

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 858 APRIL 24, 2013

Mayor Richards 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, Maryann Derwin and Ted Driscoll; Vice Mayor Ann Wengert, Mayor John Richards

Absent: None

Others: Sharon Hanlon, Town Clerk
Nick Pegueros, Town Manager
Brandi de Garneau, Sustainability and Special Projects Manager
Tom Vlastic, Town Planner
Karen Kristiansson, Principal Planner
Brandi de Garneau, Sustainability and Special Projects Manager
Howard Young, Public Works Director
Leigh Prince, Assistant Town Attorney

ORAL COMMUNICATIONS

Councilmember Derwin said she attended a Board of Supervisors meeting in Redwood City on April 23, 2013, when they presented a proclamation declaring April 2013 as National Poetry Month and read some poetry. She recited a poem written in 2012 by Billy Collins, the 2003 U.S. Poet Laureate:

Simple Arithmetic

*I spend a little time every day
on a gray wooden dock
on the edge of a wide lake, thinly curtained by reeds.
And if there is nothing on my mind
but the motion of the wavelets
and the high shape-shifting of clouds,
I look out at the whole picture
and divide the scene into what was here
five hundred years ago and what was not.
Then I subtract all that was not here
and multiply everything that was by ten,
so when my calculations are complete,
all that remains is water and sky,
the dry sound of wind in the reeds,
and the sight of an unflappable heron on the shore.
All the houses are gone, and the boats
as well as the hedges and the walls,
the curving brick paths, and the distant siren.
The plane crossing the sky is no more
and the same goes for the swimming pools,
the furniture and the pastel umbrellas on the decks,
And the binoculars around my neck are also gone,
and so is the little painted dock itself—
according to my figuring—
and gone are my notebook and my pencil
and there I go, too,
erased by my own eraser and blown like shavings off the page.*

CONSENT AGENDA

- (1) Approval of Minutes: Town Council Regular Meeting of March 27, 2013
- (2) Ratification of Warrant List: April 10, 2013 in the amount of \$118,671.11
- (3) Ratification of Warrant List: April 24, 2013 in the amount of \$124,767.91
- (4) Recommendation by Administrative Services Manager: Signature Authority for the Local Agency Investment Fund
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing Investment of Monies in the Local Agency Investment Fund (Resolution No. 2583-2013)
- (5) Recommendation by Administrative Services Manager: Amendment to Agreement with KPMG for Audit Requirements of the Hasso Plattner Foundation Donation
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and KPMG LLP (Resolution No. 2584-2013)
- (6) Recommendation by Administrative Services Manager: Proposed Provider Change for Workers' Compensation Insurance
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing an Application to the Director of Industrial Relations, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities (Resolution No. 2585-2013)

By motion of Councilmember Derwin, seconded by Councilmember Aalfs, the Council approved the Consent Agenda with the following roll call vote:

Aye: Councilmembers Aalfs, Derwin and Driscoll; Vice Mayor Wengert, Mayor Richards (Driscoll abstained from Item 1)

No: None

REGULAR AGENDA

- (7) Public Hearing: Recommendation by Sustainability and Special Projects Manager: Proposed Trial Farmers' Market [7:04 p.m.]

Ms. de Garmeaux said community interest in a farmers' market has been growing, and over the last year, staff was approached independently by residents Laura Stec and Brook Coffee as well as the Library staff. Residents want something that brings them together more regularly than the occasionally scheduled Town events. Toward that end, staff has been working with Ms. Stec and Ms. Coffee on a proposal for a trial farmers' market for the Council's consideration.

In addition to providing a regular gathering place where residents can socialize, Ms. de Garmeaux said the farmers' market would build a connection with our food source, give residents an opportunity to interact directly with the farmers and help establish lifelong healthy-eating habits in children who would be exposed to the farmers' market. As well, she said, it could help reduce transportation-related greenhouse gas (GHG) emissions, because Town residents won't have to drive to Palo Alto or Menlo Park to go to a farmers' market.

As part of this proposal, Ms. de Garmeaux said an “eat local” movement is developing to acquaint Town residents with local produce and food products and try to help enhance business for local food retailers.

In terms of logistics, she said staff is proposing an eight-week trial that would operate from 3:00 to 7:00 p.m. on Thursdays. The farmers’ market would accommodate no more than 25 vendors, but would start with about 15 vendors. Local musicians and artists or artisans would be invited to enhance the atmosphere. The Town would host an outreach booth, which could also serve as a potential resource for engaging additional residents in the Town’s sustainability programs and joining various Town committees.

She pointed out on a Town Center map where the parking lot at the Historic Schoolhouse would be blocked off to accommodate the farmers’ market. Christ Church has agreed to make its parking lot available for overflow parking in exchange for the opportunity to host community-building activities on their portion of the Town Center lot, Ms. de Garmeaux said. Staff would work with Christ Church to agree upon the specific activities, but she suggested they would be child- and family-friendly activities such as face-painting.

Among factors considered in developing the proposal, Ms. de Garmeaux explained that the farmer’s market would:

- Be financial self-sustaining and have no fiscal impact on the Town
- Be managed by a certified farmers’ market organization that would handle all the permits, vendor management, setup and cleanup
- Require minimal staff time after the initial trial period

Ms. de Garmeaux said staff, Ms. Stec and Ms. Coffee reached out to local merchants and neighborhood organizations to explain the concept, listen to any concerns and brainstorm ideas for engaging them in the farmers’ market. She said Roberts Market and Portola Café Deli had concerns about food trucks in particular, so at this stage, staff is not recommending including food trucks in the farmers’ market. The “eat local” movement could enhance these restaurants’ business, she said, suggesting that Parkside Grille and/or Portola Café Deli could shop at the farmers’ market on Thursdays and then feature Farmers’ Market special items on the menu that evening or the next day.

Neighbors within 1,000 feet of the Town Center were provided with notices, as well as all businesses in Town, Ms. de Garmeaux said. In addition to the letters included in the staff report, she said an additional seven letters of support have arrived over the last few days, plus one letter expressing concerns about parking and the impact on local businesses.

She read an excerpt from an email that expressed the sentiment in most of the communications:

What a natural complement to our Town . . . yet another space for community by bringing neighbors together and sharing friendship and wonderfully fresh local organic produce. As much as I love other markets in surrounding cities, I prefer to stay right here, saving gas and time, and supporting our community. And for those of us able to walk to the Portola Valley Town Center, wow! . . . Even with Robert’s and Bianchini’s here in Town, I still find myself shopping in other communities for quality organic produce. It may inspire these stores to improve the quality they sell, yet another benefit to all of us.

As for next steps, Ms. de Garmeaux said that if the Council approves the trial period, staff also would like authorization to proceed with selection of an organizer. She said staff would prepare proposed agreements with an organizer and Christ Church, as well as a recommended opening date for the first farmers’ market, and present them for the Council’s review at its meeting on May 8, 2013. Throughout the trial period, she added, staff would evaluate the market and submit a report for Council review after the sixth week.

Mayor Richards invited Council questions and comments. There were none. He opened the public hearing.

In response to Virginia Bacon, Ms. de Garmeaux said the farmers' market wouldn't be the venue for residents exchanging harvest excess with one another. That's the Portola Valley Garden Share program, which would be held from 10:00 to 11:00 a.m. the fourth Saturday of every month in the Redwood Grove just behind the Historic Schoolhouse.

Don Jacobson, Farm Road, said that living across the street, albeit in Woodside, he hears the loudspeaker from Spring Down and is afraid the farmers' market would create a lot more noise, especially with music and entertainment. He said he didn't move to this area to be subjected to this. He also noted that a lot of people park on Farm Road, clogging it up and making it inconvenient for residents in that area. He sees no benefit to the farmers' market and wants to know the names of those who support it. He said Ms. de Garmeaux read a nice letter from someone, but didn't disclose who wrote it. He said his neighbor up the road was spraying at 6:00 a.m. this spring, in violation of Town regulations, and he said he believes Spring Down continues to violate Portola Valley's noise restrictions.

