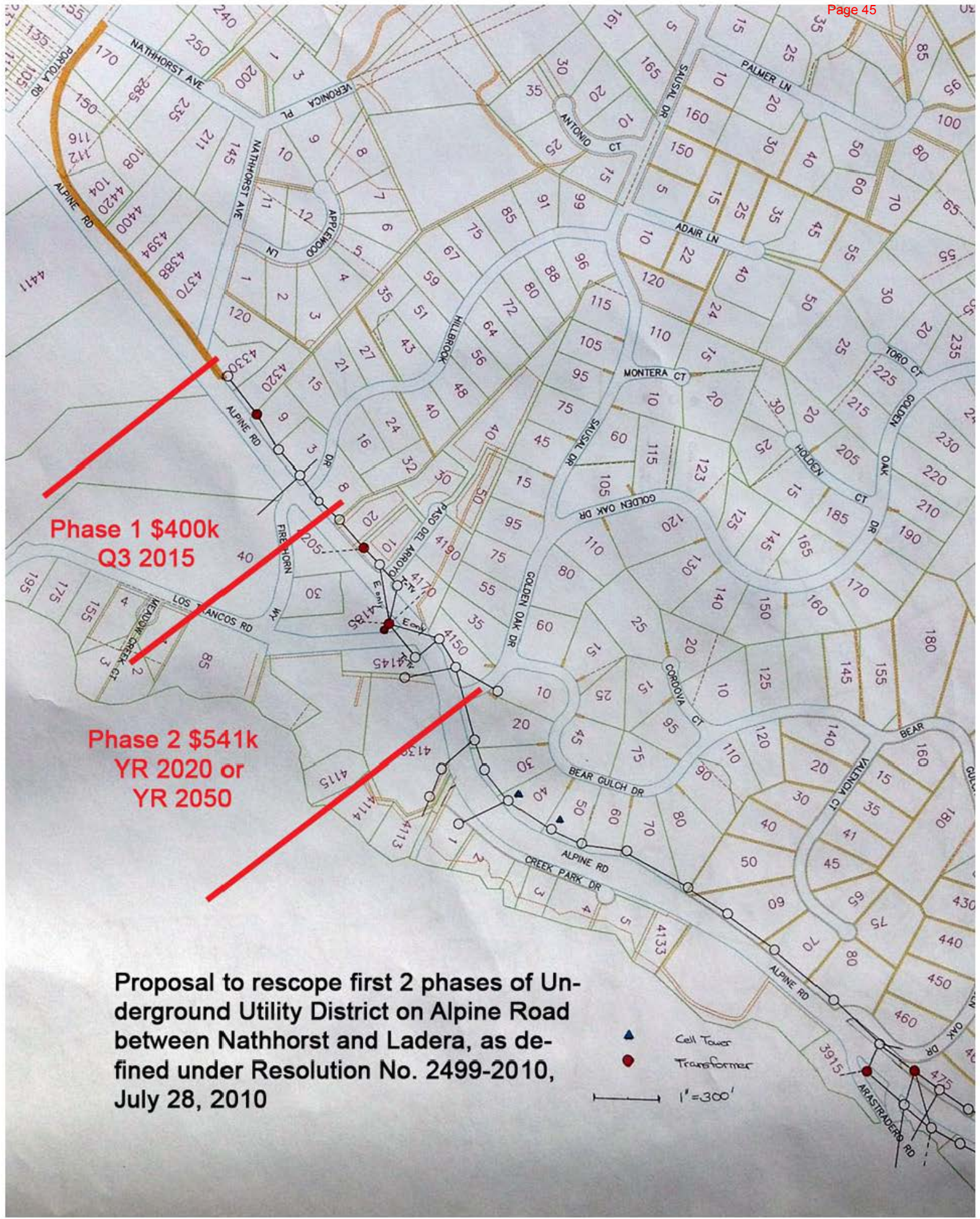
for undergrounding non-PG&E utilities, i.e., cable and telephone. Under this scenario, Phase 2 can be completed by 2020.

**Recommended Action**

Committing to both phases would underground a particularly entangled section of main road in Portola Valley. Trees (including a historic redwood in front of PV Garage) will no longer need to be trimmed around poles. The demonstrated beautification and increased reliability could inspire further progress towards undergrounding. Our Rule 20A funds will be put to good use. The Cable and Undergrounding Committee recommends that the Town Council:

1. Direct staff to revise an acceptable Resolution for establishing an Underground Utility District on Alpine Road and notify residents as required.
2. Discuss the possibility of the Town funding and constructing Phase 2 (Rule 20B) of the undergrounding project.









# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Mayor and Members of the Town Council

**FROM:** Stacie Nerdahl, Acting Administrative Services Director

**DATE:** October 10, 2012

**RE:** **REVISIONS TO APPLICATION FOR USE OF TOWN FIELDS,  
TENNIS/ALL SPORTS COURT, FORD FIELD PARKING LOT AND  
PICNIC AREA**

### RECOMMENDATION

Revise *Application for Use of Town Fields* to include a new user category for Local Private Schools, with fee schedule structured the same as “Local Non-profit” and “Local Informal” groups. Additionally, delete the existing Schools category and replace it with Local Partner Agencies. The current *Application for Use of Town Fields* is attached with recommended revisions circled.

### BACKGROUND

Staff has recently received requests from two local private schools to schedule semi-regular weekly field usage in order to offer their students physical education. While the existing *Application for Use of Town Fields* has a category for Schools, with the Portola Valley School District and Woodside Priory cited as examples, it does not differentiate between public and private school usage.

### DISCUSSION

While schools are included among the user categories on the current Application, both the school district and the Priory have historically requested only occasional use of Town fields. In addition, both of these schools have a partner-type relationship with the Town, having offered substitute facilities to serve the Town in times of need (ie. the library’s temporary relocation to Corte Madera School, and the Priory’s lending of their fields to Town users in the past). Additionally, it is of note that the Priory provides space for a storage facility for the Town’s emergency supplies and is also a designated secondary Emergency Operations Center.

The day-and-time slots currently requested by the private schools do not conflict with other current users of the fields, and as with all field use requests, staff will continue to balance scheduling requests against the need to preserve optimal field playing conditions.

### **FISCAL IMPACT**

Staff recommends the fee and deposit structure for the new user category of Local Private Schools to be the same as the user categories of Local Non-profit and Local Informal groups, which is \$3 per person/per use. With the increased field use and impact to staff time to schedule these groups, this is a reasonable fee and will result in an estimated annual increase of \$1,000 to \$1,500 in parks and fields revenue.

In consideration of their activities and involvement as partner agencies to the Town and its residents, staff recommends that fees and deposits continue to be waived for the revised user group of Local Partner Agencies.

Insurance requirements for all groups will remain unchanged.

### **ATTACHMENTS**

1. Recommended Revisions to *Application for Use of Town Fields, Tennis/All Sports Court, Ford Field Parking Lot and Picnic Area*

**APPROVED** – Nick Pegueros, Town Manager *N.P.*

**TOWN OF PORTOLA VALLEY**

765 Portola Road  
 Portola Valley, CA 94028  
 (650) 851-1700

**APPLICATION FOR USE OF  
 TOWN FIELDS, TENNIS/ALL SPORTS COURT,  
 FORD FIELD PARKING LOT  
 & PICNIC AREA**

Page 48  
Official Use Only

Date of Use \_\_\_\_\_

Field \_\_\_\_\_

Fees Paid \_\_\_\_\_

Deposit Paid \_\_\_\_\_

Insurance \_\_\_\_\_

Data Entry \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Phone: (Home/Bus.) \_\_\_\_\_ (Cell) \_\_\_\_\_ e-mail \_\_\_\_\_

Organization (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

<b>USER CATEGORY</b> <b>Please Check One <input checked="" type="checkbox"/></b>	<b>EXAMPLES</b>	<b>OFFICE USE ONLY</b>	<b>INSURANCE REQUIREMENTS</b>
<input type="checkbox"/> <b>Town Sponsored Events</b>	Town Council Town Committees	No Fees No Deposits	None
<input type="checkbox"/> <b>Schools-Local Partner Agencies</b>	PV School District Woodside Priory	No Fees <b>No Deposits</b>	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Organized Youth Leagues</b>	Alpine/West Menlo Little League, AYSO, Kidz Love Soccer	\$40.00/psn/season <b>*Deposit</b> \$ 500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Organized Youth Clubs</b>	Alpine Strikers; CYSA	\$60.00/psn/season <b>*Deposit</b> \$ 500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Organized Adult Leagues</b>	PVASL (Co-ed soccer), PV Softball	\$60.00/psn/season <b>*Deposit</b> \$ 500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Organized Adult Clubs</b>	Portola Valley Soccer Club	\$90.00/psn/season <b>*Deposit</b> \$500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Private Schools</b>	Woodland School Creekside School	\$3.00/psn/use <b>*Deposit</b> \$ 500.00	<b>Certificate of Insurance &amp; Hold Harmless</b>
<input type="checkbox"/> <b>Local Non-profit Groups</b>	Churches Neighborhood Assoc.	\$3.00/psn/use <b>*Deposit</b> \$ 500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Local Informal Groups</b>	Private Parties, Picnics, Pick-up Games	\$3.00/psn/use <b>*Deposit</b> 50 or fewer: \$100.00 >50 people: \$500.00	Certificate of Insurance & Hold Harmless

**\*Litter Deposit is Refundable After Inspection of Town Staff Indicates Facility is Left in Clean Condition**

<input type="checkbox"/> <b>Non-Local Informal Groups</b>	Private Parties, Picnics, Pick-up Games	\$4.50/psn/use <b>*Deposit</b> 50 or fewer: \$100.00 >50 people: \$500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Commercial</b>	Clinics & Classes	15% of gross revenue <b>*Deposit</b> \$ 500.00	Certificate of Insurance & Hold Harmless
<input type="checkbox"/> <b>Picnic Spaces</b>	Next to Little Peoples' Park – Town Center	\$3.00/psn/use <b>*Deposit</b> \$ 100.00	Hold Harmless
<input type="checkbox"/> <b>Ford Field Parking Lot</b>		\$100.00 <b>*Deposit</b> \$ 100.00	Certificate of Insurance & Hold Harmless
		<b>Fees:</b> \$ _____ <b>Dep.:</b> \$ _____	

**DEFINITION OF SEASONS:**

**Soccer**

**Spring Season:** 1<sup>st</sup> of March through last weekend in June  
**Fall Season:** 3<sup>rd</sup> week in August through last weekend in November

