

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 888, OCTOBER 22, 2014

Mayor Wengert called the Town Council's regular meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Craig Hughes and John Richards; Vice Mayor Jeff Aalfs; Mayor Ann Wengert

Absent: Councilmember Maryann Moise Derwin

Others: Nick Pegueros, Town Manager  
Howard Young, Public Works Director  
Leigh Prince, Town Attorney  
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

Wayne Lee, Mayor of Millbrae, said he's running for a seat on the SamTrans Board of Directors, and is seeking support. Prior to being elected Mayor, he said he served seven years on the Millbrae Planning Commission and spent 19 years with the Bay Area Air Quality Management District. He said he's a real believer in transit, and as reliable as our system is, it still has shortcomings as well as financial and service issues. He said he has ideas about an economic way to address the issues, embracing technology and making the system more user-friendly. He contends that public transit should be not just a choice, but the first choice, in getting to work or school, and SamTrans has that potential.

CONSENT AGENDA [7:34 p.m.]

- (1) Approval of Minutes: Regular Town Council Meeting of October 8, 2014 [*Removed from Consent Agenda*]
- (2) Ratification of Warrant List: October 22, 2014 in the amount of \$ 290,650.23
- (3) Recommendation by Town Attorney: Introduce an Ordinance Amending Chapter 15.16, Fire Protection District
  - a) Second reading of title, waive further reading, and adopt an ordinance of the Town Council of the Town of Portola Valley amending Chapter 15.16 [Fire Protection District] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance No. 2014-405)
- (4) Appointment by Mayor: Request for appointment of a member to the Parks and Recreation Committee
- (5) Appointment by Mayor: Request for appointment of a member to the Emergency Preparedness Committee

Councilmember Richards moved to approve Items 2 through 5 on the Consent Agenda. Seconded by Councilmember Hughes, the motion carried 4-0 with the following roll call vote:

Aye: Councilmembers Hughes and Richards, Vice Mayor Aalfs, Mayor Wengert.

No: None.

(1) Approval of Minutes: Regular Town Council Meeting of October 8, 2014

Councilmember Richards moved to approve the minutes of the September 10, 2014 meeting, as amended. Seconded by Vice Mayor Aalfs, the motion carried 4-0.

REGULAR AGENDA

(6) Discussion and Council Direction: Report from the San Mateo County Sheriff's Office concerning Automated License Plate Readers [7:36 p.m.]

Mr. Pegueros noted that Council packets include reports from the San Mateo County Sheriff's Office and the Northern California Regional Intelligence Center (NCRIC) on Automated License Plate Readers (ALPRs). After considering that information and hearing public comments, he asked the Council to provide staff direction as to any actions to take going forward. He introduced Sheriff's Department Captain Mike Sena, who serves as NCRIC Director.

Capt. Sena indicated that NCRIC promotes collaboration and improved communication among 23 law enforcement agencies throughout the Bay Area to develop good policy that also enhances civil rights and civil liberties programs within the law enforcement community. Capt. Sena said he'd provide an overview of the ALPR technology and explain what it does and how it's used. He also introduced NCRIC IT Manager Brian Rodrigues, who could answer technical questions.

With records management systems that facilitate information-sharing, law enforcement is better able to understand and address vulnerabilities in various communities he said. ALPR provides some of that previously unavailable assistance, which contributes to gathering and cross-referencing information more quickly and processing crime scenes more efficiently. Considering the rate of vehicle thefts, officers often drive by stolen vehicles because they can't possibly memorize so many license plate numbers, but they can determine within seconds whether a suspicious vehicle may have been stolen by entering its license plate number. The system also can help determine equally fast whether a license plate on a vehicle involved in a crime has been stolen, whether it's involved in an Amber Alert or missing-persons report, or is part of an investigation, Capt. Sena said. Because the information gets into the system so quickly, he said officers are often more able to catch people who have stolen cars while they're still in the vehicle, as opposed to after they've stripped and trashed or burned them.