Laura Stec, Westridge Drive, said in the six years she's been in Portola Valley, she's found a community of smart, environmentally aware people who value a rural setting. She said a farmers' market is exactly what we want. In working with the local merchants, she said she's heard a lot of support for the farmers' market, with the only objections related to traffic and noise. She said she's actually concerned whether the Town has enough people to support a farmers' market. She said 15 vendors would be fine. If having music didn't work, she said that could be adjusted.

Ms. Stec said we are a world of people in which two-thirds are overweight. We have to realize that local fresh produce, eaten on the day it's picked or the day after, is the highest-value food you could possibly eat. With one-third of our children overweight, she said we must think about how we instill in our young people the idea of focusing on food that's not dead on a store shelf, but alive and vibrant. We eat far too much of the wrong kinds of foods, she said. As a professional chef who teaches all over the Bay Area, Ms. Stec said most of the people in her classes never took a cooking class before. When they get back in their kitchen and are excited about what they're cooking, they find the best places to get to know are the local farmers' markets.

Nicole Pasini, Portola Valley Library Manager, said that as Ms. de Garmeaux mentioned, the Library staff is enthusiastic about the farmers' market. Anything that brings people to the Town Center brings people into the Library, she said, which helps address one of its major goals – to increase usage.

Lynn Lane Jacobson, Farm Road, said she bought land and moved to Portola Valley 50 years ago– her deed says Portola Valley. It subsequently changed to Woodside, then went back to Portola Valley and now it's part of Woodside again. She said she objects strenuously to the farmers' market, commenting that we don't need a farmers' market every two miles. There's one in Woodside, she said, at Skylonda and at Webb Ranch, plus Bianchini's and a whole section in Safeway for local produce. She said "we have all the greatest markets you could live for." She asked what local farms would be represented at the farmers' market, and who are the farmers? She said she doesn't know of any crops other than grapes.

If you want a market to bring people together, Ms. Jacobson continued, bring them to Town Hall to socialize, where the noise wouldn't disrupt the neighborhood. Ms. Jacobson also said parking would be a problem, plus the traffic impacts of cars coming in as well as the bus and motorcycles. She said the event would require law enforcement. Horses are on the trail, and it goes right across the street into Hidden Valley. When there are events at Town Center, no one can get on the trail. Parked cars block the fire hydrant and driveways. Hidden Valley residents can't get their cars in and out.

As for cleanup after the farmers' market events, Ms. Jacobson asked what would happen when it's windy. She questioned whether the Historic Schoolhouse parking lot was zoned for commercial use. She said she has received emails from people who want to file suit to prevent establishing a farmers' market in

Portola Valley. She didn't know whether she'd take part in that, she said, but as for a farmers' market in Portola Valley, "I see no use for this. You have enough farmers' markets."

Ms. de Garreaux said the person whose email she read earlier was Ann Corbett. All the letters she referred to are part the public record, including the names of those who wrote them. As for zoning, the Town Center, of which the parking lot is a part, is zoned R-E; public buildings are permitted when located in conformance with the General Plan, which describes the Town Center Area as "an integrated area for businesses and institutional-type uses serving the residents of Portola Valley and its spheres of influence along with compatible residential uses." This can support the farmers' market concept. The General Plan calls for minimizing visual impacts, noise or other impacts on nearby residences. If the farmers' market were to continue past the trial period that's being proposed, it could be conditioned to be revisited to review at any potential impacts and make any necessary adjustments.

Mr. Jacobson said this is a rural community and families that want their children grow up knowing about fresh fruits and vegetables should have their own gardens.

Ms. Coffee, Russell Avenue, addressed the noise issue. Living up on the hill, she said that she, too, can hear everything that goes on. In the case of the farmers' market, though, she said the music is more along the lines of an *cappella* children's choir, a banjo or mandolin player – nothing big, loud and carnival-like. She said people in Portola Valley expect the best, and if there's a farmers' market, it would be exactly that. She said they'd be very selective in choosing an event organizer, and with relatively few vendors, they will be very high-quality.

Ms. Coffee said she's exposed her daughters to amazing, organic, affordable food, but unfortunately their friends and classmates don't have that opportunity all the time. She's asked how she gets her girls to eat kale, why they actually eat salads, why they love broccoli and take it to school as a snack. It's because they've been raised on these foods, she said, noting that every Sunday, they drive to the Menlo Park Farmers' Market to buy organic, local produce. One Sunday, she noticed her neighbor driving in the car next to her and going to the same place. She calculated that she alone used a half-gallon of gas every trip to and from the Menlo Park Farmers' Market – in her Prius. She loves the idea of being able to walk to the Portola Valley Farmers' Market, and she said 20 to 30 neighbors who now go to Menlo Park every Sunday would do the same.

The fare from farmers' markets has made a huge impact on the choices she's made about the food her family eats and what they've exposed to numerous other families and friends, Ms. Coffee said. And the place her family chose to live is part of it too, she added. It's important to live in a community that puts sustainability at the top of its list of priorities.

Tracy Jones, Farm Road, said that she concurs with the Jacobsons and the concerns they raised. She said she's lived here since 1976. She doesn't even leave her house on Saturday mornings, because the traffic and bicyclists are so out of control, she said. "We don't need to go this direction," she stated, adding that when she thinks of a farmers' market, she thinks about Palo Alto and Los Altos. Portola Valley is not those places, she said, and she hopes the Town doesn't get to that size but stays rural. She's also concerned about parking on her street and along Portola Road, which is hazardous outside of Windy Hill already. As the parent of a new driver, she said she's especially concerned about that. She said it's really important to weigh the pros and cons of this proposal carefully.

Ms. Jones said she's attended Blues & BBQ, plays in the local softball league, takes advantage of Movie Nights and enjoys many other activities in Portola Valley, but she's not so sure the farmers' market would be exclusively for residents. Farmers' markets aren't all the same, she said, so people from out of Town would want to check it out. And with Woodside just introducing a farmers' market, locals now don't have to drive so far to go to the farmers' market.

Jon Silver, Portola Road, said he thinks a farmers' market is pretty rural. The Town's General Plan never said Portola Valley should be exclusively for residents. He said having more heavily commercial areas in

places such as Ladera enables the Town to retain its rural character with natural, undeveloped land and open space. He said before anything is litigated, we should see how the farmers' market works.

Jerry Lami, Executive Director of West Coast Farmers Markets Association (WCFMA), said he's among those who are interested in working with Ms. de Garreaux in the hope of being selected to run the Portola Valley farmers' market. He said he's specialized in small communities, and each of them has had the same concerns that people have expressed tonight. He said Webb Ranch is 100% in support of the proposal, and his group would reach out to try to bring the best quality possible in organic produce, from select vendors, to Portola Valley. Mr. Lami said before he opened his first market – Cupertino Oaks, on October 2, 2011 – he greeted an audience of probably three times the number of people present tonight. The same people who voiced the most objections shop the market every Sunday, he said. In Gridley, a community with about 4,000 residents, they've established a farmers' market that stays open year-round. The public loves it, he stated, and the same is true in Brisbane, where most residents have to go to San Bruno or Daly City if they want to shop in major grocery stores. The farmers' market days become community events that bring neighbors out, buy fresh eggs, fresh-baked bread and so on, he said.

Mr. Lami said he came to Portola Valley about a year ago, sat in his car in the church parking lot and watched the food trucks come in. The parking lot filled up within about an hour, he said. The experience prompted him to cross over to Town Hall and leave his business card. Since then, he's opened farmers' markets in Foster City, where the people you see walking to and from the market on Saturdays plan their weekly menus around what they buy there. It's similar at Redwood Shores in Redwood City. WCFMA opened another farmers' market last fall at El Camino Hospital in Mountain View, where Mr. Lami said he's working with the hospital nutritionist, and the group also has a farmers' market at the Harbor Village Shopping Center in Half Moon Bay. Competing with 10 other associations, he said WCFMA was just selected to run the first-ever downtown farmers' market in Carmel-by-the-Sea – which is scheduled to launch on June 20, 2013. He noted that San Francisco supports a total of 47 farmers' markets within its seven square miles.

