

facilities for residents, and education of young people. By motion of Councilmember Driscoll, seconded by Councilmember Merk, Council unanimously approved the Proclamation Congratulating the Priory on its 50<sup>th</sup> Anniversary and Father Egon Javor on his 90<sup>th</sup> Birthday.

(9) Opening of Sausal Creek at Town Center

Mr. Vlastic reviewed the staff report of 10/18/06 on the findings and recommendations of the ad-hoc Sausal Creek Advisory Committee. He discussed the background, options considered by the Committee and recommendations as forth in the report (p. 3). Responding to Bernie Bayuk, Paloma Rd., he said risk to children of opening up the creek had been discussed. With input from the Town Attorney, the Committee was satisfied that the liability as well as the risk of hazard were not significant problems and could be handled with appropriate design.

Mayor Toben introduced Committee members present and described the Committee makeup.

George Comstock, Alamos Rd., said he and his wife was enthusiastic about the aesthetics of opening up the creek. It would be a positive step for the Town to recognize natural phenomena, wildlife, plants, etc.

Susan Thomas, Cervantes, said she supported opening up the creek.

Responding to Councilmember Merk, Councilmember Driscoll confirmed that the design plans were consistent with potentially opening up the creek. If the creek was entirely opened, the baseball field would need to be moved.

Councilmember Derwin said she was on the Committee and was very proud of the hard work that went into bringing this recommendation to the Council. She read a prepared statement and discussed the Committee's deliberations. She said her preference was for a full opening of the channel because it would be aesthetically, recreationally, biologically and ecologically preferable to do so and would keep the Town on the cutting green edge because the current trend was toward daylighting creeks. But, she was comfortable with option 2. It was a good starting point, was more practical with regard to the ball field, and still allowed for the full creek opening in the future, which she hoped would be less than 20 years away. Siegel and Strain's drawings of the proposed partial creek opening were absolutely gorgeous—even in the dry season. She thanked everyone who gave up their time and talent to the process. She said it was an honor to be part of the process and a reminder that the ideological divide could be bridged when everyone was willing to give a little.

Councilmember Davis praised the Committee for being able to reach a consensus. Referring to recommendation #1, he questioned what the "process" was that the Council was being asked to initiate and commit to. Councilmember Merk questioned whether the Council should at this point commit to a process without knowing if it would be financially possible. The Council might not know that for 6, 12 or 18 months. Councilmember Derwin noted that Danna Breen had offered to lead the fundraising effort for the creek project at any time.

Mayor Toben said when the process began, there were four options presented. Over the last six months, there had been a winnowing down of those options to the final recommendation to pursue option 2 at the appropriate time. He suggested the Council rule out options 1, 3 and 4 as having been duly considered by the Committee and excluded from consideration. That would allow the Council to timely go forward on option 2 but preclude a rehash of the four options at some time in the future.

Councilmember Merk said he would be willing to rule out option 1, but did not want to rule out options 3 and 4. If the funding came forward to open the entire creek, the baseball field could be moved over even if it was just 2-3 years after the field had been built. Option 3/4 was a possible

second phase of option 2. Councilmember Derwin agreed. She felt the Council could go with option 2 tonight and do option 3/4 in the future.

After discussion, Councilmember Davis suggested merging the Committee's two recommendations—with an overriding statement that the Council agreed with the intent of the recommendations. He moved that the Town pursue a separate design and funding process for, at a minimum, creek opening option 2 with the "bend" variation. While the ball field should not be moved now, plan adjustments relative to utility layout, crossing locations, etc., should be made at this time in anticipation that options 3 and 4 might be pursued at a future date. Councilmember Driscoll seconded the motion.

Councilmember Driscoll said the creek project would require tearing up some of the site in a year or two. He also questioned how long it would take to get the permits and how much it would cost. He thought the motion should include a request to get this costed. If it ended up costing \$2 million to open up the creek, he would vote "no." If it was not much different from the grading that was presently being done, he would be more inclined to do options 3 or 4.

Responding, Jorgen Blomberg, Philip Williams & Associates, said rough estimates had been developed for the options the Committee explored. Option 2 was on the order of one-half to \$1 million. Options 3 or 4 doubled that. The design and technical analysis could be done for the entire reach; that would avoid two different design processes. Responding to Mayor Toben, he said typically, permitting for a project like this was about 6 months. It could often be streamlined because projects like this were supported by the regulatory agencies; a good design would facilitate that process. Mr. Vlasic said a six-month estimate was optimistic in terms of all the environmental review required and the design phase. The design work had to be folded into the environmental document. It could be fast tracked through the permitting process, but it would take some time for design and the Initial Study before the permitting process.

Councilmember Driscoll suggested investigating this in parallel with the notion that when the site was being buttoned up 1 ½ years from now, the creek project could go forward if the funds were there. Mayor Toben noted that the motion did not preclude that possibility.

Mayor Toben pointed out that several members of the Committee were not convinced that it would ever be a good idea to open the creek the full extent of the campus. Going with option 3/4 would require further community comment. The compromise was that the Council would take the first step and see how it played out and determine the community's level of support for this. Going with option 3/4 would have a dramatic effect on the program of the campus, which was already quite congested. It would affect the placement of the ball field, affect traffic, bisect the campus, etc. There had been a considerable amount of resistance to the 3/4 scenario. It was, however, felt that option 2 offered something of real value to the community.

Mr. Vlasic added that the Committee did not feel the creek issue should interfere with everything else that was going on right now; it should come after. If the fundraising for the Town Center was done and in place, then the creek project could have the energy to move ahead. The Committee's hope was that the Council would be ready to go at that point to support further fundraising effort. The Council might want to pursue some of the design efforts now.

After discussion, Mayor Toben said if the Council approved the recommendation in conceptual form, more information would be needed on cost, timetable, environmental review, and the permitting process. Council agreed the item should be agendaized to discuss scope of work, etc., for the creek project. Mayor Toben called for a vote, and the motion carried 5-0.

(10) Resolution Opposing State Proposition 90

Councilmember Derwin said she asked that this item be agendaized after attending Sen. Jackie