

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 850 NOVEMBER 14, 2012

Mayor Derwin called the meeting to order at 6:45 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:

Others: Sharon Hanlon, Town Clerk
Tom Vlastic, Town Planner
Sandy Sloan, Town Attorney
Nick Pegueros, Town Manager

ORAL COMMUNICATIONS

None

Mayor Derwin received Council concurrence to add Closed Session Items 11 and 12 from the end of the meeting.

CLOSED SESSION

(1) Public Employee Performance Evaluation

Government Code Section 54957
Title: Town Attorney

(2) Public Employee Performance Evaluation

Government Code Section 54957
Title: Town Manager

(11) Conference with Real Property Negotiators

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

(12) Conference with Legal Counsel – Anticipated Litigation

Government Code Section 54956.9(b)
Significant Exposure to Litigation (one case)

REPORT OUT OF CLOSED SESSION

No Reportable Action

CONSENT AGENDA

(3) Approval of Minutes: Special Town Council Meeting of October 24, 2012

Councilmember Wengert moved to approve the minutes of the Special Town Council Meeting of October 24, 2012. Seconded by Councilmember Aalfs, the motion carried 4-0-1 (Driscoll abstained).

(4) Ratification of Warrant List: November 14, 2012 in the amount of \$130,133.57

By motion of Councilmember Wengert, seconded by Councilmember Aalfs, the Council approved Item 4 on the Consent Agenda with the following roll call vote:

Aye: Councilmember Aalfs, Driscoll, Wengert, Mayor Derwin

No: None

REGULAR AGENDA

Councilmembers agreed to move Item 6 up on the agenda.

(6) Report from Town Planner and Consideration of Town Council: Review of November 7, 2012 Planning Commission approval of amendments to Blue Oaks PUD X7D-137 and Lot Line Adjustment (LLA) X6D-214, Lots 23-26, 3 and 5 Buck Meadow Drive

As outlined in his November 14, 2012 memorandum to the Council, Mr. Vlasic explained that when the Planning Commission held its public hearing on the subject item, many of the comments provided related more to Council actions and decisions than the specific applications before the Commission or matters the Commission could respond to. Because these matters are more appropriate for Council consideration, he recommended that after reviewing his report and hearing what transpired at the Planning Commission meeting, the Council determine whether to review the Commission's approval of the application pursuant to Zoning Ordinance Section 18.78.120.

As Mr. Vlasic explained, the Planning Commission's approval of the PUD amendments is subject to the condition that if the alternative proposal submitted by the Blue Oaks Homeowners Association (HOA) – Alternative 2, which would keep the lot at 5 Buck Meadow Drive as open space – is implemented and the Blue Oaks HOA acquires both lots, the PUD provisions shall be as provided for in the October 19, 2012 "Single Lot Alternative Plan" and "Single Lot Configuration Notes for Lots 23-26."

If, however, the HOA is only able to acquire the lot intended for open space, the PUD provisions for the other lot (3 Buck Meadow Drive) would be generally consistent with the "Single Lot Configuration Notes," but subject to final adjustment by the ASCC prior to recording. Such adjustment would relate to building envelope and height provisions similar to what Town proposed (in what is now Alternative 1) before receiving the HOA's proposal (Alternative 2).

Mr. Vlasic said that although the HOA wants to purchase both lots from the Town, if it buys only one lot for open space, they would like constraints relative to the lots at 3 Buck Meadow Drive to be such as set forth in the documents the HOA provided. The Planning Commission concurred that would be acceptable if the HOA preserved the first lot as open space. Alternative 1, with smaller building envelopes on both lots, is what the Town's real estate professionals have been marketing.

In addition to receiving and responding to input on the alternative proposals, Mr. Vlasic said that he and Ms. Sloan addressed some of the issues raised by Wyndham Drive resident Bud Eisberg in a letter submitted on behalf of Keep PV Rural, which spoke to issues broader than the specific Planning Commission action. Mr. Eisberg and other residents addressed the Blue Oaks matter in the context of the Town's interest in the 900 Portola Drive property. Mr. Vlasic the minutes from the Planning Commission's November 7, 2012 meeting would be available prior to the Council's meeting scheduled for December 12, 2012, if the Council chooses to have a full airing of issues at that time.

With no initial comments from Councilmembers, Mayor Derwin invited speakers from the audience to ask questions.