With a farmers' market, Mr. Lami said, the community has all the power. Without community support, a farmers' market won't last. During the trial period, he said, the community's fears and concerns would go away. The whole reason farmers' markets have become so popular is that people have found them to be something that had been lacking in their lives.

Jean Gifford, a Portola Valley resident since 1975, said she wondered about Mr. Lami's economic stake in bringing a farmers' market to Town. She noted several other farmers' markets nearby, including Jelich's, Webb Ranch, Robert's and Bianchini's – which have fabulous fresh produce every day. She said it's not necessary for Town residents to drive to Menlo Park for those products. In that respect, she said she supports our local merchants. With farmers' market vendors filling the parking lot, she wondered where patrons would park, because there isn't enough space available. People would park on Portola Road and Farm Road. As far as the farmers' market, parking and equestrian trails go, she said vehicles frequently block the trails and the horses can't cross the street safely. The problems with parking along Portola Road near Windy Hill are also problems for horses, she said.

Ms. Gifford said she loves the country atmosphere of Portola Valley, which is why they moved here – to be away from local traffic and shopping centers. She said they don't want a lot more people coming out. As Ms. Jones and Ms. Jacobson said earlier, she said, the volume of traffic on Saturdays makes it difficult to leave their homes safely, and on weekdays, it's unsafe to pass the bicyclists who come through. They ride outside the bike lanes, she added, and most of them are rude. "We just don't need more traffic or more exposure," she said.

Danna Breen, Alpine Road, said a farmers' market would be fabulous for Portola Valley. Describing herself as a "horticultural loser," she said she can't grow a head of lettuce on her property. She loves the idea of a self-contained, self-sustainable community, doesn't want to drive to Menlo Park on Sunday, and looks forward to taking her bag and wandering down to pick up her fresh produce at Town Center on Thursdays. She said the farmers' market would make Portola Valley a more vibrant and healthier

community. She said she thinks it's good for us, she wants to see it happen, and she wants to come shopping in Town Center.

Lorraine Jackson, a Woodside resident, expressed concerns about excess traffic, the loitering, the dirt, the excess garbage. She said her family moved from Atherton and Menlo Park to this rural community for the peace and quiet. She said she loves fresh produce, too, and agrees that it's important to health, but driving a few minutes down the hill to Menlo Park isn't difficult, and Woodside also has a farmers' market where Portola Valley residents can shop. She loved the bikers were here on Saturday, but thank God they're only here on Saturdays.

Mayor Richards closed the public hearing and brought the matter back to the Council for discussion.

Councilmember Derwin encouraged people to check out the Woodside Farmers' Market, which she said is so low-key that she had trouble finding it the first time she went. She estimated about four vendors with fresh vegetables, one with nut butter, another with coffee, a couple of bakers, and some with fresh flowers and plants. She said it seems that a farmers' market would be very complementary to Portola Valley's established markets. She said she particularly likes the community aspect of the farmers' market. She has been studying longevity and societies that live long and healthy lives are societies that have a very tight community, who stay connected to each other. Living on a three-acre property, she said her family could go for days without seeing other people, and it's healthy to get out and spend time with others in the community, try the nut butter, talk to the coffee vendor about the beans, listen to the kids play the banjo. She said she understands the concerns that have been expressed about traffic, but staff has proposed a trial period. If it doesn't work, it won't continue, so she supports the staff recommendation.

Councilmember Driscoll said he favors proceeding with the trial to see what it would be like. Councilmember Aalfs agreed.

Vice Mayor Wengert said she's on the same page. There are potential issues, and it's up to us to take the first steps to see whether a farmers' market fits this community. She said staff's proposal strikes her as a well-reasoned approach. And as Ms. Stec suggested, at this point we don't know whether there would be sufficient community support to sustain it.

Mayor Richards asked whether any consideration was given to different locations, for instance back toward the Town Center. Ms. de Garmeaux said they looked at the possibility of setting the market up in the parking lot next to the library, but it created issues with access to the Town Hall parking spots for disabled people, because it would be during Town Hall's operating hours. She said they also considered a place near the soccer field, but didn't want the farmers' market to interfere with the people using the playing fields. They found that visibility and a central location is important to a successful farmers' market.

Mayor Richards said the proposal is interesting and we should try it to see whether it works.

Councilmember Derwin agreed to work with staff on moving the proposal forward.

Councilmember Aalfs moved to approve the proposed trial farmers' market and designate Councilmember Derwin to work with staff to choose an event organizer, finalize the details and incorporate them same into a proposed agreement with the organizer. Seconded by Councilmember Driscoll, the motion carried 5-0.

- (8) Town Council Review: of the March 20, 2013 Planning Commission adoption of the Initial Study/Mitigated Negative Declaration and approval of the Amendment to Conditional Use Permit X7D-3 (CUP) consisting of a parcel merger and expansion of athletic facilities with new track and artificial turf infill at the Woodside Priory School at 302 Portola Road [8:22 p.m.]

Mayor Richards invited Ms. Prince to speak first.

Ms. Prince outlined the recommended process for this review and provided background information. At the conclusion of its March 20, 2013 meeting, the Planning Commission voted 3-2 to adopt the Initial Study/Mitigated Negative Declaration (IS/MND) and conditionally approve the amendment to the Priory's Conditional Use Permit X7D-30, including allowing the use of artificial turf infill. The artificial turf issue was controversial, particularly in terms of findings about its consistency with the Portola Valley General Plan.

The aesthetic issue is largely a subjective determination, she said.

Ms. Prince said that as she explained to the Planning Commission, it is possible to determine the environmental analysis issue using objective criteria in the CEQA guidelines, but it could be determined that the artificial turf aesthetically did not satisfy General Plan goals and policies based upon an individual's interpretation of the General Plan.

As part of that, on March 27, 2013, within the timeframe established by the Municipal Code, the Council determined to review the Planning Commission decision. The record was not complete and the Council agreed to continue the matter until it was available in order to make the most informed decision possible. Ms. Prince said the Town is moving forward with this review as expeditiously as possible to either affirm the Planning Commission's decision or to schedule a public hearing on the matter.

Should the Council determine to uphold the Planning Commission's decision, Ms. Prince said, no further action would be required, the decision would be final and effective immediately. On the other hand, if the Council sets the matter for a public hearing – either because the review suggests that new evidence or testimony is required or because the Council decides against affirming the Planning Commission's action. If the matter is set for a public hearing, the Council has the option to review the entire matter, including the IS/MND and the entirety of the CUP application – or to limit the hearing to address the CUP amendment and conditions related specifically to the artificial turf.

Mayor Richards requested Council comments.

Vice Mayor Wengert said this is a very difficult issue – not only for the Council but everyone in the audience, the Priory and Town residents. She said she's spent a long time thinking hard about the matter and reviewing the various issues, the processes and the voluminous records. Speaking for herself, she said the thing that makes it particularly difficult is the fact that on one hand the Council is the "executive branch" of Town government that's being asked to review the decision of another very important body in Town that does a terrific job. Noting that she started her work with the Town as a Planning Commissioner, she said she has the utmost respect and highest regard for the Planning Commission, its credibility, value and process. On the other hand, she said, obviously a number of residents are dissatisfied with the outcome of that process in this case. That makes it difficult to weigh the various sides of what the Council is asked to do as a Council, she said.

Vice Mayor Wengert said where she started when reviewing the record was to evaluate numerous factors, including whether:

- The process was conducted properly
- There were any errors or omissions
- The public was fully involved from the beginning and had multiple opportunities to comment
- Additional data was missing from the record that should have been included
- Whether the MND review was exhaustive and responsive

In addition, she said she looked at the rigor of the Planning Commission in its handling of the matter. The Planning Commission had seven findings to consider, she said, the most controversial of which was Number 6, which relates to the matter of aesthetics that Ms. Prince spoke about:

The proposed use will be in harmony with the general purpose and intent of this title and the General Plan.