**Baseball**

**Little League:** 1<sup>st</sup> weekend in April through 3<sup>rd</sup> weekend in July  
**Fall Ball:** 2<sup>nd</sup> weekend in September through 3<sup>rd</sup> weekend in November

**Softball:**

1<sup>st</sup> of June through 4<sup>th</sup> weekend of September

**Other:**

Any four (4) consecutive months in a 12-month period

TYPE OF ACTIVITY: \_\_\_\_\_ DATE: \_\_\_\_\_

FACILITY(IES) DESIRED:  Ford Field  Russ Miller Field  
 Town Center Baseball Field  Ford Field Parking Lot  
 Rossotti Field  Picnic Area

START DATE: \_\_\_\_\_ END DATE: \_\_\_\_\_

Note: *Field Events must conclude by Sundown*  
*Parking Lot Events must conclude by 12:00 midnight*

NUMBER OF PERSONS EXPECTED: \_\_\_\_\_

**ALL APPLICATIONS MUST BE ACCOMPANIED BY THE REQUIRED DEPOSIT. NO LATER THAN TWO WEEKS FOLLOWING COMMENCEMENT OF THE LEAGUE SEASON, A COMPLETE SET OF LEAGUE ROSTERS AND FINAL PAYMENT MUST BE SUBMITTED TO THE TOWN.**

**\*Litter Deposit is Refundable After Inspection of Town Staff Indicates Facility is Left in Clean Condition**

**RULES AND REGULATIONS:** *I have read* the information outlining requirements for facilities use and renter (permittee) responsibilities (“Rules & Regulations for Use and Clean-Up of Town Fields, Tennis/All Sports Court, Ford Field Parking Lot & Picnic Area”) and *agree to comply* with the conditions set forth in the permit.

**CANCELLATION POLICY:** Written cancellation to be received at Town Hall:  
Sixty (60) or more days ahead of date of event—*Full Refund*  
Less than sixty (60) days and more than 30 days ahead of date of event—*Half Refund*  
Less than thirty (30) days ahead of event—*No Refund*

*NOTE: If the Town closes a field/parking lot after an event is scheduled a Full Net Refund (minus any expenses incurred by the Town) will be remitted.*

**PLEASE NOTE:** It is sometimes necessary for fields to be closed due to inclement weather in order to preserve the field for optimum conditions. At times when rain has occurred or is expected, please call (650) 851-1700, ext. 50 to hear recorded information relating to any field closures.

**HOLD HARMLESS:** I agree to hold harmless and indemnify the Town of Portola Valley, its officers, agents, volunteers and employees from any and all liability for personal injury, death, or property damage arising out of any permit issued or activities thereunder or in result or consequences thereof, except that which is caused solely by the Town, its officers, agents, volunteers or employees.

I have read and understand the above-referenced “Hold Harmless” waiver and agree to hold the Town of Portola Valley harmless from and against all liability described above. \_\_\_\_\_ Initial

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Town of Portola Valley

**\*Litter Deposit is Refundable After Inspection of Town Staff Indicates Facility is Left in Clean Condition**

#7

There are no written materials for this agenda item.

## TOWN COUNCIL WEEKLY DIGEST

Friday – September 28, 2012

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- ☐ 1. Agenda – Bicycle, Pedestrian & Traffic Safety – Wednesday, October 3, 2012
- ☐ 2. Agenda – Planning Commission – Wednesday, October 3, 2012
- ☐ 3. Action Agenda – ASCC – Monday, September 24, 2012
- ☐ 4. Action Agenda – Town Council – Wednesday, September 26, 2012
- ☐ 5. Issued Building Permit Activity – August 2012
- ☐ 6. Household Hazardous Waste – Appointment required - Saturday, October 13, 2012
- ☐ 7. Tuesday Harvest Presentation – Eating Local / Benefits Beyond the Palate & the Plate - October 9, 2012
- ☐ 8. Memo from Town Manager, Nick Pegueros re: – Weekly Update – Friday, September 28, 2012

### **Attached Separates (Council Only)**

- ☐ 1. Lucile Packard Children's Hospital at Stanford – Packard 101: A Day at Lucile Packard Children's Hospital – Thursday & Friday, October 25 & 26, 2012
- ☐ 2. Comcast California – August 2012
- ☐ 3. Supervisor Rose Jacobs Gibson – Invitation to meeting / San Mateo County Get Healthy – Thursday, October 25, 2012
- ☐ 4. California Transit Association – 4<sup>th</sup> Annual Fall Conference / #Innovative Transit – November 7- 9, 2012





**TOWN OF PORTOLA VALLEY**  
**Bicycle, Pedestrian and Traffic Safety**  
**Committee**  
**Wednesday, October 3, 2012 – 8:15 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call meeting to Order
2. Oral Communications
3. Approve Minutes from September 5, 2012 meeting
4. Past agenda items – status update:
  - PV Ranch striping
  - Windy Hill parking signs
  - 280/Alpine intersection
  - Alpine Hills crosswalk
  - SRTS update – bike rodeos at both schools; publicize? Stay tuned for Bike Club
  - Alpine/CMS intersection
5. Law Enforcement Report:
  - September priorities and results – 3 schools; how long monitoring? How measured
  - October priorities – Alpine/CMS; Ormondale; Alpine Hills crosswalk; Arastradero/Alpine
  - Law enforcement review of the Portola Rd/Family farm accident – how was the accident classified? Who was at fault? Was there a charge brought? How to make this a “teaching moment” for the committee, for the Town
6. New items –
  - Roadways – Cleanup day
  - Bike lane study
  - Alpine trail (with Trails Committee)
  - SRTS – funding; bike club



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
765 Portola Road, Portola Valley, CA 94028  
Wednesday, October 3, 2012 – 7:30 p.m.  
Council Chambers (Historic Schoolhouse)

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**AGENDA**

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, McKitterick, Chairperson Von Feldt, 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. *Preliminary* Review, Request for Deviation from Town Resolution 2506-2010, and Variance Application X7E-134, 169 Wayside Road, Rollefson
2. *Preliminary* Review, Amendment to Blue Oaks PUD X7D-137, Lots 23-26, 3 & 5 Buck Meadow Drive, and Lot Line Adjustment X6D-214

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: September 19, 2012

Adjournment

**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**

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Planning Commission Agenda  
October 3, 2012  
Page Two

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**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).

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This Notice is posted in compliance with the Government Code of the State of California.

Date: September 28, 2012

CheyAnne Brown  
Planning Technician

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TOWN OF PORTOLA VALLEY  
 ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)  
 Monday, September 24, 2012  
Special Joint Field Meeting (time and place as listed herein)  
 7:30 PM – Regular ASCC Meeting  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

ACTION  
AGENDA

**SPECIAL JOINT ASCC & PLANNING COMMISSION FIELD MEETING\***

4:00 p.m., Woodside Elementary School, 3195 Woodside Road (meet at Main Office)  
 Consideration of the turf proposal that is part of the request for amendment to CUP X7D-30, Woodside Priory. Purpose of this Field Meeting is to inspect and gain data on the school district's experience with both artificial and natural turf fields installed in 2007. (ASCC review to continue at Regular Meeting)

**7:30 PM - REGULAR AGENDA\***

1. Call to Order: 7:31 p.m.
2. Roll Call: Breen, Clark, Hughes, Koch, Warr (**Warr absent. Also present: Tom Vlasic Town Planner; Steve Padovan Interim Planning Manager; CheyAnne Brown Planning Technician; Jeff Aalfs Town Council Liaison, Denise Gilbert Planning Commission 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.

**Steve Padovan, Interim Planning Manager, asked commissioners with terms expiring to send in a letter of interest if they have plans to seek another term.**

4. Old Business:
  - a. Continued Preliminary Review Of Application For Amendment To Conditional Use Permit X7D-30, 302 Portola Road, The Priory School **ASCC offered comment and received further public comment. CUP amendment will come before ASCC for review and final input to Planning Commission at a later date.**
  - b. Continued Review And Request For Continuance, Architectural Review For Residential Redevelopment, And Site Development Permit X9H-640, 260 Mapache Drive, Davison **Continued at request of applicant to October 8<sup>th</sup> Meeting**
5. New Business:
  - a. Town Council Referral – Review And Report On Proposals For Driveway And Bridge, Ford Field Access Easement, Kelley **ASCC offered comment, heard**



**applicant and public comment and provided feedback to project team. Review continued to a site meeting on October 8<sup>th</sup>.**

6. Approval of Minutes: September 10, 2012 **Approved as submitted.**
  
7. Adjournment: **8:34 p.m.**

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\*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.

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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: September 21, 2012

CheyAnne Brown  
Planning Technician

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# TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting  
 Wednesday, September 26, 2012  
 Historic Schoolhouse  
 765 Portola Road, Portola Valley, CA 94028

## ACTION AGENDA

### 7:30 PM – CALL TO ORDER AND ROLL CALL

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

**All Present**

**Council approved the addition of urgency item (#9) to the agenda at the request of Town Attorney Sloan.**

### 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.

**Resident Bud Eisberg opposes the Town's purchase of 900 Portola Road. Asked if there was a design/plan it should be made available to the public and if not it is irresponsible of the Town to spend \$3,000,000 on land without a design/plan in place.**

- (1) **PRESENTATION** - Vic Schachter and Jim Lyons, Co-Chairs of the Ad Hoc Citizens Committee on Airplane Noise Abatement for the South Bay, reporting on Airplane Noise Abatement Initiative and Update

**Council agreed to 1) Continue communications with Airport Roundtable through Councilmember Wengert; 2) post a link for Congresswoman Eshoo's office on the Town's website where complaints can be filed; 3) hold a community forum, joint meeting, inviting Woodside Town Council, Congresswoman Eshoo and members of the County Board of Supervisors; and 4) write a letter to Congresswoman Eshoo's office signed by all councilmember's requesting her support and involvement.**

### 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.

- (2) **Approval of Minutes** – Regular Town Council Meeting of September 12, 2012

**Approved 4-0-1 with Vice Mayor Richards abstaining**

- (3) **Approval of Warrant List** – September 26, 2012

**Approved 5-0**

### REGULAR AGENDA

- (4) **Discussion and Council Action** - Report from Town Planner to the Town Council on consideration and possible direction to the Planning Commission to initiate Public Hearing for General Plan amendment, clarification of "Meadow Preserve" provisions

**Staff will scheduled a joint study session with the Town Council and Planning Commission to further discuss amendment to the general plan language**

### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (5) **Appointment by Mayor** – Request for Appointment of Member to the Cable & Utilities Undergrounding Committee

**The Mayor, with Council concurrence, appointed Dar Hay to the Cable Committee 5-0**

- (6) **Reports from Commission and Committee Liaisons**

*There are no written materials for this item.*

**Vice Mayor Richards – ASCC and Planning Commission held a field joint meeting and met at Woodside Elementary School to examine both artificial and natural turf fields. At its regular meeting discussion was of the Priory field/track placement, installation of a large shed and possible impact of track on the Portola Road trail, approximately 20' apart. At the County Emergency Services meeting noted was a change in personnel at the county level and graph metrics**



of cities within the County of San Mateo and their current status on emergency preparedness. The Conservation Committee finalized its proposed Redwood Removal Policy.