Ray Williams, Wyndham Drive, said the idea of a public hearing is outstanding. He said he's already has communicated to the Council in writing a suggestion that the scope of its review should be broad enough to address below market rate (BMR) housing in Portola Valley. He also said that in order for a discussion on a topic of this magnitude to be successful, there should be 60 days' notice, and the discussion should take place after the holiday to get a good turnout. Noting that there isn't much time between now and December 12, 2012, and a hearing on that date wouldn't have a lot of participation due to conflicts with the holidays. Without a good turnout, he said, there won't be a good discussion.

Jon Silver, Portola Road, said he'd read Mr. Williams letter, the general thrust of which was that the Blue Oaks action and 900 Portola Road situation are connected. He (Silver) said he also understands that the Town needs to move ahead on the lot-line adjustment and PUD amendments for Blue Oaks. Mr. Silver said that as Mr. Williams told the Planning Commission at its November 7, 2012 meeting – and reiterated in his letter – when something important happens in Portola Valley, it's important that people have a chance to understand what's going on and have everything aired. Having been through that process, Mr. Silver said he knows the Town has done that, and when it was done in a really big way – when the Town produced its first certified Housing Element – was during his last term on the Town Council, from 1989 to 1991.

However, Mr. Silver added, the process probably bears repeating, not only because things have changed but because some people are in Town now who weren't 20 years ago, some of those who were here are now gone, and some who are still here may not have been concerned 20 years ago and didn't participate then. Mr. Silver said the community meeting on affordable housing that former Mayor Steven Toben facilitated on July 11, 2012, was excellent, and more events of that nature might be appropriate. He noted that open discussions bring out information, and one never knows how something will turn out. He said that he supports moving ahead to fulfill Housing Element commitments, but it's also important to consider the demands on people's time.

Kathie Terhune, Wyndham Drive, said she's been a Town resident since 1972. At the Planning Commission's November 7, 2012 meeting, she said when Mr. Williams remarked that perceptions play into this, she thought back to her school-teaching career in Palo Alto. She remembered her principal saying that if a parent perceives an issue as a problem, it is a problem and requires dialog about it – whether she or the teachers felt otherwise. She said she would welcome sequential meetings, more transparency so that anywhere there are questions, they will be addressed and “we can move forward.”

Andy Browne, Santa Maria Avenue, said the idea of a series of meetings alarms him, because that could go on, and on, and on. He would like to see the Town move ahead, not blindly, but advancing and “not just treading water.” Many Town residents favor a more diverse population in Portola Valley because it would enrich the Town, and such diversity would be a result of BMR housing.

With no other members of the audience coming forward, Mayor Derwin brought the issue back to the Council.

Councilmember Wengert said she agreed we're at the point that we owe it to the community and should move forward with a hearing on December 12, 2012. It's hard to know until it happens whether additional hearings would be appropriate, she said. The Council's efforts have not been meant to obfuscate, mislead or hide any intentions, but because it's important to address the issues, open it up and have a public discussion, she said she supports the Council scheduling a public hearing.

Councilmember Driscoll said that he also supports the Council holding a public hearing, and believes it would be a healing process. “I think we should get started,” he said.

Councilmember Aalfs said he agreed also, as did Mayor Derwin, who said that the hearing should be scheduled for December 12, 2012, and probably other meetings afterward. She said that so far the process has been painful for everyone, and she hopes we'll be able to move forward in a more civil way. She also thanked speakers for their civility.

Councilmember Aalfs moved to put a public hearing on the matter as recommended by the Town Planner on the agenda of the December 12, 2012 meeting of the Town Council. Seconded by Councilmember Wengert, the motion carried 5-0.

Mr. Williams said he's confused by the scope of the meeting. Mayor Derwin said it's broader than the Blue Oaks PUD amendments and LLA, including 900 Portola Road and BMR housing. Ms. Sloan said that the authority for the hearing would be to consider the Planning Commission approvals, but it would also be an opportunity for residents to speak about related issues that the Planning Commission wasn't able to address.

Mr. Williams also asked how many attendees would constitute a successful meeting – 10 people? 50 people? – to be able to say the Town has been engaged. Mayor Derwin said she would like to see all the seats filled, or at least half of them. Mr. Williams asked whether there would be a “sizeable effort” to publicize the meeting and encourage attendance. Mayor Derwin said yes, and if attendance isn't good due to the holidays, additional opportunities for input would be made available.