The system also improves law enforcement's ability to work with partial-plate information, a process that can otherwise take days. Capt. Sena noted that that he got interested in this technology in 1997, when he was investigating a child kidnapping, and it took nearly a week to get data from the DMV based on the partial plate information he'd submitted. If that happened today, he said he might have a list of plates to examine within minutes, and hopefully save lives.

Capt. Sena emphasized that systems themselves are not tied to Department of Motor Vehicle (DMV) records. ALPR technology indicates neither vehicle ownership nor registration, so none of that information is available unless further research is warranted, he said. He added that even when rented vehicles are used in the commission of a crime, the ALPR data gives law enforcement a starting point.

In terms of privacy concerns, Capt. Sena said a Privacy Impact Assessment (PIA) preceded any use of ALPRs. The data law enforcement sees is anonymous, he said. Owners of license plates are in a different database. However, if they know where a crime has occurred, they have a place to start with looking for license plate numbers to help locate witnesses or identify suspects. Another privacy protection is the fact that only law enforcement officers have access to the data. The one exception, he said, which has yet to occur; license-plate information may be shared with victims or potential victims with instructions to call 9-1-1 if they see the vehicle.

Data storage policies vary across the country, Capt. Sena said. New Jersey, for example, may keep records for as long as five years, while in Vermont, it's 18 months. According to Capt. Sena, many partner

agencies in California, primarily sheriff's offices and police departments, purge records after only four months, and the California Highway Patrol keeps them only 90 days. NCRIC policy permits record retention per the partner agency guidelines or up to one year – whichever is shorter – unless a reasonable suspicion has been established that the vehicle identified by the ALPR read is connected to criminal activities.

Among other privacy-protection features Capt. Sena enumerated:

- Data cannot be sold to any private entity
- Data may not be used to monitor activities related to the exercise of First Amendment rights
- Only specifically vetted individuals have access to ALPR data
- Case numbers are required to access ALPR data (i.e., the request relates to an open investigation) and the case must meet one of six other criteria (locating wanted vehicles, locating subjects under investigation or with outstanding arrest warrants, locating subjects of Amber Alerts or Silver Alerts, and protecting critical infrastructure)

Turning to the technology, Capt. Sena said ALPRs are optical cameras, infrared for night-time use. They don't illuminate subject vehicles; they just take pictures. When the picture enters the database, it notifies the law enforcement officer who's approaching that vehicle whether the license plate is associated with a wanted subject. The picture also becomes available to investigators who may have a license plate number but only a vague vehicle description. However, Capt. Sena stressed that officers must visually verify the accuracy of the record. As Capt. Sena pointed out, it's not just the technology but the people who make it effective – people trained on the proper use of the system and privacy policies.

Capt. Sena said that Piedmont has installed 37 ALPRs since last November. It's one of the largest installations he's seen, he said, but shows a small microcosm of what the system can do. In eight months, Piedmont reported an overall drop in crime of 35%, while the number of armed robberies decreased by 88% (from eight to one) and burglaries were down by 53% (from 70 to 35). Piedmont Police Chief Rikki Goede told him the only thing she'd do differently in terms of the ALPR is emphasize use of VLPRs (Vehicle License Plate Recognition System) in officers' vehicles more than the ALPRs in fixed locations, Capt. Sena said. He also said that Piedmont reported a 40% closure rate on crimes reported during that eight-month period.

Mayor Wengert asked how many other Bay Area communities have adopted the technology. Mr. Rodrigues said at least 40 cities are using ALPRs. Capt. Sena said that Piedmont's the only one doing it at all city entrances and exits, but other places have invested more in mobile deployments of the technology. He also noted that while the people of Piedmont wanted something done about increasing crime, some of them objected to ALPRs on the basis of privacy issues, the Police Chief reported two weeks ago that the opponents now believe privacy concerns have been addressed and crime has been reduced without having to put more police on the streets.