**Councilmember Wengert** – The Conservation Committee met with the Parks & Recreation Committee at Ford Field to assess the large oak tree and reached consensus that it should be removed. At the Regional Affordable Housing meeting numbers were finally set for the next decades housing needs, the Town's RHNA number requires Council approval by January 2013.

**Councilmember Driscoll** – The Cable & Undergrounding Utilities Committee will request that Council approved their proposed revision to current resolution to establish an underground utility district on Alpine Road.

**Councilmember Aalfs** – The Portola Road Taskforce Committee will forward its report to the Planning Commission, specifically looking at increased usage and safety. The ASCC also reviewed proposal for driveway and bridge design at the Kelly property near Ford Field.

**Mayor Derwin** – There was a good presentation from the Peninsula Traffic Congestion Relief Alliance held at the C/CAG meeting. Also, controversial maintenance contract to maintain the smart corridor light that regulates traffic (metering lights). C/CAG Board also discussed how best to replace retiring Executive Director, Richard Napier, agreeing to use the County Human Resources Department. Resource Management Climate Protection meeting heard a presentation from Joint Silicon Valley on Joint Solar Purchase Program. PG&E is looking into energy efficiency in the school sector of San Mateo County. The County will be posting progress reports for each city that include energy consumption and emissions data.

#### WRITTEN COMMUNICATIONS

(7) **Town Council Weekly Digest** – September 14, 2012

(8) **Town Council Weekly Digest** – September 21, 2012

**#7 – Council concurred with Mayor Derwin's suggested candidates for the diversity awards**

**#8 – Mayor Derwin reminded Council that the topic of discussion at the September 28 Council of Cities dinner meeting is whether to restore or retain Hetch Hetchy Reservoir**

#### ADJOURN TO CLOSED SESSION: 9:50 pm

**CLOSED SESSION** (Added as a Urgency item to this agenda)

(9) **CONFERENCE WITH REAL PROPERTY**

Government Code Section 54956.8

Negotiation parties: Councilmember Wengert and Attorney Sloan

Under Negotiation: price and terms

**REPORT OUT OF CLOSED SESSION** – Council (by a vote of 5-0) approved an amendment to the Listing Agreement for Blue Oaks lots 23,24,25 and 26.

#### ADJOURNMENT: 9:58 pm

#### **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**

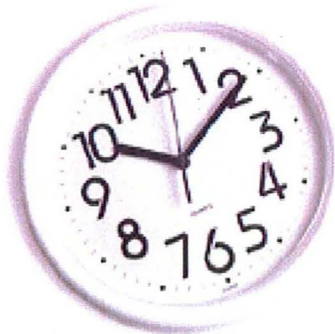
Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public

## Town of Portola Valley

## Issued Building Permit Activity: August 2012

	Permits This Month	Permits FY 12-13 To Date	Total Valuation This Month	Total Valuation FY 12-13 To Date	Application Fees Collected This Month	Application Fees FY 12-13 To Date	Plan Check Fees Collected This Month	Plan Check Fees FY 12-13 To Date	Total Fees Collected FY 12-13	Total Fees Collected FY 11-12
New Residence	1	1	737,100	737,100	4,364.25	4,364.25	2,836.77	2,836.77	7,201.02	11,241.86
Commercial/Other	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Additions	5	7	741,125	911,125	6,734.45	8,438.95	3,619.15	4,727.08	13,166.03	5,427.68
Second Units	0	0	0	0	0.00	0.00	0.00	0.00	0.00	2,425.09
Remodels	5	9	233,000	958,000	4,265.00	10,977.50	540.00	3,774.63	14,752.13	17,508.21
Pools	0	0	0	0	0.00	0.00	0.00	0.00	0.00	8,346.29
Stables	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Termite/Repairs	1	1	5,500	5,500	152.50	152.50	87.50	87.50	240.00	0.00
Signs	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
House Demos	0	0	0	0	0.00	0.00	0.00	0.00	0.00	0.00
Other	21	34	816,786	1,103,928	10,499.50	15,191.75	261.00	508.31	15,700.06	14,208.60
	33	52	2,533,511	3,715,653	26,015.70	39,124.95	7,344.42	11,934.29	51,059.24	59,157.73
Electrical	11	20	0	0	698.86	1,387.02	0.00	0.00	1,387.02	2,192.03
Plumbing	9	15	0	0	1,014.40	1,692.35	0.00	0.00	1,692.35	1,950.45
Mechanical	6	9	0	0	514.40	901.35	0.00	0.00	901.35	1,203.45
<b>Total Permits</b>	<b>59</b>	<b>96</b>	<b>2,533,511</b>	<b>3,715,653</b>	<b>28,243.36</b>	<b>43,105.67</b>	<b>7,344.42</b>	<b>11,934.29</b>	<b>55,039.96</b>	<b>64,503.66</b>



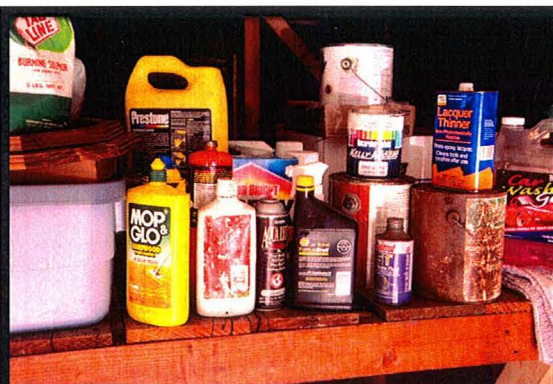


**Saturday  
Oct. 13, 2012**

# Time to clean out the garage?

**FREE** Household Hazardous Waste  
collection in Portola Valley

ENVIRONMENTAL HEALTH  
SAN MATEO COUNTY



Appointments are **required**  
and easy to make  
by phone (650) 363-4718  
or online at  
[www.smhealth.org/hhw](http://www.smhealth.org/hhw)

**Items accepted:** Paints, solvents, cleaners, light tubes, automotive products, garden chemicals, hobby, pool products and mercury containing items (old thermometers).

**Not accepted:** electronic waste, TVs, asbestos, sharps, explosives and compressed gas cylinders.

**Allowable Amounts: 10 gallons or 50 lbs. per appointment.**



# tuesday harvest

presents

Cultivating fresh and local ideas, every second Tuesday of the month.

## Eating Local Benefits Beyond the Palate & the Plate

October 9, 2012

7:00 pm - Presentation, Demostration & Tasting!

Portola Valley Town Center - Community Hall



For our October event, Amy Cox, founder of subURBAN homestead, will tastefully address getting back to the root elements of wellness by eating fresh, in season, locally grown food. Learn how you can support and create sustainable food communities. Get key tips for finding and sourcing local ingredients PLUS enjoy a demonstration and tasting that will let you experience what good, fresh food tastes like. Amy is passionate about connecting Americans with the benefits of balanced, fresh, green living. Her mentors include local food advocate Alice Waters and Alice's team at the Edible Schoolyard Project. While serving as President of Slow Food Chicago, Amy was selected to serve as a United States Delegate to Terra Madre, an International Sustainable Food Conference held bi-annually in Italy. Don't miss this tasty, inspiring event!

Next  
Tuesday Harvest topic:

[GreenSense for Your Home](#)

Visit [www.portolavalley.net](http://www.portolavalley.net)  
to see future topics and bios.





# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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TO: Mayor and Members of the Town Council  
FROM: Nick Pegueros, Town Manager  
DATE: September 28, 2012  
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended September 28, 2012.

1. **Blue Oaks Lots Listed** – The lots are now posted on the multiple listing service under the addresses 3 and 5 Buck Meadow Drive. Three Buck Meadow Drive is 1.34 acres (combining lots 23 & 24) and has a list price of \$1.349 million. Five Buck Meadow Drive is 1.13 acres (combining lots 25 & 26) and has a list price of \$1.49 million. The properties have been flagged with orange flags denoting the lot lines and blue flags indicating the building envelopes. The maximum floor area is 5,700 sq. ft. per lot and the maximum impervious surface area is 10,000 sq. ft. per lot.
2. **Cost of PRA request re: 900 Portola Road** – The public records request regarding 900 Portola Road resulted in a total staff and consultant cost of \$6,510. The costs are in addition to the lost productivity resulting from the time dedicated to retrieving the 649 pages of documents.
3. **Leslie's Retirement Party** – Brandi, Carol, CheyAnne, and Sharon have put the finishing touches on the plans for Leslie's retirement party. We expect approximately 75 guests on Saturday, October 6<sup>th</sup> beginning at 10AM.

## TOWN COUNCIL WEEKLY DIGEST

Friday – October 5, 2012

- 
- ☐ 1. Agenda – ASCC, Special Field and Regular Meeting – Monday, October 8, 2012
  - ☐ 2. Agenda – Trails & Paths Committee – Tuesday, October 9, 2012
  - ☐ 3. Agenda – Emergency Preparedness Committee – Thursday, October 11, 2012
  - ☐ 4. Agenda – Cultural Arts Committee – Thursday, October 11, 2012
  - ☐ 5. Agenda – Nature & Science Committee – Thursday, October 11, 2012
  - ☐ 6. Action Agenda – Planning Commission - Wednesday, October 3, 2012
  - ☐ 7. Month End Financial Report – September 2012
  - ☐ 8. Town Center Reservations - October 2012
  - ☐ 9. Monthly Meeting Schedule - October 2012
  - ☐ 10. Invitation – Council of Cities Dinner Meeting – October 26, 2012
  - ☐ 11. Letter from California Water Service – Proposed “General” Rate Increase Effective January 1, 2014
  - ☐ 12. Memo from Town Manager, Nick Pegueros re: – Weekly Update – Friday, October 5, 2012

### **Attached Separates (Council Only)**

- ☐ 1. Court Appointed Special Advocates “CASA” of San Mateo County – Invitation to CASA's new “casa” Open House – October 25, 2012
- ☐ 2. Association of Bay Area Governments “ABAG” – Fall General Assembly / Creating a Resilient Region-Protecting our Investments – October 18, 2012



**TOWN OF PORTOLA VALLEY  
ARCHITECTURAL AND SITE CONTROL COMMISSION (ASCC)  
Monday, October 8, 2012  
Special Field Meeting (time and place as listed herein)  
7:30 PM – Regular ASCC Meeting  
Historic Schoolhouse  
765 Portola Road, Portola Valley, CA 94028**

**SPECIAL FIELD MEETING\***

4:00 p.m., Ford Field Access Easement (meet at Ford Field Parking Lot) Consideration of the driveway and bridge proposals for the Kelley easement across the town's Ford Field property. (ASCC review to continue at Regular Meeting)

**7:30 PM - REGULAR AGENDA\***

1. Call to Order:

2. Roll Call: Breen, Clark, Hughes, Koch, Warr

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.