Setting Finding 6 aside for the moment, Vice Mayor Wengert said that looking at the findings in aggregate, she found the conditions the Planning Commission added were “exhaustive and incredible” in terms of dealing with all of the concerns raised by the process. She said her review confirmed in her own mind that the process in fact had been conducted correctly, thoroughly and in a manner appropriate for what we do, and that the issue boiled down to the sole matter of the turf. Even with that narrow focus, she said she found no indication that anything had been done incorrectly or that would justify continuing what has already been a very long, very difficult and very expensive process for everybody involved.

That said, Vice Mayor Wengert continued, she wanted to headline some of issues from the other side, including dissatisfaction within the community of the Planning Commission’s decision on aesthetic grounds. She said she also looked at the amount of time and effort the Town and the Priory have devoted to this application – two and a half years, 12 to 13 hearings. That adds up to a lot of time and expense. She said she believes everyone agrees that the Priory has been a perfect Portola Valley citizen and that hasn’t been an issue in this case, either. She also looked at who is most affected by artificial turf versus natural turf. Here again, she said, you get into the different views between owners of properties, users of properties, and the rest of us.

She said she also thinks there’s considerable anxiety related to the potential impact of the turf on Town fields, but as she sees it, there’s a big difference between the Priory’s situation and anything that might ever be contemplated for the Town’s own fields. The Ford Field item is also on tonight’s agenda, she noted, and proposals for Ford Field demonstrate the Town’s commitment to maintain our fields to keeping the playing surface in its current state whenever possible.

Vice Mayor Wengert said that it comes down to what Ms. Prince said about reviewing the record, based on the record, and determining whether any evidence is missing that would warrant further public hearings on this matter. She said she is unable to come forward and say that’s the case, so she would affirm the Planning Commission’s decision.

Councilmember Aalfs said he agrees that not a lot of stones have been left unturned. He said he can’t justify asking for more information. The data is as good as we can get, he said, and judging from the materials provided, the process has been complete and nothing in the record suggests any red flags. He said five Councilmembers may never come to agreement on what the General Plan is really saying in this instance, but his single issue is whether more deliberation on interpreting the General Plan in the context of this application would be appropriate. The only reason that would justify continuing this process and holding another public hearing would be to more fully vet Finding 6, he stated, and he’s not sure it hasn’t been vetted enough already.

Councilmember Driscoll said one characteristic of Portola Valley is its tendency to talk things to death. He said he’d be willing consider this again, review the same data and ask some more questions, but he found nothing missing from the materials and sees no need for new data. He said it seems the Planning Commission considered the matter based on all of the information, and to a certain extent, these matters should be left to the Planning Commission without being second-guessed by the Town Council.

Councilmember Derwin said there’s no question this work was a very thorough process and she thanks everybody who was involved, but she said she always knew this matter would come to the Council regardless of the Planning Commission’s decision. She said two acres of artificial turf on the Portola Road Scenic Corridor in an area where we have potential development in the meadow is too important not to come to the Council because it is a departure from the way some of us interpret the General Plan. She said she favors setting this matter for a public hearing at the Council level.

Mayor Richards agreed with Councilmember Derwin. The record is really impressive, he said, but something that may get lost in all that detail relates to subjective issues such as the one we're talking about regarding Finding 6. The aesthetics often tend to be pushed to the background, he said. The General Plan – the reason he is on the Council, he said – requires protecting the rural character of the Town as much as we can. He said in his opinion, the artificial turf is totally out of keeping with the rural character, so he would like to see the matter come back for a public hearing.

Councilmember Driscoll said that because the Council is so close, and the Planning Commission vote was also close, that he would favor the public hearing also.

Mayor Richards said that he doesn't think there's any need for any further review of the matter beyond Finding 6, so he'd recommend the public hearing be limited to that issue.

Vice Mayor Wengert asked how the Council would apply direction in terms of interpretation of the General Plan in this situation. She said she wanted the Council to think carefully about how to frame that discussion. She also stated that she would still vote to affirm the Planning Commission's decision.

Mayor Richards invited public comment.

Dorian Dunne, Ramona Road, spoke about her personal experience playing on artificial turf. She's played softball for 30-some years. An outfielder, she said there a constant bad odor that even leaves a bad taste in her mouth and results in a sore throat. When it's hot, the stench is incredible, she said, and she gets a headache that lasts for days. Yesterday, she asked to either be taken out of the game or assigned to the infield instead. Whatever is causing the odor makes her very nervous, she said, but it only occurs on the artificial turf. Ms. Dunne said she's also heard about safety issues on natural turf, and she's been injured due to the uneven surface, the dips and other dangers, but she's more concerned about the danger of what she's breathing when she's playing on artificial turf. She stated that she doesn't want to risk exposing children to more of that danger, whatever it is, and she's very afraid of the long-term health effects of exposure to artificial turf.

Ms. Dunne also stated that her teammates feel the same as she does about artificial turf. In addition, she pointed out that one of the definitions of sustainability is "healthy ecosystems and environments are necessary to the survival and flourishing of humans and other organisms."

Referring to discussion about the possibility of a precedent at the Priory resulting in artificial turf on Town fields, Ms. Dunne asked, "How is the Priory not one of our fields? It's right in the middle of Town. It's our fields, too." If we don't want it to happen on our fields, she said she doesn't think we should want it to happen on the Priory's, either.

Steve Dunne, Ramona Road, said he grew up in Menlo Park and has lived in Portola Valley for 30 years. He remembered being in the fifth grade, 50 years ago, and being invited to the Priory to be introduced to a new sport, soccer. He said he can still remember the smell of grass, too, and going home after the field trip to the Priory saying that someday he wanted to live in Portola Valley. He said he's had a soft spot in his heart for the Priory ever since, and for his entire time in Portola Valley he's considered the Priory a contributor to the community. He was shocked to see the Priory wanting artificial turf, which he considers so out of synch with Portola Valley. Artificial turf isn't consistent with the General Plan, nor is it consistent with his image of the Priory, Mr. Dunne said. He said he believes the Priory is putting its image at risk in its pursuit of artificial turf. He said he applauds the idea of the Council reconsidering the results of the Planning Commission's decision.

SallyAnn Reiss, Golden Oak Drive, urged the Council to frame its conversation on this matter now. She said she's sat through 13 meetings over the past two and one half years, with everyone coming in and sharing their personal experiences (positive or negative), talking about the fact that it's private property, that the view belongs to the Town, etc. It's been a very tedious experience for all of us, she said. She said she's very glad that it came to the Council to make sure that no stone was unturned. Ms. Reiss noted that she didn't remember anyone having an issue with the C-1 Trail, despite the fact that part of it was put into

the Portola Road Scenic Corridor. She said going over the Priory's application again and again seems to treat the Priory unfairly. If the Council wants to debate the General Plan, she said fine, to go ahead and do that, but not hold the Priory hostage. She urged the Council to respect the Planning Commission's decision.

Tom Kelley, Franciscan Ridge, said he's lived in Portola Valley, raising three children and "a bunch of grandkids." He said he guesses he had too much time on his hands because he got involved in the artificial turf issue when "plastic grass and rubber dirt" were proposed for Ford Field. He said the Councilmembers talk about the Planning Commission doing a great job and they did, but the Priory put a hard press on the Planning Commission. Priory supporters filled all the seats. The Priory is a good citizen, he said, but this isn't about the Priory. This is about Portola Valley and our General Plan, he continued, adding that it's a big deal because once artificial turf gets approved at the Priory it would set a precedent and result in most of our open space carpeted. The Town doesn't have jurisdiction over the schools, he noted, but Council decisions affect the schools and put pressure on the school boards.