Councilmember Hughes asked for elaboration on the issues of protecting the public during special events and increasing situational awareness, and protecting critical infrastructure. Capt. Sena said if some type of suspicious or criminal behavior occurs during an event, the ALPR system enables identification of any vehicles that may be associated with an investigation for terrorism planning and support. Likewise, terrorism may be a factor in crimes committed at critical infrastructure sites – such as fiber optic cables that were cut or crimes involving power grid or water treatment facilities – and the ALPR can identify vehicles in the vicinity at the time.

In response to another question Councilmember Hughes posed, Capt. Sena said about one in 1,000 vehicles produces a hit on which officers can follow up.

In terms of “watching the watchers,” Councilmember Hughes – getting assurances that the system is being used properly and as it is intended – asked what is done to ensure information that is audited is entered accurately. Capt. Sena said the information, including case number, goes to the command staff, who randomly sample what is submitted. Mr. Rodrigues said those random samples are pulled at least once a month across jurisdictions; in addition, the information entered is reported back to the partner agency involved for review and follow-up.

Councilmember Richards asked the primary reason for recording and retaining information. Capt. Sena said it’s for the investigation purposes and making connections with incidents that may not otherwise seem related. He said it can help redirect or reinforce an investigation.

Mayor Wengert asked how effective ALPRs would be in solving burglaries in Portola Valley, particularly in light of the fact that it probably would involve mostly license plate numbers that have already been entered into the system from major thoroughfares elsewhere in San Mateo County, and would have to be sifted to exclude residents, employees and others who come to Town on a regular basis. Capt. Sena said that the data would be winnowed down by referring to certain time windows on specific dates.

He also noted that even though the license plate information would give officers a quicker start, it doesn’t take the place of investigation; the officer must tie a suspect to the vehicle and to the location of the crime before the suspect can be prosecuted.

Councilmember Hughes asked whether each agency carries its own data. Capt. Sena said that NCRIC collects data from all the locations, in part because the analytical tools only work when all the data is in one depository, and in part to ensure the 12-month purge – again, data tied to a specific criminal activity being the exception.

In response to Councilmember Hughes, Capt. Sena said in a small number of instances, NCRIC shares information with the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS) or National Security Agency (NSA) for criminal investigations. FBI, DHS and NSA requests typically involve specific license plate numbers, he added.

Councilmember Hughes also asked whether Portola Valley could specify a shorter retention period than the 12 months. Capt. Sena said they could honor specifications less than 12 months, but the more time they shave off, the less the ability to tie a plate to other criminal activities.

Mr. Pegueros indicated that Nadia Kayyali, representing the Electronic Frontier Foundation (EFF), is available to answer questions.

Ms. Kayyali said she wanted to make a couple of points. She emphasized that the data being collected is incredibly revealing. Although it’s easy to say, “It’s only license plates,” that’s basically the same argument the government makes under Section 215 of the Patriot Act about collecting phone numbers we dial. She said this data can be used to find out a lot about people’s lives. A year’s retention period is a long time, she added, and the longer the data is kept, the more revealing it is about where people go in their vehicles. She also said location data is invasive enough that the Supreme Court decided in *U.S. v. Jones* that it’s covered by the Fourth Amendment.

According to Ms. Kayyali, it’s also important to consider the arrangement under which this data would be collected. Once transmitted to NCRIC, she said, you’d lose control of it. She said concerns about data being shared with federal agencies are very real. As she explained, NCRIC is a fusion center, connected with DHS in collaboration with local law enforcement, and with federal employees onsite. She said she believes the Joint Terrorism Task Force is also housed at the fusion center.

As for the technology itself, she said she was happy to hear NCRIC acknowledge the technology is imperfect and can read license plates incorrectly. She also pointed out that if the data is used to create

hotlists, even though a license plate itself is not cause for a traffic stop, appearing on a hotlist might give law enforcement an incentive to find another a reason to stop a vehicle if its plate appears on a hotlist.