4. Old Business:

- a. Continued Review – Architectural Review For Residential Redevelopment, And Site Development Permit X9H-640, 260 Mapache Drive, Davison *Continued to October 22, 2012 Meeting*
- b. Continued Review, Town Council Referral – Review And Report On Proposals For Driveway And Bridge, Ford Field Access Easement, Kelley

5. New Business:

- a. Architectural Review And Site Development Permit X9H-642, House Additions, Remodeling And Guest House, 55 Stonegate Road, Hughes *Continued to October 22, 2012 Meeting*
- b. Architectural Review For Detached Barn And Corral With Fencing, 3330 Alpine Road, Callander
- c. Proposed Amendment To Blue Oaks PUD X7D-137, Lot Line Adjustment X6D-214, Lots 23-26, 3 & 5 Buck Meadow Drive, Town of Portola Valley
- d. Architectural Review, Deviation And Variance X7E-134 Applications, 169 Wayside Road, Rollefson

6. Approval of Minutes: September 24, 2012

## 7. Adjournment

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\*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.

---

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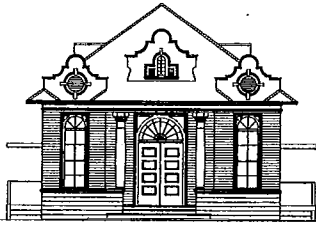
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This Notice is Posted in Compliance with the Government Code of the State of California.

Date: October 5, 2012

CheyAnne Brown  
Planning Technician

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**TOWN OF PORTOLA VALLEY**  
***Trails and Paths Committee***  
**Tuesday, October 9, 2012 - 8:15 AM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call to Order
2. Oral Communications
3. Approval of Minutes from Regular Meetings of June 12 and August 14, 2012
4. Financial Review and Budget Discussion
5. Old Business
  - a) Discussion of Notices Regarding Leashed Dogs on Certain Trails
6. New Business
  - a) Trail Work – August & September 2012
  - b) Annual Pre-Emergent Spraying
  - c) Information on Bicycle, Pedestrian and Traffic Safety Committee Review of Alpine Road Trails and Paths
  - d) Priory Trail
  - e) Ford Field Driveway Access Easement
  - f) Discussion of Signage Regarding Bicycles on Larry Lane Trail
  - g) Discussion of Fall Project (Community Trail Work Day or Community Hike)
7. Other Business
8. Adjournment

Enclosures:

Minutes from Regular Meeting of June 12, & August 14, 2012  
Financial Review  
Budget Background Materials  
Trail Work and Map for August & September 2012



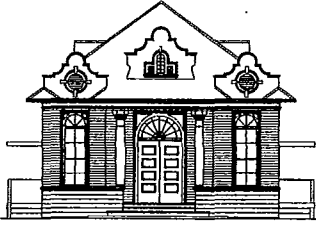
**TOWN OF PORTOLA VALLEY**  
**Meeting of the**  
**Emergency Preparedness Committee**  
**Thursday, October 11, 2012 - 8:00 AM**  
**EOC / Town Hall Conference Room**  
**765 Portola Road, Portola Valley, CA 94028**

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**AGENDA**

1. Call to order
2. Oral communications
3. Review and approve minutes of August meeting
4. Review Emergency Broadcast (AM) Radio project
  - Update
  - Discussion on 'operating policy'
5. Discussion of Medical Corps
6. Discussion of alternate EOC
7. Discussion of "Quick Cards"
  - Updates required?
8. Subcommittee reports
9. Review of Goals
10. Other Business
11. Adjourn promptly at 9AM





**TOWN OF PORTOLA VALLEY**  
**Cultural Arts Committee**  
**Thursday, October 11, 2012 - 1:00 PM**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**AGENDA**

1. Call to Order
2. Oral Communications
3. Approval of September minutes
4. Old Business:
  - a) Blues & BBQ review
  - b) Holiday Faire update
  - c) Quilt project
  - d) Tile project
  - e) Increase size of our committee
  - f) Jasper Ridge 40<sup>th</sup> Anniversary photography exhibit update
  - g) AC outlet / soccer field update
5. New Business:
6. Adjournment



**Town of Portola Valley**  
***Nature and Science Committee Meeting***  
**Thursday, October 11, 2012 – 4:00 pm**  
**Historic Schoolhouse**  
**765 Portola Road, Portola Valley, CA**

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**REGULAR MEETING AGENDA**

1. Call to Order
2. Oral Communications (Anyone wanting to address the Committee OR anyone wanting to speak on something that is not on the agenda)
3. Minutes of August 16, 2012 meeting
4. Reports:
  - Update on the Hawthorns
  - Update on tick gathering/Lyme testing results
  - Geology Day coordination
5. Planning:
  - Andrew – Star Party October 12
  - Paul and Treena – Geology Day October 14
  - Leslie – ICE program November 14
  - Other program suggestions
6. Budget Report:
  - Purchase of banner
7. Action Items:
  - Allocate program funds as needed
8. Publicity:
9. Other reports including Sub-Committee/Liaison Reports:
  - Sustainability Committee
  - Conservation Committee
  - Sudden Oak Death Study Group
10. Adjournment:
  - Next meeting date: December 13, 2012



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
765 Portola Road, Portola Valley, CA 94028  
Wednesday, October 3, 2012 – 7:30 p.m.  
Council Chambers (Historic Schoolhouse)

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**ACTION AGENDA**

Call to Order, Roll Call 7:30 p.m.

Commissioners Gilbert, McIntosh, McKitterick, Chairperson Von Feldt, and Vice-Chairperson Zaffaroni **(All present. Also present: Tom Vlastic Town Planner; Sandy Sloan Town Attorney; Carol Borck Planning Technician; John Richards Town Council Liaison; Ted Sayre Town Geologist)**

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. *Preliminary* Review, Request for Deviation from Town Resolution 2506-2010, and Variance Application X7E-134, 169 Wayside Road, Rollefson **Commissioner McKitterick recused himself. Vlastic provided background and summary of the proposed application. Ted Sayre spoke regarding the geologic investigation and engineered design solution proposed by the applicant. Commission discussed the proposed Deviation and generally felt comfortable with the request with some questions concerning being able to get the stitch piers in without causing further damage to the creek. Concerning the Variance, the Commission had additional questions concerning the setback encroachment/effect on neighbors, the height, and total proposed floor area. Project review continued to 11/7/12 public hearing.**
2. *Preliminary* Review, Amendment to Blue Oaks PUD X7D-137, Lots 23-26, 3 & 5 Buck Meadow Drive, and Lot Line Adjustment X6D-214 **Vlastic provided background and summary of the amendment/Lot Line Adjustment request. Commission began with questions to Vlastic and Sloan and then opened public comment. Commission heard comments and concerns from the public. Commission was supportive of the proposal and directed staff to further interact with the HOA in addressing their concerns and options. Vlastic indicated the ASCC at their 10/8/12 meeting would be discussing the proposed building envelopes, etc, and setting a site meeting that could include the Planning Commission if they have a quorum.**

Commission, Staff, Committee Reports and Recommendations

**Vlasic reported that the record concerning the Neely approval is being corrected to read “selective removal of fence posts on the southern boundary” and the applicant is aware of this. Additionally, Vlasic noted that concerning the meadow preserve, documents are being prepared for a joint session that will likely take place after the first of the year. Concerning the Priory, Vlasic said the Town was working with them on the issues and in about a month, expects the environmental documents to be submitted with a revised application.**

**VonFeldt reported that she and Mayor Derwin met with Dr. Fogarty to discuss his concerns over his CUP conditions.**

Approval of Minutes: September 19, 2012 **Approved as corrected. (3-0-2)**

Adjournment **9:50 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 Town Center.

**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).

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This Notice is posted in compliance with the Government Code of the State of California.

Date: September 28, 2012

CheyAnne Brown  
Planning Technician



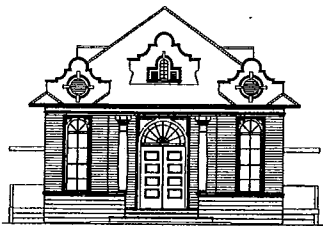
# MONTH END FINANCIAL REPORT

## FOR THE MONTH OF: September 2012

C A S H	Bank of America	\$	33,602.34
	Local Agency Investment Fund (0.377%)	\$	6,645,802.27
	<b>Total Cash</b>	<b>\$</b>	<b>6,679,404.61</b>
-----			
F U N D S	05 General Fund	\$	1,961,996.01
	08 Grants	\$	9,960.96
	10 Safety Tax	\$	10,475.96
	15 Open Space	\$	3,331,970.22
	20 Gas Tax	\$	18,699.97
	22 Measure M	\$	(82,500.00)
	25 Library Fund	\$	483,837.80
	30 Public Safety/COPS	\$	(31,442.48)
	40 Park in Lieu	\$	6,225.80
	45 Inclusion In Lieu	\$	58,902.33
	60 Measure A	\$	36,584.83
	65 Road Fees	\$	138,480.68
	75 Crescent M.D.	\$	80,116.27
	80 PVR M.D.	\$	13,691.60
	85 Wayside I M.D.	\$	5,723.45
	86 Wayside II M.D.	\$	(540.04)
90 Woodside Highlands M.D.	\$	174,757.88	
95 Arrowhead Mdws M.D.	\$	(1,799.67)	
96 Customer Deposits	\$	464,263.04	
	<b>Total Fund Balance</b>	<b>\$</b>	<b>6,679,404.61</b>
-----			
A C T I V I T Y	Beginning Cash Balance:	\$	7,072,334.39
	Revenues for Month:	\$	238,130.84
	<b>Total Revenues for Month:</b>	<b>\$</b>	<b>238,130.84</b>
R E C E I V E	Warrant List 9/12/12	\$	(462,704.75)
	Warrant List 9/26/12	\$	(80,948.38)
	Payroll	\$	(89,695.44)
	<b>Total Expenses for Month:</b>	<b>\$</b>	<b>(633,348.57)</b>
	<b>Total JE's and Void Checks:</b>	<b>\$</b>	<b>2,287.95</b>
	<b>Ending Cash Balance</b>	<b>\$</b>	<b>6,679,404.61</b>

<b>FISCAL HEALTH SUMMARY:</b>	
Unreserved/Spendable Percentage of General Fund:	52.68%
<i>Adopted Town Policy is 60%</i>	
Days of Running Liquidity of Spendable General Fund:	192
<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.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** San Mateo County Sheriff's Department  
**FROM:** Sharon Hanlon  
**DATE:** September 28, 2012  
**SUBJ:** Town Center Reservations for October 2012

Following is the current schedule of events for the Town Center and surrounding area for October 2012.