Mr. Kelley said he was shocked to see the Priory keep pushing the artificial turf so hard. Its proposal is a good one except for that one issue. You can talk about toxins and science issues until you're blue in the face, he stated, but the real truth is we're talking about plastic grass versus grass in Portola Valley. If you talk about aesthetics, a lot of nature is rough and lumpy. It's not aesthetic, but it's natural. We're about rural, about real, about nature, that's who we are.

Virginia Bacon, Golden Oak Drive, said she wanted to discuss three points:

- She said it's not just a matter of aesthetics but also ecology, and the issue should be framed as an ecological issue because that's where nature and its mix come in.
- As for the Portola Road Scenic Corridor, she said the Planning Commission added a considerable number of conditions to the proposal to shield the artificial turf from the corridor's view. That suggests two themes at play, she said – we want to open up the corridor to the beauty of the valley, but with this proposal we want to close off that view because the artificial turf isn't part of what we think of as Portola Valley.
- In terms of private property, she said the Council should consider that factor as well. She said she thought the majority of Planning Commissioners came down on the side of private-property rights. She said she'd like to understand how ownership makes a difference in the context of the General Plan, but she sees the General Plan as a guide for the entire community of Portola Valley, and policy governing what we do with public and private lands ought to be the same.

She said she believes these are the issues people are questioning.

Marilyn Walter, Coyote Hill, said she's been at a lot of the meetings about the Priory's application, and always came away undecided about the turf issue. She is no longer undecided, and she explained why. On Monday of this week, she said, she went to Robert's Market to buy something and the clerk wouldn't give her a plastic bag. She had to bring a paper bag (because Portola Valley has banned the use of plastic bags). On Tuesday, she went to a Town-sponsored meeting at Hanson Hall at The Sequoias, where she watched the movie *BagIt*, and was shocked to see the effects plastic is having on the whole world. Apparently plastic bottles can be recycled once, she said, but after that the plastic breaks into little bits that no animal can digest. It got her thinking about her Town, which protects the natural environment, and the idea of plastic grass playing fields at the Priory. She said that doesn't make sense.

Jon Silver, Portola Road, submitted the petition with six more signatures than it had when he presented it at the Council meeting on March 27, 2013, and again asked the Council to set a public hearing to reconsider the decision on The Priory's application for artificial turf. He said he collected roughly 220 signatures on a new petition. He said he hasn't had the chance to consolidate the two databases, but probably more than 300 people in total signed one petition or the other if you add up.

He read the new petition:

We respectfully request the Town Council hold a noticed public hearing to review and reconsider the Planning Commission's March 20, 2013, 3-2 decision to permit the construction of artificial turf playing field and track at the Priory along the Portola Road Scenic Corridor. The Town's Planning Commission and Architectural Commission may oppose the recommendations concerning this project. And it is appropriate that a controversial proposal which represents a fundamental shift away from Portola Valley's founding principles of natural preservation and development in concert with nature and safeguarding scenic view sheds, should be decided by elected representatives. We urge the Town Council to preserve the natural grass playing fields and recreation areas in Portola Valley. Synthetic turf and plastic grass are inconsistent with the Town principles of rural living, preservation of natural habitats and not contributing to global warming.

Mr. Silver turned in a hard copy of online signatures and said that additional signatures have probably come in online since he printed those out. He also submitted a copy of a letter received via email, signed by a number of former Mayors, former Planning Commissioners and members of the ASCC.

Mr. Silver said the record is by-and-large the record, but it isn't flawless and in discussing the record there's a bit of softness. He said that he believes since the proposal was finalized; there were three or four, maybe five Planning Commission meetings. He said there's a little sloppiness in discussing this and it should really be precise.

One specific error, Mr. Silver said, is that the Planning Commission did something that's always a little risky, and it's typically done, input a statement after the close of public hearing. Commissioners have questions. And incorrect misinformation was given to the Commission during that period. Mr. Silver said he raised his hand but was not recognized. He said Tad Stearn of PMC, the consulting firm that did the environmental review, in response to a letter Mr. Silver wrote about wetland areas around the existing soccer/baseball field at the Priory, referred to those areas as simply a "concrete ditch." It's not true, Mr. Silver said. Part of it is, but most of it is not. He said Mr. Stearn didn't know what he was talking about. Mr. Silver said it boggled his mind; Mr. Stearn's major point may have been correct, but he was incorrect in that particular fact, and anyone who knows that field knows there's a deep, muddy ditch that's wet most of the year and full of frogs. No one bothered to capture any frogs to see what color their legs are, Mr. Silver contended.

Turning to the "big picture," Mr. Silver continued, artificial turf at the Priory would represent a real change in the direction and character of our Town. The General Plan doesn't distinguish between what's allowed on public versus private lands, he stated, and while different motivations may militate for one use or another on those lands, if the Town finds artificial turf ecologically and aesthetically consistent with our General Plan, it would have no basis to prohibit its installation on Town-owned fields.

Mr. Silver said he's also struck that one member of the public referred to the Priory as a public citizen. He said when he writes about the Priory, he doesn't know whether to use "it" or "they" because "it" is an institution but it's made up of people, which is a "they." And they aren't unanimous, he said. He's spoken with Priory parents who don't want artificial turf, but they feel their kids are being held hostage. There were a few brave Priory parents who signed the petition. He said the Priory is in no way being held hostage, Mr. Silver said. The fact is to make this decision about the Town's future has to come to the Council. Part of the reason there have been so many meetings, he said, is that the Priory deliberately went through what can be a very good process. They submitted a tentative application for feedback. They got feedback, which was positive except for the artificial turf part. That it turned out to be controversial should not have been a surprise to the Priory.

Based on Ms. Walter's statement, Mr. Silver wondered how many plastic bags it would take to make artificial turf. He said he expected it to be enormous.

Mayor Richards asked if the applicant would like to make a statement. He declined.

Judith Hasko, Applewood Lane, said all the comments are great. Her perspective is that there is so much good work and good thought going into the Priory matter, isn't it a sign that this really requires much more review. It's so important. It's about values, about the soft things. It is not about the data. The values are the Town's heart, and the General Plan is about values, which can be aesthetics or it can be ecological, but that's what we're dealing with, she said. She said the Council has the responsibility to bring this out at the level of a public hearing and it's important to take the time to do so.

An unidentified speaker said a lot of emotion surrounds this issue, and factual findings is what the Planning Commission dealt with – and dealt with, and dealt with. He urged the Council, too, to stick to the facts and not the emotional issue.

Ms. Reiss said sometimes we really get into word manipulation, and comparing artificial turf to plastic bags and plastic bottles is really unfair. She said all the environmental documentation related to the proposed artificial turf was gone through, and through, and through. She said it's a good environmental solution and this is an environmental Town. The Priory is an environmental institution, and these things are part of the reason we chose to look at this. She said if instead of saying let's put grass turf, let's put blacktop, the way that Corte Madera or Ormondale have, so that when it rains and kids cannot play on the fields, they have somewhere else to play. She asked, "Would the Council pass it? It's blacktop. It's an aesthetic thing. You're being manipulated about words."

Ms. Reiss asked the Council to keep to the facts. She said those who oppose the artificial turf talk about those who favor it as if they're part of an organized mob team. We're residents of this Town, she stated, describing herself as a "Portola Valley-ite" with an 11th-grade son at the Priory. He plays neither soccer nor football. It's not that Priory parents are trying to manipulate the Planning Commission or the Council; they're residents whose children will be directly affected, they want the artificial turf, and they've been telling their stories for weeks and weeks on end.

Ms. Virginia Bacon said the policies have to be for everyone, not just Priory students. She said a lot of Town residents are older and have to breathe everything that goes on artificial turf.

Mayor Richards brought the matter back to the Council for further discussion.

Councilmember Driscoll said a lot of us are firmly on the fence, but he believes there's sufficient controversy about the subject that the Council should hear it. He said the matter has been stated from a one-sided perspective, plastic versus natural grass. He pointed out that natural turf is not natural for this area, and to keep it green all season requires thousands of gallons of water, plus considerable amounts of fertilizer, pesticides and herbicides. Weighing 10 years of that against an artificial turf installation, he said he wonders ecologically which would be better.