Councilmember Hughes asked for clarification about the court case Ms. Kayyali cited. She said she referred to U.S. v Jones in terms of the privacy location. In January 2012, the Supreme Court ruled that attaching a global positioning system (GPS) device to a vehicle and using the device to monitor the vehicle's movements constitutes a search under the Fourth Amendment. The Court did not resolve the question of whether the search was reasonable in this case, and although a valid search warrant would have made the evidence admissible, the search warrant issued had expired.

She cited another case relating to ALPRs specifically. In May 2013, EFF and the American Civil Liberties Union of Southern California (ACLU-SC) filed suit against the Los Angeles Police Department and Los Angeles County Sheriff's Department over their failure to produce records related to the use of ALPRs in violation of the California Public Records Act. Ms. Kayyali said the law enforcement agencies wouldn't release the data on the grounds that it would reveal too much information about investigations – which, she said, pretty much indicates that every license plate in their database is potentially under investigation.

Mayor Wengert asked for comments related to previous discussions that included San Mateo County Sheriff's Department Lieutenant Tim Reid, Vice Mayor Aalfs, Councilmember Hughes, Ms. Prince and Mr. Pegueros.

Councilmember Hughes said their discussions made it obvious that the real-time aspect of ALPRs and hotlists wouldn't be particularly useful in Portola Valley because we have so few patrol cars out and available to respond. Instead, ALPR data would more likely be useful as an investigative tool. His concern is with the record-retention period in the context of privacy protection, he said.

As he reads the Los Angeles action involving the ACLU and EFF, Councilmember Hughes explained, the judge apparently didn't consider the ALPR records exempt from public records request through being official information, nor being investigatory files, nor being necessarily investigatory records; but the reason he didn't grant the request to release the ALPR data was because it involved identifying locations of mobile cameras. Councilmember Hughes said if we're talking about fixed-location cameras, and they aren't investigative records, and public money is being used to collect non-privileged, publicly available information about vehicles on public roads, there's reason to believe the information would be discoverable under a Freedom of Information Act (FOIA) request. Thus, he said whatever safeguards NCRIC might have in place, a successful FOI lawsuit could undo all of them and make whatever data exists suddenly available publicly and subject to use for nefarious purposes.

From an investigative standpoint, Lt. Reid said ALPR data could help combat the crimes that occur in Portola Valley, particularly burglaries. Despite an apparently higher level of awareness due to postings on PV Forum, he said those crimes are down somewhat this year compared to 2013, but 2013 was much higher than 2012, when the spate of burglaries was like locusts coming through Town. If ALPR data had been available then, he said, researching those crimes would have been much more efficient and reduced investigation time. He said to have that ability would be huge for the Sheriff's Department.

Shawn Smith, Possum Lane, said that as founder and director of Vigilant Solutions, the largest supplier of license-plate-recognition technology to law enforcement agencies in the U.S. as well as other parts of the world, he is quite familiar with ALPR technology. In terms of the Supreme Court case cited, he said, it involved an officer taking information from a GPS tracking device that had surreptitiously been placed on a car, which is very different from having fixed ALPR installations on Alpine Road and Sand Hill Road. The Supreme Court has not ruled anything about search warrants being needed to scan license plates, he added. Mr. Smith said the sensitivity in the other case mentioned is that when an officer is in a car with ALPR capability, every time that officer scans data it creates a record of where his or her car is. Overlaying that kind of data to create a heat map of where those cars have been makes it possible to discern and predict policing patterns.

According to Mr. Smith, the technology does a lot of good, and sometimes can be used even to identify vehicles that are speeding. The readings aren't legally enforceable or grounds for writing tickets, but they can help officers keep an eye out for those that are being driven too fast.