- October 6: Neighborhood Clean-Up / Ford Field / 8:00 – 11:00 am
- October 13: Household Hazardous Waste / Appointment Only
- October 20: Program hosted by the Portola Valley Library "Bullying: A Culture of Silence" / Historic Schoolhouse / 2:00 to 4:00 pm
- October 21: Canary Foundation Bike Ride / Portola and Alpine / 8:00 am to 1:00 pm

# Town of Portola Valley

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

## OCTOBER 2012 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 2<sup>nd</sup> & 4<sup>th</sup> Wednesdays)

Wednesday, October 10, 2012

Wednesday, October 24, 2012 – **Annual meeting at The Sequoias**

PLANNING COMMISSION – 7:30 PM (Meets 1<sup>st</sup> & 3<sup>rd</sup> Wednesdays)

Council Liaison – Ann Wengert (for months Oct, Nov & Dec)

Wednesday, October 3, 2012

Wednesday, October 17, 2012

ARCHITECTURAL & SITE CONTROL COMMISSION - 7:30 PM (Meets 2<sup>nd</sup> & 4<sup>th</sup> Mondays)

Council Liaison – Jeff Aalfs

Monday, October 8, 2012

Monday, October 22, 2012

BICYCLE, PEDESTRIAN & TRAFFIC SAFETY COMMITTEE (Meets 1<sup>st</sup> Wednesday of every month)

Council Liaison – Ann Wengert

Wednesday, October 3, 2012

CABLE TV COMMITTEE – 8:15 AM (Meets 2<sup>nd</sup> Thursday) alternate odd numbered months

Council Liaison – Ted Driscoll

COMMUNITY EVENTS COMMITTEE

Council Liaison – Maryann Derwin

As announced

CONSERVATION COMMITTEE – 7:45 PM (Meets 4<sup>th</sup> Tuesday)

Council Liaison – John Richards

Tuesday, October 23, 2012

CULTURAL ARTS COMMITTEE – (Meets 2<sup>nd</sup> Thursday of every month)

Council Liaison – John Richards

Thursday, October 11, 2012 at 1:00 PM

EMERGENCY PREPAREDNESS COMMITTEE – 8:00 AM (Meets 2<sup>nd</sup> Thursday) in the EOC /

Conference Room at Town Hall

Council Liaison – John Richards

Thursday, October 11, 2012



FINANCE COMMITTEE

Council Liaison – Jeff Aalfs  
As announced

GEOLOGIC SAFETY COMMITTEE – 7:30 PM

Council Liaison – Ted Driscoll  
As announced

HISTORIC RESOURCES COMMITTEE

Council Liaison – Jeff Aalfs

NATURE AND SCIENCE COMMITTEE – 4:00 PM (Meets 2<sup>nd</sup> Thursday) alternate even numbered months

Council Liaison – Jeff Aalfs  
Thursday, October 11, 2012

OPEN SPACE ACQUISITION ADVISORY COMMITTEE

Council Liaison – Jeff Aalfs

PARKS & RECREATION COMMITTEE – 7:30 PM (Meets 3<sup>rd</sup> Monday)

Council Liaison – Ann Wengert  
Monday, October 15, 2012

PUBLIC WORKS COMMITTEE

Council Liaison – Ted Driscoll  
As announced

SUSTAINABILITY COMMITTEE – 4:00 PM (Meets 3<sup>rd</sup> Monday)

Council Liaison – Maryann Derwin  
Monday, October 15, 2012

TEEN COMMITTEE

Council Liaison – Jeff Aalfs  
As announced

TRAILS & PATHS COMMITTEE – 8:15 AM (2<sup>nd</sup> Tuesday of each month, or as needed)

Council Liaison – Ann Wengert  
Tuesday, October 9, 2012 – 8:15 AM

San Mateo County  
**COUNCIL**  *of* **CITIES**

## Dinner/Meeting Announcement

Friday, October 26, 2012

**Mayors and Proxies: VOTING WILL BEGIN AT 6:15PM**

*Everyone is encouraged to attend these monthly meetings. This is a great opportunity to meet colleagues from other cities, work together on solutions for our county, get to know how other cities handle issues, make friends and helpful connections, and learn what's going on with the "big" issues we seldom have time to discuss at council meetings.*

**Location:**

**Viva La Vita Restaurant**  
**788 Laurel St.**  
**San Carlos, CA 94070**  
**650-637-8859**

[www.vivalavitarestaurant.com](http://www.vivalavitarestaurant.com)

**Time Changes this Meeting Only:**

5:45 pm Social, No-Host Wine Bar  
**6:15 pm City Selection Com. Meeting\***  
 6:30 pm Council of Cities Meeting  
 6:45 pm Dinner  
 7:30 pm Program  
 8:30 pm Adjourn

Please contact Chair Maryann Moise Derwin if you wish to bring up an item for group discussion or give a committee report. Telephone: (650) 279-7251 or email: [maryann@maryannmoise.com](mailto:maryann@maryannmoise.com)

*Menu*

*Please select One Dinner Entrée:*

*Chicken Marsala, Red Snapper or Vegetarian Linguini*

Meal includes Bruschetta appetizer, House Salad, Entrée, Dessert, Coffee or Tea  
**\$45 per person**

**RSVP w/Entrée Choice by Friday, October 19, 2012**

Phone: 650-802-4219 or Email: [cboland@cityofsancarlos.org](mailto:cboland@cityofsancarlos.org)

Make checks payable to: City of San Carlos

Mail to: Christine Boland, Dir. Community Relations/City Clerk  
 600 Elm St., San Carlos, CA 94070

RSVP's are guaranteed.

**\*Note: The SMC City Selection Committee Agenda will be sent out separately by City Selection Committee Secretary Rebecca Romero.**

**Council of Cities Business Meeting**  
**Friday, October 26, 2012**  
**6:30 p.m.**

- ❖ Call to Order
- ❖ Roll Call and Introductions of Mayors, Council Members and Guests
- ❖ Welcome by Mayor Grocott
- ❖ SMC Board of Supervisors' Report
- ❖ Approval of Minutes of August and September Meetings and Treasurer's Reports
- ❖ Committee Reports
- ❖ Old Business
- ❖ New Business
- ❖ Announcements
- ❖ Next Meeting: Friday, November 16, 2012, City of Pacifica

**Program: "Financial Safeguards: Steps Public Officials Can Take to Protect Public Funds,"** with panelists Hansen Bridgett Partner Joan Cassman, SMC Controller Bob Adler and SMC Treasurer/Tax Collector Sandie Arnott. Moderated by Terry Nagel of the Burlingame City Council.

Over the past year, at least six public agencies in San Mateo County have suffered incidents of employee fraud. These scandals have occurred in both large and small agencies with losses from \$40,000 to \$2 million, and have involved the traditional embezzlement of public funds as well as the misappropriation of public funds through fraudulent financial transactions. As members of city councils and regional boards, what should we know and what can we do to protect the entities we serve from employee fraud?

Three experts will offer practical advice on this timely topic including what went wrong at local agencies and what's been done to fix things, what county challenges lie ahead and how those challenges will be addressed, and finally, what we should and shouldn't be doing to protect public funds.

There will be time for your questions and you'll leave with a handy sheet listing actions you can take and questions you can ask to make sure the public entities you govern are operating with financial integrity.

### Directions to Viva La Vita, San Carlos (788 Laurel Street):

From 101, take the Holly Street exit and proceed west. Turn left on Laurel Street. Restaurant is located at 788 Laurel Street. I

**GET DIRECTIONS**

Suggested routes

Laurel St and Holly St	0.8 mi, 3 mins
Or Walk	18 mins

Driving directions to Holly St, San Carlos, CA 94070

**788 Laurel St**  
San Carlos, CA 94070

1. Head northwest on Laurel St toward Cherry St
2. Turn right onto San Carlos Ave
3. Turn left onto El Camino Real
4. Turn right onto Holly St

**Holly St**  
San Carlos, CA 94070

Save to My Maps

These directions are for planning purposes only. You may find the conditions on the ground, traffic, weather, or other factors may cause conditions to differ from the map results. Map data ©2012 Google. You must obey all traffic or other laws on the road.



**CALIFORNIA WATER SERVICE COMPANY**  
1720 NORTH FIRST STREET ~ SAN JOSE, CA 95112-4598  
(408) 367 - 8200

September 26, 2012



To State and Local Officials:

You are receiving the attached notices relating to Cal Water's service in your area. The California Public Utilities Commission ("CPUC") requires a utility to inform affected state and local officials when it proposes an increase in rates (see Rule 3.2(b) of the CPUC's Rules of Practice and Procedure).

The following notices are attached:

- (1) Notice of Cal Water's application for a proposed rate increase due to renovation of Cal Water's Information Technology & Human Resources Building ("IT/HR Building") in San Jose, CA; and
- (2) Notice of Cal Water's application for a proposed "general" rate increase (if there is more than one Cal Water district in your area, a separate notice is provided for each district).

Please note that, while CPUC rules require Cal Water to provide a separate public notice for each application, the proposed rate increase for the renovated IT/HR Building (listed in the first notice) is already included as a portion of the "general" rates increases that Cal Water is proposing in the second notice(s).

Thank you for your attention.

James Polanco  
Rates Clerk  
California Water Service Co.



**Notice of Filing by California Water Service Company Requesting Approval of Building Renovation**

The California Public Utilities Commission (CPUC) would like to hear from you! On June 29, 2012, California Water Service Company (Cal Water) filed an application in A.12-06-016 seeking approval to recover the costs for renovation of the building on Cal Water's San Jose campus that houses the Information Technology and Human Resources Departments (IT/HR building).