Vice Mayor Wengert said this is an issue of great importance to the community, and while she supports affirming the Planning Commission's decision, if it comes to a public hearing she said she's hopeful the discussion can somehow be prescribed without addressing all of the facts and data that were put together very comprehensively. She said she is afraid of dragging this out to 10 more meetings, which is a possibility due to the high emotional content and she doesn't think that would be fair to anyone involved.

Mayor Richards said that General Plan focuses on preserving the natural features of the land and on preserving the original rural quality of the Town. In his opinion, that's where the artificial turf proposal falls short. He'd prefer to restrict discussion to that portion of the issue, to clarify whether or not this meets the intent of the General Plan.

Vice Mayor Wengert asked whether other interpretations should be included. She thought it would make sense for staff or someone who'd been involved more specifically with those discussions – Mr. Vlasic or Ms. Kristiansson.

Mr. Vlasic said that at staff level they have been very consistent in the concerns of the General Plan findings and the associated values. They believe the MND with the modifications made over the course of the hearings is an adequate document that needs no further review. He said you could go either way on basic judgments in regard to conformance with the General Plan. As for the MND, he said you can always do better and you can always do more, but the data there seems adequate and clearly the Planning Commission felt it was, he said. Crafting conditions associated with visual impacts of the artificial turf, he explained, was done in deference to concerns of Commissioners who were not supportive of the proposal, trying to reach consensus. The Commission worked hard to find consensus, but fundamentally they couldn't.

He said one Commissioner here tonight clearly did not feel the General Plan finding could be made. So the Council can focus on that and incorporate whatever factors the Council needs to do to make a finding, Mr. Vlasic said, but from the staff's standpoint, the focus should be confined to the General Plan question. Clearly when the Planning Commission continued this matter from the meeting from the March 6, 2013 meeting to the meeting on March 20, 2013, the issue had boiled down to the visual impact. One Commissioner had not had an opportunity to see the representative fields. The turf is not the same everywhere, so they found specific locations to view. Mr. Vlasic suggested spending time at least identifying the turf and finding out as much as you can about it, both from the standpoint of functionality and visual impact, and recognize, as the record shows, how the Priory would deal with it (for example striping versus not striping).

Most of the comments focused on the question of the values associated with something that, in essence, is a matter of judgment. Whether we conclude that actual growing grass is not pristine and not natural, Mr. Vlasic said, the feeling was that in some form there's life to it. That's been an issue associated with the finding under the General Plan from day one. He pointed out we have a changing community with differences of opinion about that, but he thinks that really it came down a value judgment on that question.

Mayor Richards asked for a motion – move that based upon review of the record, the Council determines not to affirm the decision of the Planning Commission to approve the CUP amendment of artificial turf and shall set the matters specifically whether the proposed use will be in harmony with the general purpose and intent of the General Plan.

Councilmember Derwin moved; seconded by Councilmember Driscoll.

Barring any special circumstances, Ms. Prince said this would be done at the next meeting, on May 8, 2013. The goal is to get this done in one additional meeting, unless for some reason (i.e., people are still speaking at 2:00 a.m.) it had to be continued. She reminded that when the Council makes its decision on the use permit, it is final 30 days later. The Council is the last stop. In response to Councilmember Aalf's follow-up question, Ms. Prince said this motion could limit the public hearing to a particular issue, a review of the record, as opposed to opening up the entire matter (for example, to include the MND).

Mayor Richards reiterated the motion for the record: to determine not to affirm the decision of the Planning Commission to approve a CUP amendment for artificial turf and to set the matter proposed use will be in harmony with the general purpose and the intent of the General Plan.

Jon Silver said it should only take one meeting and focus on the issue that is important, which is the artificial turf, but he's not clear about the motion. The environmental documents include statements as to whether the proposal is consistent with the General Plan and ordinances in the jurisdiction in question, so how you decide that question depends on whether the Council approves the environmental documents. As he understands the motion, he said, the environmental documents would be carved into being part of the decision being reviewed. If they aren't, it sounds like an inconsistency.

Ms. Prince said there are two separate issues. According to case law, which was discussed in the record of the Planning Commission meeting, she said, you can affirm the environmental document as adequate

based under CEQA and adopt it because there's no fair argument or substantial evidence in the record that there is any significant environmental impact. So you can make that finding and adopt the MND.

Then, Ms. Prince continued, you can make a separate decision on the General Plan. One of the things that the Council could do tonight if the main motion is modified, if it's comfortable doing that, to specifically affirm the adoption of the IS/MND so it's clearly separate and apart. It can be put together with the General Plan question if the Council chooses, but it also can be separated.

Mr. Silver said in the 300-plus pages of the environmental document, he believes there is language about the proposal's consistency with the General Plan. His recollection may be wrong, he added, but if that wording is there, those environmental documents shouldn't be approved until that question is decided. He wanted to be certain whether those words are there. His desire is to focus on the one issue that's important to everyone, but he doesn't want to inadvertently foreclose part of that accidentally.

Ms. Prince said this may be something that Ms. Kristiansson may be able to address. She (Prince) said she thinks that issue was addressed with respect to what's considered in the environmental document, specifically the General Plan goals and policies that affect the environment, plants, fauna, etc., and those were dealt with in the document. But they discussed that when making Finding 6 you look at the entirety of the General Plan and don't deal specifically with the environment or physical nature.

Mr. Silver said the environmental part is part of the controversy. Two Planning Commissioners voted against the environmental document. He said it's a mistake to affirm them without understanding the full implications. He would hope on the issue of the environment, the Council makes it clear that they're reviewing the artificial turf portion of this project, but not rubber-stamping the environmental documents that two Planning Commissioners voted against and that four ASCC members felt wasn't adequate.

Ms. Kristiansson said the item Ms. Prince talked about is in the section of the environmental document called "Land Use and Planning". One item specifically asks under CEQA:

. . . whether the project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect.

She said a discussion in the Response to Comments section specifically addresses measures described in the environmental document that are intended to avoid or mitigate environmental effects considered in the General Plan. However, she added, other portions of the General Plan as a whole have a bearing on this issue but are not in the environmental documents because they go beyond CEQA's scope.

While CEQA limits review to environmental issues, Ms. Kristiansson explained, under the CUP permit findings, the Council has much broader discretion in determining whether the proposal is consistent with the general purpose of the zoning ordinance and the General Plan. That's a wide-open question, so it is possible to affirm one and reconsider the other.

Mr. Vlasic said the direction is clear that the Council can limit its review to the artificial turf question. If the Council's decision makes any clarifications of the environmental document, staff will explore that and it can be done without reopening the complete environmental document to further discussion.

Mayor Richards asked whether there was further discussion on the motion. There was none.

The motion to set the matter for public hearing at the May 8, 2013 Town Council meeting was approved 4-1 (Wengert opposed).

- (9) Recommendation by Public Works Director: Award of Bid for Ford Field Renovation Project #2011-PW02B and Enter into Funding Agreement with Alpine West Menlo Little League [9:05 p.m.]
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley authorizing the Town Manager to Award a Contract for the Ford Field Renovation Project #2011-PW02B and Enter into the Funding Agreement with Alpine West Menlo Little League (Resolution No. 2586-2013)

Mr. Young recommended the Town Council award the contract for the Ford Field Renovation Project to the low bidder at \$403,888. He said Jensen Corporation is a reputable company that has done work in the area. He indicated that amounts of the state grant, fundraising results by the Parks and Recreation Committee, the Little League donation, and Sand Hill Foundation funds are included in a spreadsheet attached to the resolution.

Vice Mayor Wengert asked what would happen if we're ready to proceed with construction and any of the funders haven't come through. She wanted to ensure that the Town doesn't end up in a situation in which at the last minute funds don't come together despite all the good intentions.