Commenting on the CHP's 90-day limit on records retention, he said it's not what the CHP wanted, but it was stipulated in the funding package for its ALPR equipment.

Resident Slawek Wojtowicz asked whether the Sheriff's Department had tried using this technology in Portola Valley without the Council's permission. Lt. Reid said he was mistaken in failing to inform Mr. Pegueros when he set up the ALPR devices. Mr. Pegueros said it wasn't illegal or any violation of Town policy; Lt. Reid simply didn't ask in advance. Mayor Wengert affirmed that the incident triggered this discussion, but it's the first time the Council has discussed it.

Tom Robertson, Cervantes Road, said a witness recorded a license plate number associated with a forced break-in at a neighbor's house, and a week later, law enforcement saw the plate on a car and subsequently arrested a suspect. He said that's a pretty good story regarding the value of ALPRs.

As a photographer who's interested in cameras, Virginia Bacon, Golden Oak Drive, asked what the ALPR devices look like, how they're mounted and secured, and what protects them against vandalism or hacking. Capt. Sena described the optical infrared cameras, the lenses and boxes that hold them. He said the cameras aren't high-resolution devices, but they capture the letters and numbers on a plate, digitalize the image, encrypt the data, add an expiration date and transmit the data via internet.

In response to a further question from Ms. Bacon, Mayor Wengert said one of the ACLU's recommendations is that no data captured is analyzed unless a clearly identified incident justifies its use in an investigation. She noted, too, that the Town would not have access to the data. Capt. Sena confirmed that the law enforcement agency in the jurisdiction involved is the entity that owns the data, and can direct its removal from NCRIC's records.

In response to a question from Noura Bouzeid, Lt. Reid said one reason they don't advertise where fixed-location readers are placed is to minimize the chances for vandalism.

Vice Mayor Aalfs asked whether the Sheriff's Department plans to set cameras up throughout the County. Lt. Reid said the short answer is yes. Capt. Sena said they're talking to Woodside as well as Portola Valley, and San Carlos is leaning more toward mobile ALPRs than cameras in fixed locations. Menlo Park, Redwood City, San Mateo and Daly City have deployed mobile ALPRs.

Councilmember Richards said the fact that ALPRs use "pretty cool technology" may be part of the problem the Council is grappling with, but he cited four issues:

- He's not convinced about the efficacy of the system, especially the way it would probably be set up in Portola Valley
- Like Councilmember Hughes, he's concerned about public records access
- The Town has no influence over the San Mateo County Sheriff's Department's policies and would have no control over the use of data obtained in the Town; despite great respect for the department with the current administration, he noted that the circumstances could change in the future
- With the explosion of data and surveillance from varied sources, ALPRs may be another chink in the armor of civil liberties

He said if Portola Valley ultimately decides to go forward with this technology, he'd be interested in close control of data and a very short retention period.

Councilmember Hughes said he agreed with much of what Councilmember Richards said, but doing the best we can in terms of public safety and crime prevention is also important. In the tradeoff, he's thinking about how to put together a system that would be beneficial but minimizes the compromises in terms of civil liberties. He said he appreciates the substantial time, thought and effort that NCRIC put into building a set of policies, but technology moves so fast it's hard to keep up. He considers the question whether the data is public record still undecided, he said; we don't know where that issue will go. Whether NCRIC or the Sheriff's Department decide to change any policies or a court ruling forces changes, the Town would have no control over the data and very little input into the decision. For those reasons, he'd favor the shortest possible retention period – the amount of time it takes to check it against the hotlists unless there's a match, or a couple of weeks for the Sheriff's Department to sift out data relevant to active crime investigation files.

Mayor Wengert said she'd assumed the Town would have more control. Councilmember Hughes said the amount of control shrinks as the complexity of the system grows. Even if we could tell NCRIC or the Sheriff's Department to delete records, we couldn't be sure a record hadn't already migrated somewhere and is being retained outside the system – for instance, if a record went to the Internal Revenue Service. Nor do we know what happens to data that's pulled up in response to a database query.