To accommodate the gradual increase in employees, Cal Water began renovations to the IT/HR building in 2010 that included adding a partial second story, decreasing workspace sizes, removing hazardous materials, and bringing restrooms and other working environments up to current legal requirements, such as the Americans with Disabilities Act (ADA). The renovation was completed by the end of 2011.

In its application, Cal Water is proposing that the CPUC review whether the renovation costs incurred by Cal Water were prudent and reasonable, and can be recovered from ratepayers. If approved, the impact of these requests on the average residential water bill in each area is outlined in the chart below.

**Note Regarding Upcoming GRC Application:** On July 2, 2012, Cal Water is filing a general rate case (GRC) application to request new rates that would begin on January 1, 2014. Any costs that the CPUC approves in this application (the building renovation application) will be rolled into those GRC rates. The component of the GRC rate increase that would result from approving this application is shown in the illustrative chart as if it were an additional surcharge on your bill.

In addition, if this application is approved before January 1, 2014, the relevant surcharge on the illustrative chart is what will appear on your bill until the new GRC rates go into effect (January 1, 2014).

Metered Customers					
Metered					
District	Surcharge Per Ccf	Typical Ccf	Current Bill	New Bill	% Increase
Bakersfield	\$ 0.0046	21	\$ 45.85	\$ 45.95	0.21%
Bayshore	\$ 0.0083	12	\$ 60.02	\$ 60.12	0.16%
Bear Gulch	\$ 0.0085	23	\$ 121.55	\$ 121.75	0.16%
Chico	\$ 0.0042	20	\$ 32.61	\$ 32.69	0.25%
Dixon	\$ 0.0078	13	\$ 45.71	\$ 45.81	0.22%
East Los Angeles	\$ 0.0070	13	\$ 54.80	\$ 54.89	0.17%
Hermosa Redondo	\$ 0.0058	11	\$ 45.49	\$ 45.55	0.14%
King City	\$ 0.0072	13	\$ 44.28	\$ 44.37	0.21%
Livermore	\$ 0.0063	15	\$ 59.45	\$ 59.54	0.16%
Los Altos Sub.	\$ 0.0062	19	\$ 72.28	\$ 72.40	0.16%
Marysville	\$ 0.0064	10	\$ 34.16	\$ 34.22	0.19%
Oroville	\$ 0.0065	12	\$ 51.66	\$ 51.74	0.15%
Palos Verdes	\$ 0.0057	24	\$ 96.77	\$ 96.91	0.14%
Salinas	\$ 0.0075	11	\$ 37.80	\$ 37.88	0.22%
Selma	\$ 0.0039	23	\$ 41.35	\$ 41.44	0.22%
Stockton	\$ 0.0056	12	\$ 35.47	\$ 35.54	0.19%
Visalia	\$ 0.0044	24	\$ 34.66	\$ 34.76	0.30%
Westlake	\$ 0.0054	30	\$ 133.01	\$ 133.17	0.12%
Willows	\$ 0.0059	15	\$ 55.32	\$ 55.41	0.16%
L.Hughes/Leona Val.	\$ 0.0064	32	\$ 145.39	\$ 145.59	0.14%
Lancaster	\$ 0.0053	38	\$ 123.69	\$ 123.89	0.16%
Fremont	\$ 0.0184	10	\$ 66.02	\$ 66.20	0.28%
Dominguez	\$ 0.0044	12	\$ 41.79	\$ 41.84	0.13%
Kern River Valley	\$ 0.0263	7	\$ 75.34	\$ 75.52	0.24%
Lucerne	\$ 0.0305	4	\$ 54.94	\$ 55.06	0.22%
Coast Springs	\$ 0.1141	2	\$ 101.98	\$ 102.21	0.22%
Armstrong/Hawkins	\$ 0.0257	6	\$ 91.74	\$ 91.89	0.17%

Flat Service Customers				
District	Flat Surcharge	Current Bill	New Bill	% Increase
Bakersfield	\$ 0.1831	\$ 68.87	\$ 69.05	0.27%
Chico	\$ 0.1295	\$ 53.93	\$ 54.06	0.24%
Marysville	\$ 0.1358	\$ 72.37	\$ 72.51	0.19%
Oroville	\$ 0.0945	\$ 85.23	\$ 85.32	0.11%
Selma	\$ 0.1471	\$ 54.00	\$ 54.15	0.27%
Visalia	\$ 0.1033	\$ 45.55	\$ 45.65	0.23%
Willows	\$ 0.1798	\$ 74.79	\$ 74.97	0.24%

**Obtaining a Copy of the Application**

The application and related attachments may be obtained from the company's headquarters at 1720 North First Street, San Jose, CA 95112-4598, or by calling (408) 367-8200. In addition, the application may be inspected at the CPUC's Central Files Office in San Francisco at 505 Van Ness Avenue, San Francisco, California 94102 between the hours of 8:00 a.m. to noon daily.

**Evidentiary Hearings**

The CPUC may hold formal Evidentiary Hearings (EHs) whereby the formal parties of record provide testimony and are subject to cross examination before the CPUC's assigned Administrative Law Judge (ALJ). These hearings are open to the public to listen, but only those who are formal parties of record are allowed to participate. The CPUC has court reporters who take and transcribe a transcript of the verbal statements made during those hearings by formal parties of record and the ALJ. At the hearings, Cal Water would provide testimony. In addition, the Division of Ratepayer Advocates (DRA), which consists of engineers, accountants, economists and attorneys who independently evaluate the proposals of utilities, will present its analyses and recommendations. Once the hearings are completed, the ALJ will consider all of the evidence presented and draft a proposed decision. After formal parties of record have the opportunity to submit comments on the proposed decision, the commissioners at the CPUC will issue a final decision that may adopt, amend, or modify all or part of the ALJ's proposed decision. The final decision may also differ from the requests in the Application.

**Public Comments**

If you wish to comment on the application, or informally protest it as a customer of Cal Water, you may do so by contacting the CPUC's Public Advisor's Office (PAO). Written public comments by Cal Water's customers are very much desired by the CPUC, and may be sent to the Public Advisor's Office at 505 Van Ness Avenue, San Francisco, California 94102, or via e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). Please state that you are writing about **California Water Service Company's Application for Building Renovation Approval** when sending any written correspondence to the CPUC. All public comments become part of the formal public comment file, and are circulated to the assigned ALJ, the Commissioner assigned to the case, and the appropriate internal CPUC staff for review.

Public Advisor's Phone Number: (415) 703-2074  
Toll Free: 1.866-849-8390



**CALIFORNIA WATER SERVICE COMPANY  
NOTICE OF APPLICATION FILING FOR A GENERAL RATE INCREASE IN THE BAYSHORE  
DISTRICT**

**Application No. 12-07-007**

On July 5, 2012, California Water Service Company (Cal Water) filed its General Rate Case Application 12-07-007 with the California Public Utilities Commission (CPUC). The proposed water rates if adopted as a result of this application will not go into effect until January 1, 2014. This notice is to inform customers of Cal Water's proposed request, and to explain how you can provide your comments to the CPUC and receive information for participating in this formal application process.

**WHAT IS A GENERAL RATE CASE?**

Every three years, investor-owned utilities such as Cal Water are required to file a General Rate Case (GRC) in which the CPUC sets annual revenue levels. Annual revenue is the total amount of money a utility collects through rates in a given year for specific purposes. The actual rates, or level of prices, charged to customers will be determined in this proceeding, and changes in rates may be different from changes in the annual revenue received by Cal Water because rate levels also depend on estimates of future water sales.

**WILL THIS APPLICATION RESULT IN A RATE INCREASE?**

**Yes.** If the CPUC approves Cal Water's request, this GRC application would **increase Cal Water's authorized revenue** by \$10,436,300 or 17.3% in 2014; followed by an increase in revenue by \$3,111,000, or 4.4%, in 2015; and \$3,109,740, or 4.2%, in 2016.

Based on water usage patterns in your area, which have decreased significantly since Cal Water's last filing, the CPUC's approval of Cal Water's proposed application would **increase the typical residential customer's** monthly bill by \$9.37, or 15.9%, in 2014; followed by additional increases of \$2.59, or 3.8%, in 2015; and \$2.69, or 3.8%, in 2016. Most costs of operating the water system are fixed, regardless of the level of usage. With lower water usage in your area, rates then have to be increased to cover these fixed costs.

The top reasons for the increase are:

- Cal Water is requesting \$3.2 million for water infrastructure improvements between 2013 and 2016
- Cal Water is requesting \$885 thousand to retain the same level of employee health care, pensions, and retiree health care benefits for General Office personnel, the costs of which have increased faster than inflation
- Cal Water requests \$843 thousand for expenses to comply with the state's Water Conservation Act of 2009, which requires a 20% reduction in per-capita usage by the year 2020.
- Cal Water is requesting \$776 thousand for district operations and maintenance costs needed to maintain and operate the water system
- Cal Water is requesting \$754 thousand for the allocation of General Office operation expenses

Approval of the proposed rates would allow Cal Water to continue to maintain the system of water supply sources, pipes, tanks, fire hydrants, and equipment needed to provide safe and reliable water service.

The following table shows the bill increase that a residential customer with typical water usage would see if Cal Water's proposed rates for 2014 were adopted. (Note that bills may vary slightly due to temporary surcredits or surcharges that are in effect that month.) Also shown are the increases that a typical customer could expect in 2015 and 2016.

A Typical Residential Metered Customer	Usage (CCF)	Monthly Bill
At current rates	11	\$58.96
At requested Jan 2014 rates	11	\$68.33
At requested Jan 2015 rates	11	\$70.92
At requested Jan 2016 rates	11	\$73.61

*(continued on back)*

**INFORMATION REGARDING PROPOSED 2015 AND 2016 RATES**

The rates proposed for years 2015 and 2016 are calculated by increasing the proposed 2014 rates by a simplified, inflation-based method required by the CPUC. Actual rates for 2015 and 2016 will be based on actual inflation rates. **Please note that Cal Water's application also requests authority to implement the 2015 and 2016 rate increases (based on actual inflation, and with CPUC oversight), without providing additional notice to customers at that time. This means that, if inflation is more than our current estimates, actual rates for 2015 and 2016 may be higher than those shown in this notice.**

**FOR FURTHER INFORMATION**

A copy of Cal Water's proposed GRC Application and related exhibits may be inspected at Cal Water's office located at 341 North Delaware Street, San Mateo, CA 94401. An electronic or paper copy of the proposed application and related exhibits will be furnished by Cal Water upon written request to California Water Service Company, 1720 North First Street, San Jose, CA 95112-4598. You may also call (408) 367-8200 to request for this information. Copies are also available to review at the CPUC's Central Files Office in San Francisco at 505 Van Ness Avenue, San Francisco, CA 94102, between the hours of 8:00 a.m. and noon daily.