Because Prop 12 and Prop 40 funding is issued on a reimbursement basis, Mr. Pegueros said the Town wouldn't receive the biggest piece of the funding until the end. The Little League has agreed to provide funding within 10 days of Council's approval. He said he wasn't sure about the Sand Hill Foundation's timing.

Vice Mayor Wengert said to make sure the timeline works for everybody with the sensitivity toward all the things that could happen along the way between what the donors originally committed to and what they ultimately fund.

Mr. Young pointed out there were bid elements for the batting cage and the dugout roof. The Little League, Parks and Recreation Committee Chair Jon Myers and Town staff met and decided against proceeding with those elements at this time unless private funding is specifically donated for those elements and fully covers them.

He summarized the recommendation:

1. It is recommended that the Town Council adopt the attached resolution authorizing the Town Manager to award the contract for the Ford Field Renovation Project to the low bidder, Jensen Corporation Landscape Contractor, for the base bid project of \$403,888
2. Authorize the Town Manager to approve cumulative change orders up to \$46,005.
3. Authorize the Town Manager to approve additive bid Alternate Items 1 and/or 2 for the batting cage and/or the dugout roof if private funding becomes available to fully pay for either or both of the alternates
4. Authorize the Town Manager to execute the Ford Field Funding Agreement between the Town of Portola Valley and Alpine West Menlo Little League

In response to Vice Mayor Wengert's question, Mr. Young said it had been discussed about using the unspent contingency on one of the bid options, but they have decided to not include it. Vice Mayor Wengert said, then, that the Town may not have to pay anything if we're able to save the contingency. Mr. Young affirmed that, adding that there will be an excess if he can save the contingency, but they wouldn't know about the contingency until the end, when it would be too late to apply any funds to the batting cage or dugout roof. Once the bids are opened, they move that in. The contractors want to conserve money also. Mr. Young said everyone is in a conserve money mode.

Councilmember Aalfs said if there is a surplus, those two things could be done later.

Councilmember Driscoll said they'd hold in the surplus in the books in a special account or something like that so it's available for this.

Town Manager Pegueros said this presents an interesting question of whose money is used first. His priority would be first to use the state funds, then the matching funds by Little League and Sand Hill, and lastly the donations they received, which would be held in a restricted fund.

Mr. Young said if there were any extra funds, the Little League wanted to spruce up the existing batting cage.

Mayor Richards said that answers his question, because the original plan for the batting cage was a new material that wouldn't be quite so hideous. Mr. Young said it was going to be black fencing instead of green painted wood. In response to a further question from Mayor Richards about whether the renovation process would involve removing and reinstalling the batting cage, Mr. Young said no, it would stay where it is.

Councilmember Driscoll moved for Adoption of a Resolution of the Town Council of the Town of Portola Valley Authorizing the Town Manager to Award a Contract for the Ford Field Renovation Project #2011-PW02B and Enter into the Funding Agreement with Alpine West Menlo Little League (Resolution No. 2586-2013). Seconded by Vice Mayor Wengert, the motion carried 5-0.

(10) Recommendation by Town Manager: Approval of new Job Description and Salary Range for the position of Deputy Town Planner [9:17 p.m.]

Mr. Pegueros said that in January 2013 he brought a proposal for a Planning Director job classification to the Council in the ongoing effort to provide for a successor when Mr. Vlasic retires in December 2014. They went through recruitment but for a variety of reasons no Planning Director was hired. An opportunity has since arisen to reevaluate and reassess the situation, he said, and he's now asking the Council to authorize the creation of Deputy Town Planner position.

This position would allow hiring someone with less management experience, inasmuch as Deputy Town Planners are typically at the early stages of their careers. For that position, Mr. Pegueros believes he'd be able to identify a candidate and make a selection soon if the Council approves. It is a management role, he noted, but it is technically a very strong planner.

Councilmember Derwin asked how the Deputy Town Planner job differs from those of Leslie Lambert (former Planning Manager) and Mr. Vlasic (Town Planner). Mr. Pegueros said it recognizes that at some point the Deputy Town Planner would be considered for the Town Planner position when Mr. Vlasic retires, or perhaps sooner.

Vice Mayor Wengert moved for Approval of new Job Description and Salary Range for the position of Deputy Town Planner. Seconded by Councilmember Aalfs, the motion carried 5-0.

(11) Recommendation by Town Manager: Adoption of Revised Compensation Plan for Town Staff [9:21 p.m.]

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting the Employee Compensation Plan Including a Modification of the Salary Schedule and the Creation of a Benefits Schedule (Resolution No. 2587-2013)

Mr. Pegueros said the Town's personnel policies provide for creation of a compensation plan. The Council adoption of a salary schedule fulfills that requirement in the personnel rules, he said, but one of his challenges has been having no written document to rely on, which is challenging for policymakers when the Council asks about Town's benefits and where we might have room for changes to contain

costs. It's a challenge for management because we don't have a document to rely upon, and most importantly, he said, it's a big challenge for employees because they don't really know what the Town has established other than what's transmitted by word of mouth. Mr. Pegueros thus proposed adopting a comprehensive compensation plan that includes both the existing salary schedule and a benefits schedule, which is based on documents that already exist with a few exceptions:

- Cafeteria Flexible Benefits Plan: This provides employees with greater control over their benefit package. The Town would provide an allowance that the employee could use to select a plan. In this provision the employee could make a contribution to a flexible spending account (FSA) or deferred compensation account (DCA). From a management perspective, the most valuable part of this proposal would be the opportunity for employees to opt out of Town-paid medical coverage if they have coverage from another source. He said he hasn't asked specific employees about whether they would take advantage of FSAs/DCAs, but three vacancies will be filled within the next three months, and it's possible that new employees would take advantage of these options in addition to existing staff.

If the employee provides proof of insurance from another source, the Town would pay them roughly 50% of the benefit cost as an incentive for him/her to make that choice. The Cafeteria Flexible Benefits Plan also would create the opportunity for employees to use pre-tax dollars (versus post-tax dollars) if their premiums exceed the allowance amount. One employee opting out of the medical program would save the Town between \$8,000 and \$10,000 annually.

- Public Employees' Pension Reform Act of 2012 (PEPRA): The proposed benefits schedule incorporates the PEPRA adopted by the state effective January 2, 2013. Although it's not something the Town has any control over, the new benefits schedule effectively creates a less generous pension program for new employees. The way the legislation defines new employees is something only a government could create, Mr. Pegueros said. When we hire an employee, we are obligated to perform a test to determine whether that employee is truly new to the CalPERS system. "Truly new" means someone who's never worked for a CalPERS agency or hasn't worked for a CalPERS agency in the last six months.

The 2% at 62 benefit represents roughly a 35% reduction in pension benefits for an employee who would retire at age 55. That differential from the current plan, which is 2% at 55, and the 2% at 62 plan for new employees eventually goes to zero. In other words, as the employee approaches age 67, there's zero difference between the two programs. However, there is an incentive for the employee to work longer, with their retirement at 62, he said. Additionally, the earliest retirement age, which is now 50 years, is 52 years under the new system. The new rules also would require employees to pay roughly 7% of the contribution for the cost of the pension program.

Mr. Pegueros estimates that this new legislation alone would result in \$15,000 in savings to the Town over the next year.

- Adjust Salary Range via Consumer Price Index: Mr. Pegueros noted that this increase doesn't automatically increase employee salaries. It applies strictly to the range and is intended to keep the range competitive with the market in this area. Next year, as has happened each year prior, we will be presenting a budget that makes a recommendation on employee salary changes for next year. Salary changes are merit-based.

Vice Mayor Wengert asked why the low end on the proposed salary range wasn't adjusted. Mr. Pegueros said it's because situations in which an employee is very junior, very entry level would warrant that.

Councilmember Aalfs moved to approve the proposed compensation plan as presented. Seconded by Councilmember Driscoll, the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(12) Reports from Commission and Committee Liaisons [9:19 p.m.]