(Note: Later in the meeting, Mr. Williams asked whether closed sessions were required for real property negotiations, because he said public input might contribute to discussions about tactics and pros/cons related to the transaction.)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(5) Recommendation by Cultural Arts Committee: Relocation of the Historic Schoolhouse Quilts

Sue Chaput said she and Historic Resources Committee Chair Nancy Lund looked at potential places to locate the fragile quilts in the Historic Schoolhouse. Since they have been taken out of the windows, Nancy Goodrich has “punched up” the colors on the squares and purchased fabric that matches the new paint colors in the Historic Schoolhouse. She (Goodrich) will reconfigure the quilts either vertically or horizontally, depending on where the Council decides to put them.

Ms. Chaput said that although the squares can't go back to the windows (to prevent further deterioration of the original squares), easy-to-replace photographs of some of them could be displayed in the windows, along with partial curtains.

Mr. Pegueros said that the Committee recommended putting squares on the doors, and asked whether the Council had preferences or concerns about where and how the squares are affixed. Ms. Chaput said they could hang from a removable brass rod. Councilmembers agreed.

(7) Reports from Commission and Committee Liaisons

Councilmember Aalfs:

(a) Architectural and Site Control Commission (ASCC)

Attended the meeting of November 12, 2012, of the ASCC.

(b) Teen Committee

At its November 12, 2012 meeting, Committee members discussed the Bill and Jean Lane Civic Involvement Project and are looking for another project.

Councilmember Driscoll:

(c) Cable and Utilities Undergrounding Committee

At a special meeting called for November 8, 2012, the Committee discussed the status of the resolution being prepared for the Town Council to re-establish an undergrounding district on Alpine Road. (At the Town Council meeting on October 10, 2012, Council directed staff to draft a resolution to establish an Underground Utility District to pursue Phase 1 with Rule 20A funds that are available for a section of Alpine Road from just south of Nathorst Avenue to just south of Hillbrook Drive.)

Councilmember Wengert:

(d) Bicycle, Pedestrian and Traffic Safety (BP&TS) Committee

Among the most robust discussions at the Committee's meeting on November 7, 2012:

- Bike lanes: The Committee has hosted one public meeting and has scheduled another has been announced. Provided that public input is sufficient, the Committee expects to develop a recommendation and present it to the Town Council in January 2013.
- Alpine Trail and crosswalks. Working closely with the neighbors on improving safety in and around Alpine Trail road crossings, the Committee is particularly focused on solutions that would increase visibility of the crosswalk at the Alpine Hills Tennis & Swimming Club. Councilmember Wengert also a radar survey soon to reassess traffic speeds on Alpine Road would be underway soon.
- Hawthorns/Woods property. The Committee discussed potential extension and realignment of the Alpine Trail, an idea to which the Midpeninsula Regional Open Space District (MROSD) is apparently receptive. The bad news, Councilmember Wengert said, is that it looks as if it might be a three-year project, but Public Works Director Howard Young is trying to see how it could be accelerated.
- Citations. Committee members reviewing speeding citations provided by the Sheriff's Office. Councilmember Wengert said 22 tickets for speeds in excess of 50 mph on Alpine Road were issued in September 2012 alone.
- Ranch striping. The Committee reached out to neighbors and reached a good resolution of the issue.
- Corte Madera neighborhood traffic. The issue of children being dropped off behind the school has become a big one. The neighbors feel very threatened and consider it unsafe for the children. With school participation as well, mitigation efforts are underway, as is greater emphasis on enforcement.
- I-280/Alpine Road potential bike lane; Councilmember Wengert said that she now understands that CalTrans is managing the project for re-striping and inclusion of a bike lane through that intersection. Efforts on the part of the San Mateo County

Board of Supervisors seem to have succeeded, in that originally, no funds were supposedly available for that purpose. CalTrans has apparently decided on the “D-3 option,” which would not create a new traffic pattern, and may begin construction late in the spring of 2013.

(e) Planning Commission

The November 7, 2012 Planning Commission meeting, which Mr. Vlastic discussed earlier, was robust, well-attended and well-run. Councilmember Wengert said that the community found it to be useful as well.

(f) Trails and Paths Committee

Meeting on November 13, 2012, the Committee:

- Dealt with issues of people stealing signs.
- Talked about collaborating with the BP&TS Committee as plans evolve to extend and reconfigure Alpine Trail on MROSD’s Hawthorns/Woods property.
- Discussed a number of community projects that may take place in the spring of 2013.
- Discussed next year’s membership lineup. Councilmember Wengert said that she’d been aware that Cathy Seigel would be moving out of Town, but she was disappointed to learn that Secretary Lynne Davis would be stepping down.