**EVIDENTIARY HEARINGS**

The CPUC may schedule formal Evidentiary Hearings (EHs), whereby parties of record provide testimony and are subject to cross-examination before the CPUC's Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can participate. The CPUC has its own court reporters who will record the comments of those formal parties of record participating in the EHs.

After considering all proposals and evidence presented during the formal hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of Cal Water's request, amend, or deny the application. The CPUC's final decision may be different than Cal Water's application. The Division of Ratepayer Advocates is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout California and obtain the lowest possible rate for service consistent with reliable and safe service levels. DRA has a multi-disciplinary professional staff with experts in accounting, economics, finance, and engineering. After considering all proposals and evidence presented during the formal hearing process, the assigned ALJ will issue a proposed draft decision. When the CPUC issues a final decision on the application, it may adopt, amend, or modify all or part of the ALJ's proposed decision as written. The CPUC's decision may be different than Cal Water's formal request.

**PUBLIC PARTICIPATION HEARINGS**

The CPUC welcomes the public's participation. Before acting on Cal Water's application, the CPUC will schedule Public Participation Hearings (PPHs) to provide customers an opportunity to provide their comments regarding Cal Water's request before the assigned CPUC Administrative Law Judge (ALJ) for this proceeding. Notification of these hearings will be sent to customers of Cal Water either by a separate mailing post card or included as a bill insert. Notification will also be published in local newspapers and the CPUC's Daily Calendar. The notice will identify all of the dates, times, and locations that the PPHs are being held for your convenience and planning. You may attend any one of the district hearings that are identified even if the hearing is not within your own district.

**CPUC PROCESS**

If you would like information to participate in this proceeding or wish to comment on this proposed application filing or informally protest this filing as a customer of Cal Water, you can do so by contacting the CPUC's Public Advisor's Office (PAO). You may send written comments to the Public Advisor's address at 505 Van Ness Avenue, San Francisco, CA 94102, or by email to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov). You may also call by phone at (415) 703-2074 or toll-free (866) 849-8390, TTY (415) 703-5282 or (866) 836-7525. Please refer to this application number A.12-07-007 in any communication, i.e., e-mail, written correspondence or phone call. These public comments will become part of the formal correspondence file for this proceeding and will be circulated to the assigned Administrative Law Judge, Commissioners, and appropriate CPUC staff for review.

**CALIFORNIA WATER SERVICE COMPANY  
NOTICE OF APPLICATION FILING FOR A GENERAL RATE INCREASE  
IN THE BEAR GULCH DISTRICT  
Application No. 12-07-007**

On July 5, 2012, California Water Service Company (Cal Water) filed its General Rate Case Application 12-07-007 with the California Public Utilities Commission (CPUC). The proposed water rates if adopted as a result of this application will not go into effect until January 1, 2014. This notice is to inform customers of Cal Water's proposed request, and to explain how you can provide your comments to the CPUC and receive information for participating in this formal application process.

**WHAT IS A GENERAL RATE CASE?**

Every three years, investor-owned utilities such as Cal Water are required to file a General Rate Case (GRC) in which the CPUC sets annual revenue levels. Annual revenue is the total amount of money a utility collects through rates in a given year for specific purposes. The actual rates, or level of prices, charged to customers will be determined in this proceeding, and changes in rates may be different from changes in the annual revenue received by Cal Water because rate levels also depend on estimates of future water sales.

**WILL THIS APPLICATION RESULT IN A RATE INCREASE?**

**Yes.** If the CPUC approves Cal Water's request, this GRC application would **increase Cal Water's authorized revenue** by \$5,556,320, or 15.9%, in 2014; followed by an increase in revenue by \$1,865,920, or 4.6%, in 2015; and \$1,859,130, or 4.4%, in 2016.

Based on water usage patterns in your area, which have decreased significantly since Cal Water's last filing, the CPUC's approval of Cal Water's proposed application would **increase the typical residential customer's** monthly bill by \$18.45, or 15.1%, in 2014; followed by additional increases of \$4.92, or 3.5%, in 2015; and \$5.09, or 3.5%, in 2016. Most costs of operating the water system are fixed, regardless of the level of usage. With lower water usage in your area, rates then have to be increased to cover these fixed costs.

The top reasons for the increase are:

- Cal Water is requesting \$1.9 million for water infrastructure improvements between 2013 and 2016
- Cal Water is requesting \$637 thousand to retain the same level of employee health care, pensions, and retiree health care benefits for General Office personnel, the costs of which have increased faster than inflation
- Cal Water is requesting \$498 thousand for district operations and maintenance costs needed to maintain and operate the water system
- Cal Water is requesting \$476 thousand for the allocation of General Office operation expenses
- Cal Water is requesting \$113 thousand to retain for district personnel the same level of employee benefits described above

Approval of the proposed rates would allow Cal Water to continue to maintain the system of water supply sources, pipes, tanks, fire hydrants, and equipment needed to provide safe and reliable water service.

The following table shows the bill increase that a residential customer with typical water usage would see if Cal Water's proposed rates for 2014 were adopted. (Note that bills may vary slightly due to temporary surcredits or surcharges that are in effect that month.) Also shown are the increases that a typical customer could expect in 2015 and 2016.

A Typical Residential Metered Customer	Usage (CCF)	Monthly Bill
At current rates	22	\$122.51
At requested Jan 2014 rates	22	\$140.96
At requested Jan 2015 rates	22	\$145.88
At requested Jan 2016 rates	22	\$150.97

(continued on back)

### **INFORMATION REGARDING PROPOSED 2015 AND 2016 RATES**

The rates proposed for years 2015 and 2016 are calculated by increasing the proposed 2014 rates by a simplified, inflation-based method required by the CPUC. Actual rates for 2015 and 2016 will be based on actual inflation rates. **Please note that Cal Water's application also requests authority to implement the 2015 and 2016 rate increases (based on actual inflation, and with CPUC oversight), without providing additional notice to customers at that time. This means that, if inflation is more than our current estimates, actual rates for 2015 and 2016 may be higher than those shown in this notice.**

### **FOR FURTHER INFORMATION**

A copy of Cal Water's proposed GRC Application and related exhibits may be inspected at Cal Water's office located at 3525 Alameda De Las Pulgas, Menlo Park, CA 94025. An electronic or paper copy of the proposed application and related exhibits will be furnished by Cal Water upon written request to California Water Service Company, 1720 North First Street, San Jose, CA 95112-4598. You may also call (408) 367-8200 to request for this information. Copies are also available to review at the CPUC's Central Files Office in San Francisco at 505 Van Ness Avenue, San Francisco, CA 94102, between the hours of 8:00 a.m. and noon daily.

### **EVIDENTIARY HEARINGS**

The CPUC may schedule formal Evidentiary Hearings (EHs), whereby parties of record provide testimony and are subject to cross-examination before the CPUC's Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can participate. The CPUC has its own court reporters who will record the comments of those formal parties of record participating in the EHs.

After considering all proposals and evidence presented during the formal hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of Cal Water's request, amend, or deny the application. The CPUC's final decision may be different than Cal Water's application. The Division of Ratepayer Advocates is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout California and obtain the lowest possible rate for service consistent with reliable and safe service levels. DRA has a multi-disciplinary professional staff with experts in accounting, economics, finance, and engineering. After considering all proposals and evidence presented during the formal hearing process, the assigned ALJ will issue a proposed draft decision. When the CPUC issues a final decision on the application, it may adopt, amend, or modify all or part of the ALJ's proposed decision as written. The CPUC's decision may be different than Cal Water's formal request.

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# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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TO: Mayor and Members of the Town Council  
FROM: Nick Pegueros, Town Manager  
DATE: October 5, 2012  
RE: Weekly Update

The purpose of this report is to provide a summary update on items/projects of interest for the week ended October 5, 2012.

1. **Planning Commission meeting on Blue Oaks lots** – The PC held its preliminary hearing on the Town’s application for a lot line adjustment that would provide a reduction in living units from eight to two and to amend the PUD to allow for the market rate housing. The Blue Oaks HOA submitted the attached letter to the PC. In response, the Town Planner is arranging a site visit to meet with concerned neighbors to discuss the site-related issues noted in their letter to the PC. Staff will be working to prepare answers to several of the questions raised by the public related to the sale of the Blue Oaks lots; these answers will be posted to the webpage Q&A on affordable housing.
2. **Additional Public Records Act Request from Alexis Pelosi** – The attached Public Records Act Request was received this week and staff is working to identify the availability of the records requested.
3. **Meeting with Windmill** – Tom Vlasic and I met with Windmill representatives (Karen Tate, Monika Cheney, and project architect Carter Warr) to review conceptual plans for Windmill School’s new campus. Staff provided Windmill with initial feedback and asked Windmill to provide their complete questions in writing for a response. On a related subject, we’re working to identify a date and time that works for Windmill to tour the Woods property.



## Blue Oaks Homeowners Association



October 3, 2012

Town of Portola Valley  
Planning Commission  
765 Portola Road  
Portola Valley, CA 94028

**Re: Amendment to Blue Oaks PUD X7D-137 Lots 23-26, and Lot Line Adjustment S6D-214**

Dear Chairperson and Members of the Planning Commission:

The Blue Oaks Homeowners Association appreciates the opportunity to address the Planning Commission and to voice the concerns expressed by the members of the Association about the proposed amendment to the Blue Oaks PUD.

The original PUD Statement which was approved by the Planning Commission on November 10<sup>th</sup>, 1995 and by the Town Council on June 12<sup>th</sup>, 1996, and subsequently revised by the Town Planning Commission on November 5<sup>th</sup>, 1997 and by the Town Council on January 14<sup>th</sup>, 1998, contained within the PUD a significant affordable housing element. The general description of the Blue Oaks project contained within the PUD Statement included "32 market rate parcels to accommodate conventional single-family housing development, and 4 BMR parcels to accommodate 8 below market rate housing units in conformity with the Housing Element of the Portola Valley general plan." The Planned Unit Development Statement provided in Article I (Definitions) subparagraph D (Lot) that "all lots are subject to the Blue Oaks CC&Rs." The PUD Statement also included a statement that "all streets will be held in common by all residents of the Blue Oaks project, including the owners of the BMR parcels..." It appears that the original intent of the developer of the Blue Oaks project and the intent of the Town of Portola Valley was to have all of the property described in the Subdivision Map subject to the CC&Rs and under the jurisdiction of the Blue Oaks Homeowners Association. The original plan and intention of the Town was to meet the Town's obligations to provide the Town's share of affordable housing on a regional basis by developing eight below market rate homes within the subdivision. For many reasons it became obvious to all concerned that this was not a good choice for location of below market rate housing. The Town has implemented a plan to provide affordable housing at a more suitable location, and wants to be in a position to sell the below market rate lots so as to be able to use the sale proceeds to create affordable housing at a preferable location within the Town.