Councilmember Driscoll:

(a) Planning Commission

Although he did not attend the Planning Commission meeting, Councilmember Driscoll said it was covered in the staff report.

(b) Architectural and Site Control Commission (ASCC)

Councilmember Aalfs also attended the ASCC meeting on April 22, 2013.

Councilmember Aalfs:

(c) Nature and Science Committee

The Nature and Science Committee discussed the Math Project and Flight Night. There was a question of a sponsor for Flight Night, which is scheduled for June 1, 2013.

Councilmember Derwin:

(d) Firewise

Mr. Pegueros, who also attended the last Firewise meeting, reported that the Woodside Fire Protection District Fire Chief Dan Ghorso gave a visual demonstration of Rapid Notify, is a reverse 911 emergency communication system. Issues have been resolved the system can be used today if we need it. Councilmember Derwin said Rapid Notify would be used on May 3, 2013 for the Woodside Glens evacuation.

Councilmember Derwin said the High Fire Danger signs would be put out starting in May. The chipper schedule has been released – the first chipping date is May 8, 2013.

She said there was some discussion about merging CERPP with Firewise. Mr. Pegueros said the CERPP Board meets quarterly and there was discussion to merge CERPP and Firewise since the players likely overlap, but there was no resolution.

Councilmember Derwin:

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

The April 11, 2013 C/CAG annual retreat, a once-a-year meeting, included presentations on the Plan Bay Area and MidPen Housing. Councilmember Derwin said it's reassuring when you look at the MTC and ABAG and other planning that's going on in the nine-county region and in San Mateo County, to see how intelligent it is to try to preserve the open space and put the growth along the transportation spine. She said it would be helpful for members of the Ad Hoc Affordable Housing Committee to look at the slides she saw.

She said MidPen Housing talked a lot about why affordable housing is working so well in San Mateo County because they've learned so much from mistakes of the past. The speaker cited things that worked well, including great design, mixed incomes, service-enriched housing and having working families in 65% of their units. He also discussed current legislation in the affordable housing world. It was really impressive, Councilmember Derwin said.

(f) Resource and Climate Protection Committee (RMCP)

At the RMCP meeting on April 17, 2013, PG&E made a 2010-2012 Energy Use and Efficiency Programs in San Mateo County presentation for the SMC Energy Strategy update. Councilmember Derwin reported that electricity usage is trending down but gas usage still needs work.

There also was a presentation on the San Mateo County Green Star Schools Program. Councilmember Derwin indicated that the Portola Valley School District has yet to submit its data.

RMCP is planning a Climate Adaptation Workshop with Joint Venture Silicon Valley.

(d) Sustainability Committee

The Committee met and discussed:

- The Earth Day Fair scheduled for May 27, 2013, at Runnymede Farm in Woodside
- The Earth Day event The Sequoias
- The Committee budget
- Whether to continue the Acterra High Energy Homes audit program
- The very informative Tuesday Harvest Series presentation on lighting technology redesign, which was well-received

(e) San Mateo County Board of Supervisors

In addition to what she reported earlier, Councilmember Derwin said the San Mateo County Board of Supervisors has appointed an ad hoc committee to name a poet laureate for San Mateo County.

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

Meeting today (April 24, 2013), the HEART Board discussed rolling out of a huge fundraising campaign in the summer and plans for a luncheon to be held in a few weeks. The luncheon topic will be affordable housing, and the Ad Hoc Affordable Housing Committee's outreach subcommittee members (Judith Murphy, Onnolee Trapp and Susan Dworak) were invited. Only Ms. Dworak would be able attend, Councilmember Derwin said, so she would try to get others to join her.

She noted receiving feedback from one of the outreach meetings that it may be inappropriate for her (Derwin) to be serving on the HEART Board. She said she's perplexed by the suggestion that it's somehow conspiratorial for her to be a member of the HEART Board, which she said is a very earnest group that includes people in the building trades, real estate, various developers, business representatives – plus eight city representatives and two from the San Mateo County Board of Supervisors. Councilmember Derwin asserted that HEART does really good work she hopes it can be relayed back through the Committee that the person who made the suggestion is welcome to come to a HEART meeting, and that it's always helpful for the Council to be represented on county committees.

Vice Mayor Wengert:

(g) Bicycle, Pedestrian & Traffic Safety Committee

Meeting on April 3, 2013, BP&TS Committee members were pleased about the bike rodeo held on March 30, 2013. Attendance was strong to start but since it quieted down, they are considering a shorter event next time. Sending League Cycling Instructors (LCIs) out with for each group of kids was very well-received.

This event was a test case for “no parking” signs, which were posted on both sides of Portola Road at Windy Hill, Councilmember Wengert said, and it seemed to work. In fact, she said, no vehicles parked there on Saturday. She doesn't know where they parked, but it wasn't there. They're going to try different approaches on weekends over the next couple of months.

The Committee also:

- Is working with Ranch residents regarding striping and will have an evening meeting coming up in May 2013 in the hope that more people will be able to attend
- Discussed Bike to Work Day, which is scheduled for May 8, 2013

(h) Regional Housing Needs Allocation (RHNA)

Countywide allocations were approved unanimously. Portola Valley's obligation totals 64 units.

(i) Park & Recreations Committee

The Committee met on April 15, 2013. Councilmember Wengert said the Committee has only five members, and although they have great energy, the Committee needs more members. They had a robust discussion on skateboard park and dog park issues. Members agreed unanimously that they wanted to proceed with the skateboard park, but with some disagreement about the dog park, they've tabled that idea.

Mayor Richards:

(j) Cultural Arts Committee

Meeting on April 11, 2013, the Cultural Arts Committee:

- Discussed the Committee budget
- Reported finishing the quilt project
- Talked about the proposed farmers' market and a desire to have food trucks participate

(k) Emergency Services Council

The Emergency Services Council discussed:

- Relocating a 50-foot communications tower at Highway 92, which would be a costly undertaking
- Some city organizations' exercises with CERPP that involve using Twitter

(l) Silicon Valley Association of Realtors (SILVAR)

She attended a monthly breakfast meeting (also attended by Menlo Park Mayor Peter Ohtaki, Woodside Mayor Pro Tem David Burow and new Atherton Councilmember Cary Wiest). It was a question/answer session. There was some discussion about affordable housing and BMRs.

(m) Conservation Committee

The Conservation Committee met on April 23, 2013. Member Paul Heiple has been selected by the Midpeninsula Regional Open Space District (MROSD) to take part in its Imagine Project.

WRITTEN COMMUNICATIONS [10:00 p.m.]

(13) Town Council March 29, 2013 Weekly Digest – None

(14) Town Council April 5, 2013 Weekly Digest

(a) #12 – Email to Town Manager and Public Works Director from Charles Krenz re: Alpine Road Repair Schedule

Councilmember Derwin said a lot of people signed the petition. She understands that San Mateo County Supervisor Don Horsley would meet with Mr. Krenz.

(b) #14 – Letter to the Town Council from Gunther Steinberg re: Concern of Dead Tree/Lumber Removal

Councilmember Derwin said he thought the Fire Department had this matter under control. Mr. Pegueros said they did, but the issue resurfaced and they're getting involved again.

(15) Town Council April 12, 2013 Weekly Digest – None

(16) Town Council April 19, 2013 Weekly Digest – None

ADJOURN TO CLOSED SESSION [10:30 p.m.]

(17) Conference with Legal Counsel: Pending Litigation

Government Code Section 54956.9

Initiation of litigation (one case)

Facts and Circumstances: Illegal removal of significant trees – 18 Redberry Ridge

REPORT OUT OF CLOSED SESSION

Council approved the settlement agreement that resolves potential civil claims of the Town against David Douglass for removal of significant trees in an open-space easement held by the Town. The administrative remedy, including the restoration plan, will continue to move forward.

ADJOURNMENT [10:45 p.m.]

Mayor

Town Clerk