In terms of other agencies receiving data, Capt. Sena said the system logs queries, which shows NCRIC who requested the information, what the requestor looked at and when, and where the data went. Councilmember Hughes said that might work for discovery after the fact if a particular problem arose with specific data that got out, but you'd have to look for it in the first place to know. Mr. Rodrigues said that the retention period for data collected in Portola Valley would be spelled out in the Town's agreement with the Sheriff's Department.

Vice Mayor Aalfs said the Piedmont example shows a clear benefit in ALPR use, also noting the network effect, as when the case Mr. Robertson spoke about was solved because San Francisco has ALPRs. In that vein, he said other communities would appreciate the reciprocity. At the same time, he said, there's a clear risk involved in using ALPRs, and we'd have to be prepared to deal with the possibility of information going somewhere we don't want to go. In this case, according to Vice Mayor Aalfs, the question is, "Which is the right thing to worry about?" At the moment, he said he leans toward protecting privacy, but it's not a question he's really ready to answer.

Councilmember Richards said in terms of reciprocity, if our data goes to NCRIC, anyone authorized to do so can query it. It's not kept in isolation.

Councilmember Hughes said although it's very unlikely, our movements can be watched with ALPR technology. The potential is there. Mayor Wengert said it's more likely to happen with our phones.

Mayor Wengert said she shares the concerns that have been expressed, but she weighs that against the likelihood of a higher crime rate in the years ahead. She also said she takes into account Vice Mayor Aalfs' observations of the value of being part of a network with other communities. With communities changing and economic disparity growing, she said, Portola Valley is a tempting target for burglaries and robberies. She said she found ACLU's recommendations on how to manage the systems well-articulated, and that would be the direction she'd take – but first, she's very sensitive to being certain we understand what the Town's residents want, because in the end, it's a balancing act among all the issues for all of us. For that reason, she said she'd favor having staff do some additional work to evaluate the community's thoughts. What we see anecdotally on the PV Forum comes in on both sides of the issue, she said.

Councilmember Hughes said the letters in the Councilmembers' packets bear out her last point. Of the emails submitted prior to the Council meeting, three fell into the pro-ALPR camp (Jon Goulden, Corte Madera Road; Donald Perryman, Wayside Road; Sue and Gene Chaput, Alamos Road), one was pro-ALPR with stipulations (David Duff, Alpine Road) and one was opposed (Karen Vahtra, Hillbrook Drive).

Ms. Bacon said n she'd hate to see a system take the place of the neighborliness that's one of Portola Valley's most important features, and the fact that residents try to help one another.

Mayor Wengert said it would seem appropriate to take the issue to the next step, particularly in regard to community input. Mr. Pegueros said one of the most challenging aspects is the complexity of the issue, so it might make sense to hold a couple of community meetings to discuss it, and then poll those who attend. If the Council agrees, he said it would be helpful to have two Councilmembers to serve as liaison.

Councilmember Hughes said he wouldn't be ready to consider deployment of ALPRs as a next step, but he would favor open discussion with the community. Councilmember Richards said he'd also want a better read on how effective ALPRs would be in Portola Valley's situation. Councilmember Hughes suggested that NCRIC may be provide concrete examples or simulations that might help us evaluate what the system can do in a situation that's likely to occur in Portola Valley.

Councilmember Richards suggested considering a trial period. He'd also favor gauging public sentiment.

Because they've been involved in discussions previously, Mayor Wengert asked whether Vice Mayor Aalfs and Councilmember Hughes would work with Mr. Pegueros. They agreed. She thanked Capt. Sena, Mr. Rodrigues, Lt. Reid and Ms. Kayyali for coming to the meeting.