Mayor Derwin:

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

Mayor Derwin spent three days (November 12-14, 2012) in Sacramento at the Behavior Energy & Climate Change (BECC) Conference. A fantastic event, she cited a few sessions she took in as an example:

- A “lightning session” – with a number of speakers addressing a topic for 10 minutes each during an hour-long meeting – on people-powered transport. One speaker (Zanna Worzella) talked about how BikeArlington (in Virginia) went about getting more people riding bicycles, which is what the BP&TS Committee’s Lesley Latham wants to do. Elizabeth Stampe focused on Walk San Francisco’s walk-to-work day pilot pedestrian program. David Parisi spoke to Marin County’s Safe Routes to Schools program, successful in part due to regular funding from a half-cent sales tax that voters approved several years ago. Among other things, it pays for school crossing guards.
- A Hollywood, Media and Messaging session featuring “Storytelling for Change” by Free Range Studios Executive Producer Erica Priggen.
- A session including a presentation about how people’s decisions regarding healthcare parallel decisions they make about environmentally related behaviors – such as whether to undertake a Home Energy Upgrade.

(h) Council of Cities

Meeting in San Carlos in October 2012, the Council of Cities held a panel discussion called Financial Safeguards: Steps Public Officials Can Take to Protect Public Funds.

(i) Resource Management and Climate Protection (RMCP) Committee

Mayor Derwin, who sits on this C/CAG subcommittee, attended the November 9, 2012 meeting, where one presentation focused on the state legislature's plans for the cap-and-trade revenues and another on San Mateo County Large Residential Resource Conservation Project, which includes Portola Valley, Woodside, Atherton and other communities with high-energy using homes getting together and sharing resources.

There also were updates on the Energy Watch program and the San Mateo County-funded RICAPS, the Regional Integrated Climate Action Planning Suite – which Portola Valley was among the first to pilot.

(j) Mayors' Diversity Awards

Mayor Derwin, describing participation in this San Mateo County Hispanic Chamber of Commerce program is "such a delightful thing to do," said Portola Valley's nominee was African Library Project Founder Chris Bradshaw. Since 2005, participants in the program, primarily children, conduct book drives and the organization sends the books they collect books to a partner library in Africa. October's celebration was the fourth; the festivities are held at the History Museum of San Mateo.

(k) Housing Leadership Day

Mayor Derwin attended Annual Housing Leadership Day on October 26, 2012. Sponsored by the Housing Leadership Council of San Mateo County, the event featured a panel discussion about San Francisco's ballot initiative to establish a Housing Trust Fund to provide an ongoing source of affordable housing, encourage the creation of moderate-income housing and stimulate the production of market-rate housing. The fund would generate more than \$1.2 billion for affordable housing over the next 30 years. Mayor Derwin said that it's particularly important since the dissolution of redevelopment agencies, which had been the primary source of affordable housing funds, left a huge funding void. The initiative, Measure C on the November 6, 2012 ballot, passed 64.88% to 35.12%.

She said she also attended a zoning workshop, which was part of the agenda because rezoning is often necessary to pave the way for affordable-housing projects. She indicated that there was some discussion about Redwood City's difficulties in trying to rezone certain areas where neighborhood opposition was strong.

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

The C/CAG Board said a sad goodbye to C/CAG Executive Director Richard Napier at its November 8, 2012, Mayor Derwin said. The meeting also featured an update on the One Bay Area Grant (OBAG). Ezra Rapport, Executive Director of the Association of Bay Area Governments (ABAG) was there, she said, as was a woman from the Metropolitan Transportation Commission (MTC).

In addition, Mayor Derwin reported that PG&E sent 270 employees to the East Coast for mutual-aid help in the wake of Hurricane Sandy.

Mayor Derwin said that in response to the California Speaker of the Assembly's request for nominations to the California Coastal Commission, the City Selection Committee submitted the names of Carole Groom, a member of the San Mateo County Board of Supervisors, and Half Moon Bay Mayor Allan Alifano. She said she didn't know yet whether the Speaker has made the appointment.

Another item on the C/CAG meeting agenda concerned review and approval of a resolution authorizing the distribution of the Abandoned Vehicle Abatement Fund, a program that helps communities pay law enforcement to take abandoned vehicles off the streets. Councilmember Driscoll recalled this program, but apparently the Town hasn't participated in it for some time.

Something that does affect Portola Valley, though, Mayor Derwin said, is that as part of the San Mateo Countywide Water Pollution Prevention Program, the County wants to convene a stormwater committee with representatives of each community. Mr. Pegueros indicated having received a call about it.