The Association wants to work cooperatively with the Town to achieve a common objective, which includes the implementation of the Town's plan to create affordable housing within its borders, and at the same time results in the development of the land previously designated for affordable housing in a manner which is consistent with the principles, policies and procedures applicable to the market rate housing within the Blue Oaks subdivision.



Town of Portola Valley  
Planning Commission  
Page 2  
October 3, 2012

The problems that have arisen and will arise as a result of attempting to market the property prior to annexation need to be resolved, and the only effective way to do that is to annex the property so that the purpose and intent of the PUD Statement can be fulfilled, and so that marketing efforts with respect to the property can continue without the misleading and inaccurate statements that result from attempting to market lots which do not yet exist, and which are not yet subject to the CC&Rs.

While the Association and its members appreciate the fact that the Town is facing some time constraints in acquiring the ultimate site for location of the below market rate housing, there is also a great deal of concern about the lack of notice and the lack of time for consideration of the alternatives. The membership of the Association has had but a very short time to review the proposed amendment to the Blue Oaks PUD and the proposed lot line adjustment. A general membership meeting was held on Tuesday, October 2<sup>nd</sup>, to review the report from the Town Planner to the Planning Commission. The opposition expressed to the proposed 2 lot plan at that membership meeting was unanimous. The Board of Directors, with the support of the membership of the Association, believes that we can provide within a reasonable period of time a single lot configuration using the same criteria that were used in establishing the building envelopes for the market rate lots in the initial project approvals. We ask, therefore, that the Planning Commission continue the hearing for a month to allow time for the Association to work with the staff to come up with an acceptable single lot proposal.

The Staff Report to the Planning Commission appears to be based on the concept that the criteria which were applied to the 4 below market rate lots can and should be applied to the 2 proposed market rate lots. We believe this is an inappropriate approach. Once it is recognized and accepted that the plan to incorporate below market rate housing in the subdivision was a mistake, the policies, guidelines, and concepts that were applied to the market rate lots should be the same ones applied to the reconfiguration of the subdivision after the lot line adjustment. In order to be compatible with the other market rate lots in the subdivision, the reconfigured land should be subject to the same rules, concepts and guidelines as were applied to the other market rate lots. The Association strongly objects to the concept that because the area set aside for below market rate housing was subject to its own design and development, guidelines and requirements, that it is therefore appropriate to continue to apply design and development criteria which differ from the criteria applied to the other market rate lots.

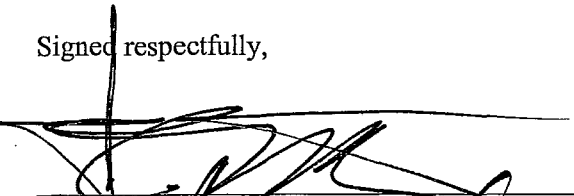
The Association is mindful of the admonition contained within the agenda for tonight's hearing which limits the Association and its members in the event of a legal challenge to the action which is proposed, to raising only those issues that were raised at the public hearing or in written correspondence delivered to the Planning Commission at or prior to the public hearing. In order to be as complete as possible in establishing a record of those issues raised, the Association submits the following:

1. The proposed 2 lot configuration results in the application of different standards with respect to lot configuration, architectural review and tree preservation. We understand that as many as 60 oak trees would be adversely impacted by the proposed 2 lot configuration.
2. We object to the inadequacy of time to study and to react to and comment upon the 2 lot proposal set forth in the September 27<sup>th</sup> report to the Planning Commission. We understand the Town is anxious to be able to sell the land in order to meet its requirements for purchase of the alternate site upon which to develop below market rate housing, but in pursuing that agenda, the Town is shortchanging the residents of the Blue Oaks community as well as other residents of the Town by not allowing sufficient time for public discussion and for detailed consideration of the proposed 2 lot plan.
3. There is of course an inherent conflict of interest due to the fact that the Town owns the property which it proposes to reconfigure by a lot line adjustment which the Town in turn will approve, and by the Town's proposal to modify the PUD Statement in a way which benefits the Town's immediate objective of selling the land as quickly as possible.

4. Presumably with the consent of the Town, the realtors with whom the land has been listed are already advertising 2 lots for sale, lots which do not at this time exist. Furthermore the sales materials represent that the "community amenities include an Olympic size pool..." Unless and until the property is annexed by recordation of a Declaration of Annexation, it is misleading, inaccurate, and in violation of the law to make such premature assertions.
5. The proposed 2 lot configuration and the Staff Report to the Planning Commission fails to completely address the elements contained within the PUD Statement in a manner consistent with the criteria applied to the other market rate lots in the subdivision.
6. The ratio of building envelope to lot size contained within the 2 lot proposal is inconsistent with the other market rate lots.
7. The 2 lot proposal does not adequately address the preservation of trees, particularly the blue oaks for which the subdivision is named. The number of trees proposed to be removed under the 2 lot proposal greatly exceeds the number of trees permitted to be removed from the other market rate lots.
8. The configuration of driveways and access points with respect to the lots is inconsistent with public safety and with criteria applied to other market rate lots.
9. The 2 lot configuration is inconsistent with other lots in similar Blue Oaks view corridors.
10. The reconfiguration of the property resulting from the lot line adjustment, and the configuration of the building envelope should be consistent with the PUD Statement, and consistent with other market rate lots in the subdivision.

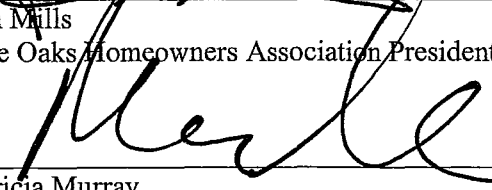
In summary, we respectfully request that this matter be continued, and that staff be directed to work with representatives of the Association to come up with a mutually acceptable single lot alternative, and that pending the outcome of such discussions, the realtors be directed to temporarily discontinue their marketing efforts which at this point are misleading and inaccurate.

Signed respectfully,





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Tim Mills  
Blue Oaks Homeowners Association President




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Patricia Murray  
Blue Oaks Homeowners Association Vice President




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Joy Elliott  
Blue Oaks Homeowners Association Secretary



October 2, 2012

Sharon Hanlon  
Town Clerk  
Portola Valley  
765 Portola Road  
Portola Valley, CA

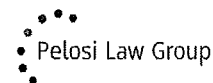
Re: Additional Document Request under the California Public Records Act request

Dear Ms. Hanlon:

I am in receipt of the documents provided to me as part of my July 24, 2012, Public Records Act request under California Public Records Act §6250 et seq. and am submitting this additional Public Records Act request in an attempt to obtain documents not previously provided as part of that initial request.

On August 2, 2012, I narrowed the scope of my PRA request based on conversations with the Town Attorney about the volume of documents that would be provided. After reviewing the documents that were provided, I would like to request the following additional documents.

1. The draft, final and any addenda to the Environmental Impact Report (EIR) prepared for the Blue Oaks Subdivision. I do not need copies of any of the hearing transcripts or hearing notes. I would, however, like a copy of any studies prepared as part of the EIR or any Addenda that relate to biology, hydrology, air quality, land use, visual/aesthetics or traffic. All other technical studies prepared do not need to be provided under this request.
2. Any supplemental environmental documentation prepared under the California Environmental Quality Act (CEQA) for any development, improvement, building permit or alteration in the Blue Oaks Subdivision whether adopted or proposed including but not limited to any changes to parcels under the Subdivision Map Act.
3. Any environmental assessment or impact report prepared whether in draft or final form to comply with CEQA for improvements that fall within five (5) miles of the Blue Oaks Subdivision that are also within the Town's jurisdiction, including any publicly proposed projects.
4. Any proposals, drawings, drafts, budgets, analyses or related documents or information relating or pertaining to the development of below market rate (BMR) units at the AI's Nursery whether provided or prepared by the Town or any of its employees, elected or appointed officials, or consultants, and whether provided or prepared by a low-income housing developer or provider including both for profit and non-profit developers or providers.
5. Any correspondence between any Town employee, elected or appointment official (including the Town Council and the Planning Commission) or consultant and the prior



owner of Al's Nursery, John and/or Karin Wu, related to the purchase of the property by the Town. If claiming an exemption from disclosure, please provide a log of any such documents withheld and describe with specificity the exemption under which the Town believes disclosure is not required.

6. Any correspondence between Town employees, elected and/or appointed officials and/or consultants from January 1, 2011 to October 1, 2012, related to (a) the purchase of Al's Nursery and (b) the development of BMR units on the Al's Nursery site. For this request, I am seeking internal Town correspondence between Town employees, Town elected or appointed officials and Town consultants. If claiming an exemption from disclosure, please provide a log of any such documents withheld and describe with specificity the exemption under which the Town believes disclosure is not required.

As with my previous request, with respect to each of the foregoing items, this request includes any and all communications or representations including emails, faxes, letters, words, pictures, sounds, or symbols or any combination thereof, and all electronic transmissions, files, discs, drums or other documents. This also includes any communications or representations located and stored on the Town's server and any memoranda, reports, meeting notes, meeting summaries, voicemails, or other documents prepared by the Town staff or elected or appointed officials or received by the Town staff or elected or appointed official related to the subject Property.

I understand that there may be a fee associated with the searching and copying of the records requested. Please inform me if the cost will exceed \$500. Any records retrieved can be transmitted electronically if so desired by the Town.

The California Public Records Act requires a response within ten (10) business days from the receipt of this request. This time can be extended up to fourteen (14) days for unusual circumstances as provided by California Government Code §6253(c). You are required to notify me of such extension, if any, and the reasons for that extension. If you deny any or all of this request for reasons that the records requested are privileged or otherwise confidential and therefore not subject to disclosure, **please provide a log of the documents withheld and cite each specific exemption** you are relying upon in refusing to release the information requested.

If you have any questions or need any additional information to fulfill this request, please contact me at 415-290-4774 or [alexis@pelosilawgroup.com](mailto:alexis@pelosilawgroup.com).

Sincerely,

A handwritten signature in black ink that reads "Alexis M. Pelosi".

Alexis M. Pelosi

cc: Tom Vlastic, Town Planner  
Nick Pegueros, Town Manager