In summary, the Town Council directed staff to seek additional community input in an effort to better assess public interest in ALPRs. Staff will organize two community meetings to give residents the opportunity to hear from Sheriff's Office representatives as well as representatives from the EFF and ACLU, if available, Councilmember Hughes, Vice Mayor Aalfs and Town staff. Input from these meetings will be brought back to the Town Council.

(7) Recommendation by Public Works Director: Policy and Register of Priority for Tree Removal  
[9:24 p.m.]

Mr. Young reported that after discussing a proposed policy for hazardous tree and shrub removals on Town-owned lands and rights-of-way (ROW) at its October 8, 2014 meeting, the Town Council directed staff to update the proposed policy with feedback incorporated and return to the Council with two lists:

- Trees that pose imminent threats to public safety, including those likely to take out power lines
- A short list of potentially hazardous trees to be removed, indicating priority order and location of each

Mr. Young said after further discussions with staff and members of the Trails and Paths and Conservation Committees, he and Fire Marshal Denise Enea drove through Town to view the trees. Just yesterday (October 21, 2014), they spent several more hours on another drive-through with PG&E's Government Relations Representative Bill Chiang and well as PG&E's arborist and a contractor, to identify the trees for each list. They also looked at some trees on private property.

In response to Councilmember Hughes, who noted the absence of any pine trees on the priority list, Mr. Young said the list would be updated from time to time, but the most dangerous pine trees are on the first list. The eucalyptus trees on the short list, in priority order, include one on Grove Drive, eight on Alpine Road and four on Portola Road.

Mr. Young said PG&E made a surprise offer during their visit yesterday: the Town would bear the cost of removing the debris, but PG&E would pay to take down trees that threaten its power lines. That includes nine of the 13 trees on the short list – six of those on Alpine Road (at the Alpine Hills Swim and Tennis Club), two on Portola Road (at Spring Down) and one on Grove Drive – if it can be done before the end of PG&E's fiscal year, which is December 31, 2014. In addition to the availability of funds, the deadline is also driven by a limitation on the number of crews PG&E has to do the work within that timeframe.



Mr. Young noted that there's also potential for huge savings for private-property owners who want hazardous trees removed from their land, because in addition to nine potentially dangerous trees on the ROW, they identified 22 others on private property. Mr. Young also indicated that because PG&E is interested in a collaborative effort that includes the Town, the Fire Marshal and residents, and because time is of the essence, they want to accelerate the process of removing dangerous trees from private property as well as Town-owned lands, and asked the Town to reach out to the appropriate homeowners.

Councilmember Hughes said he'd like to bring the Trails and Paths and Conservation Committees into the loop again, not only due to adding trees on private property to the mix but because PG&E's offer would mean a dramatic shift in the timing previously discussed. At their meeting on October 8, 2014, Councilmembers agreed that trees posing potential threats to public safety over the longer term would be substantially trimmed or removed at the rate of two or three annually, only when sufficient funds were available in the budget. Mayor Wengert agreed; this is not something the Council anticipated; they thought they'd be working slowly on the priority list over a period of several years.

Mr. Pegueros said it's important to distinguish between the two issues here – the first being the policy and the second is the reality that PG&E appears to be ready to take most of these trees out now. In addition, he reminded the Council that Alpine Hills expressed interest in helping pay for removal of two of the trees on the list. Mr. Pegueros said he spoke with Trails and Paths Committee Chair Susan Gold about the new development with PG&E, and she said decisions made by the Fire Marshal, the Town and PG&E are based on imminent hazards, which has a significant bearing on whether the trees should be removed.

Councilmember Hughes said the policy as revised is precisely what he'd hoped to see, and very responsive to the October 8, 2014 discussion.

Councilmember Hughes moved to approve the proposed policy and register of priority for tree removal. Seconded by Vice Mayor Aalfs, the motion carried 4-0.