(m) Library JPA Governing Board

Library JPA Governing Board met on November 5, 2012, just before the election and talked about Atherton's controversial ballot measure about whether to construct a new library in Holbrook-Palmer Park.

(n) Silicon Valley Leadership Group

Attending the SLVG's Annual Public Policy Luncheon on November 2, 2012 at the invitation of CalWater, Gov. Jerry Brown was the headliner for the event, which drew an estimated 1,200 political, nonprofit and business leaders, including tech execs and venture capitalists. Major topics covered by Gov. Brown and fellow panelists – Netflix Founder and CEO Reed Hastings and Virgin America CEO David Cush – were Proposition 30, education and the local economy. During the luncheon, SLVG also presented lifetime achievement awards to John Doerr, a partner with venture capital firm Kleiner Perkins Caufield & Byers, and Virtual Instruments CEO John Thompson, former CEO of Symantec.

Mr. Williams asked whether Closed Sessions were required for real property negotiations, because he said public input might contribute to discussions about tactics and pros/cons related to the transaction.

WRITTEN COMMUNICATIONS

(8) Town Council October 26, 2012 Weekly Digest

(a) #6 – Letter from Boy Scout Troop #64 to the Town Council re: Usage Limits and Key Retention

In response to Councilmember Aalfs, Mr. Pegueros explained that during a conversation with Acting Administrative Services Director Stacie Nerdahl, who had reviewed the Town's Community Hall and Activity Rooms Use as part of her role in gathering documents for tax purposes, the question of Boy Scout use of the facility four times a month came up, whereas policy spells out free use of the facility up to twice per month for community neighborhood-sponsored and local nonprofit organizations. Accordingly, Ms. Nerdahl reached out to the Boy Scouts, asking them to meet at Community Hall only twice a month. In the process, we learned they were given a key, Mr. Pegueros said,

which is inconsistent with appropriate building security protocols. After his follow-up letter of explanation of the situation (Item #7 in the Weekly Digest), he said the group requested for a meeting with him and Mayor Derwin. They met to start the discussion about how we might be able to resolve the issue. Consequently, staff committed to check with Christ's Church and the School District to see whether the Boy Scouts might use one of their facilities in alternate weeks, and to also check out where the Girl Scouts meet. An option would be to change Town policy to allow use of the facility more than twice a month, Mr. Pegueros said, but that might be difficult inasmuch as the Community Hall schedule is already quite busy.

(9) Town Council November 2, 2012 Weekly Digest – None

(10) Town Council November 9, 2012 Weekly Digest

(a) #14 – Email Memo from Town Manager, Nick Pegueros re: Weekly Update – Friday, November 9, 2012

Mr. Pegueros drew the Council's attention to Item 2 in his update – the Community Events Committee has asked the Council to designate an honoree for this year's Volunteer Appreciation Party, which is scheduled for November 30, 2012. The Council agreed on Leah Zaffaroni.

Item 5 in his update involved a process proposed for handling appointments to the ASCC and the Planning Commission. He said there are eight candidates for the Planning Commission (including three of four incumbents who have reapplied) and nine for the ASCC, which has three seats available and three incumbents who reapplied.

Mr. Pegueros said he proposes starting the Town Council meeting early on November 28, 2012, and first invite the new applicants to introduce themselves, provide an overview of their interest in the appointment and answer any questions Councilmembers pose. After that, the incumbent Commissioners could be given an opportunity to speak as well and answer questions. Then the Council would vote by paper ballot. Those with the most votes would win the seats.

Councilmember Wengert said the process he laid out sounded good. Ms. Sloan pointed out that the paper ballots would be public records. In the event of ties, the Council would vote again on those candidates.

Councilmember Driscoll said it would be good to have some discussion and share observations prior to the vote.

Mr. Pegueros referred to Item 12 in the November 2, 2012 Weekly Digest, a memorandum from Interim Planning Manager Steve Padovan providing the Mayor and Town Council with a status update on our Planning Commission reappointments and new applicants. Mayor Derwin advised Councilmembers to review it prior to the next meeting.

Mr. Silver said he wasn't sure he understands the procedure for selecting Commissioners. Would there be a separate vote for each seat? Mr. Pegueros explained that there would be a separate vote on whether to extend Planning Commissioner Denise Gilbert's term to expire at the same time as some of the other incumbents. Then there would be a vote for the vacant seats. Candidates receiving three or more votes would be appointed; if necessary because of ties among those remaining before all the seats are filled, there would be another ballot.

ADJOURNMENT: 9:05 pm

Mayor

Town Clerk