Ms. Bacon asked how the Town's policy would consider properties such as the California Water Service Company site on Peak Lane. She said she believes CalWater has a Conditional Use Permit (CUP) for its facility but it's on a Town ROW. In an emergency, she said Peak Lane is an alternate access route for getting around Town that might be unavailable if the eucalyptus trees there caught fire. Mr. Young explained that the trees of most concern to the Woodside Fire Protection District (WFPD) are on the main roads, but they can branch out and look into whether the trees on that property pose a threat.

Councilmember Hughes said if we take PG&E up on its offer, we could back out a tree or two if some compelling reason comes to light in discussions with the Committees. Mr. Pegueros said to avoid putting staff in the midst of conflicting Committee recommendations, any objections to the list of 31 trees would have to be aired at the Council's meeting on November 12, 2014. Councilmember Hughes said the policy the Council just approved gives Mr. Young the authority to decide.

Emphasizing that the Council just today learned about the PG&E offer, Mayor Wengert said the information will be posted to inform the community once the Town has a commitment in writing from PG&E. (In an October 23, 2014, memorandum, Mr. Pegueros indicated that this would be an unprecedented opportunity to address these public safety hazards at an estimated savings upwards of \$60,000, funds which would otherwise be paid by individual property owners and taxpayers. He also noted that PG&E has confirmed that the work will move forward but staff does not yet know when the crews will be deployed. Thus, some or all of this work may not happen.)

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [9:06 p.m.]

(8) Reports from Commission and Committee Liaisons

Councilmember Richards

(a) Cultural Arts Committee

Meeting on October 9, 2014, the Committee discussed upcoming Holiday Fair at the Priory and Woodside's Art Committee.

Councilmember Hughes

(b) Nature and Science Committee

For lack of a quorum, the Committee did not meet on October 9, 2014. Treena Diehl, who moved out of Town, said she's spending so much time in East Palo Alto she cannot come to Committee meetings, so she will resign from the Committee but wants to continue to help with future events, particularly if she can bring youth from East Palo Alto along.

He said the Committee is now down to five members: Chair Yvonne Tryce, Andrew Brown, Bonnie Crater, Paul Heiple and Andrew Pierce.

Vice Mayor Aalfs – None to report

Mayor Wengert

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

The major discussions at the October 9 C/CAG meeting concerned the Half Moon Bay Airport, which has been working on a Mitigated Negative Declaration, and an update of PG&E projects in San Mateo County – including the pipeline project in Portola Valley.

(d) Ad-Hoc Water Conservation Task Force

Drought Action Day on October 18, 2014, was well-executed and well-attended. Mayor Wengert said the Committee did a terrific job, with considerable effort on the part of Sustainability and Resource Efficiency Coordinator, *Brandi de Garmeaux*.

WRITTEN COMMUNICATIONS [9:58 p.m.]

(9) Town Council October 10, 2014 Weekly Digest – None

(a) #6 – Letter received from Federal Aviation Administration (FAA) in response to Town Attorney's letter dated September 16, re: Finding No Significant Impact in the Final Environmental Assessment

Mayor Wengert said she liked Ms. Prince's letter to the FAA.

(10) Town Council October 17, 2014 Weekly Digest

- (a) #4 – Letter from Vice Mayor Aalfs to Craig Brandman re: Rescind Appointment of Membership to the Parks and Recreation Committee

Mr. Pegueros said Mr. Brandman's response would be included in the October 24, 2014, Council Digest.

- (b) #9-1 – Memo from Town Manger Nick Pegueros re: Weekly Update – Friday, October 17, 2014

This item advised that Mr. Young was able to get the entire Town Hall connected to the generator. It is up and functional.

ADJOURN TO CLOSED SESSION [10:01 p.m.]

(11) Public Employee Performance Evaluation

Government Code Section 54957  
Title: Town Attorney

(12) Public Employee Performance Evaluation

Government Code Section 54957  
Title: Town Manager

REPORT OUT OF CLOSED SESSION

None to report.

ADJOURNMENT [10:43 p.m.]

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Mayor

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Town Clerk