

TOWN COUNCIL MEETING NO. 728, SEPTEMBER 26, 2007

ROLL CALL

Mayor Driscoll called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll
Absent: None
Others: Town Administrator Howard, Town Attorney Sloan, Asst. Town Administrator McDougall, Planning Manager Lambert, and Assistant Clerk Hanlon

ORAL COMMUNICATIONS

Bernie Bayuk, Paloma Road, asked for clarification on the \$400,000 that was approved for the creek daylighting project at the last meeting. A couple of years ago during discussions about the UUT, it was stated that those funds, which would become part of the general fund, were not to be used for any capital projects. It was not clear what this "loan" actually was. A loan was made to an entity and had an interest rate and time duration. A loan also had someone responsible for repayment and a plan for repayment that a prudent loan officer would accept. This was not a loan in that category. He asked if the general fund had a surplus because the UUT had passed. It passed by a 4% margin, and there were many voters who voted "no." There was a surplus now, and he asked if the Council could ignore the pledge they made not to use general funds for capital projects. He wanted to know if this was a loan, a grant, or what. Mayor Driscoll said agenda item #6 had to do with the creek daylighting project, and Mr. Bayuk's questions could be addressed at that time.

Mike Houlihan, Alpine Rd., asked whether the Town would be discussing the Phillips Brooks School issue. Mayor Driscoll said there was an article in the weekly digest about this issue which would allow the Council to discuss it later in the meeting.

(1) Proclamation Honoring Rodney Smith

Mayor Driscoll said Rodney Smith had been a very important person to the Town, and the Town wanted to honor him with a proclamation. He read the proclamation and presented it to Mary Smith.

CONSENT AGENDA

By motion of Councilmember Toben, seconded by Councilmember Davis, the item listed below was approved by a vote of 5-0

- (4) Resolution 2363-2007 Approving and Authorizing Execution of a Sixth Amendment to Agreement for Legal Services Between the Town and the Law Offices of Jorgenson, Siegel, McClure & Flegel, LLP, per Town Administrator's memo of 9/21/07.

REGULAR AGENDA

- (2) Minutes of Town Council Meeting of September 12, 2007 (Removed from Consent Agenda)

Councilmember Merk submitted changes to the minutes of the 9/12/07 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(3) Warrant List of September 26, 2007 (Removed from Consent Agenda)

Responding to Councilmember Merk, Ms. Howard said the item in the budget for tree care along the right-of-way (McClenahan, p. 7) was called "tree trimming" and included treatment for sudden oak death.

By motion of Councilmember Merk, seconded by Councilmember Davis, the Warrant List of 9/26/07 in the amount of \$523,724.18 was approved with the following roll call vote:

Ayes: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll.
Noes: None

(5) Resolution in Support of the San Mateo County Sub-region

Ms. Lambert reviewed her memo of 9/20/07 on: 1) the Town's participation in the San Mateo County Sub-region for the Regional Housing Needs Allocation (RHNA) process; and 2) the Town's assigned housing share. Councilmember Davis extended his thanks to Ms. Lambert. Because of her efforts, the number of units allocated to the Town had been reduced from 130+ to 74 during this process.

Responding to Mayor Driscoll, Ms. Lambert said in the past, the numbers had been based on undeveloped land in Town that was not developable. All of the vacant lands had been looked at to come up with realistic numbers. Councilmember Davis noted that the numbers assigned were also driven by employment and transportation. He discussed the role of ABAG and the State in the housing needs allocation process. Ms. Lambert said being a part of the Sub-region helped to reduce the Town's number. It allowed the State to assign one person to review the numbers for all the jurisdictions rather than having different individuals looking at all the different factors. Responding to Councilmember Toben, she said the fact that the Town's Housing Element was not up to date was not a factor in this analysis. Responding to Councilmember Merk, she said she would follow-up on the discrepancy in the memo between the total estimated units for the Town and the number of new units and second units. She confirmed that the projected number of single-family residences included teardowns.

Councilmember Merk questioned whether the Town wanted or needed to trade units with another jurisdiction. There were two lots in Blue Oaks that had been sitting fallow for five years. Ms. Howard said trading the Blue Oaks lots had been one of her hopes when the Sub-region was formed. Through the process, the numbers for the Town had come down, and a trade at this point would probably not be useful. With the trade deadline of 3/31/08, she did not think there would be enough time to negotiate a trade. Responding to Councilmember Merk, she said there would be opportunities to trade during future cycles. The regional approach had been established so that housing could be built in places where it was more needed along transportation corridors.

Responding to Carey Westall, Alpine Rd., Ms. Lambert said ABAG provided a formula that used different levels of incomes. The Town had to have a percentage of units in each level. Having just second units would not be acceptable. Responding to Councilmember Derwin, she confirmed that this was very difficult to enforce, which everyone realized. The Housing Authority expected jurisdictions to do the best they could. Councilmember Davis noted that Portola Valley was one of the few communities that had met their commitments in terms of units in the last decade.

Lorraine Bayuk, Paloma Rd., asked where these low-income houses would be built. Mayor Driscoll said the housing had to represent the spectrum of incomes that was consistent with the region; they were not all welfare cases. Some of them could be teardowns.

Councilmember Merk questioned why the Town would accept 74 new units when it was anticipated that only

61 would be built—especially given current market trends. Ms. Lambert said trends over the last few years had been looked at, and it was felt that these numbers were appropriate. Councilmember Davis said the intent was that the General Plan came close to the numbers. It was annoying to have the number be off by 10-15. But, compared to some communities, it was very close.

By motion of Councilmember Davis, seconded by Councilmember Derwin, Resolution No. 2364-2007 Recognizing the Participation of the Town in the San Mateo County Sub-region for the Regional Housing Needs Allocation Process and Acceptance of the Assigned Housing Share for the Town was approved by a vote of 5-0.

(6) Agreement with Philip Williams & Associates (PWA) for Engineering Design of the Sausal Creek Daylighting Project

Ms. Howard reviewed her memo of 9/26/07 on the scope of work and agreement with PWA for the creek daylighting project at the new Town Center. She said Jorgen Blomberg was aware that the Town was not happy with some of the figures, and staff would continue to work to bring the cost down. She also thought there would be opportunities to reduce the overall cost of construction. She noted that a feasibility evaluation had been added to the scope to see whether the existing culvert could be used for water storage. To meet the schedule, she said it was important to get started on this project. Responding to Councilmember Merk, she confirmed that Exhibit A was the 9/19/07 memo from PWA. Referring to p. 6 of the memo, Phase 2, Task 8, she said she would follow up on the discrepancy over how many sheets/design drawings would be included.

Responding to Mr. Bayuk's earlier question about the funds approved for the project at the last meeting, Mayor Driscoll said the UUT had been lowered last year. The Town received an unexpected check for property taxes from the County right after the election took place. That among other things replenished the Town's reserves, which were now close to \$2 million. The Town was getting a larger amount from property taxes due to the TEA Shift. Once the cash flow issues were resolved from the Town Center project, he suspected that the UUT would be lowered again. The Town was not trying to run a taxation system where huge surpluses were generated. The Town had the funds in the general reserves to cover the creek daylighting project in the event that neither grant money nor fundraising could raise it. The Council was not spending money that could not be identified. The reserves were available if necessary, but the Town was actively trying to raise the money with the fundraising group; they were optimistic about their ability to raise that sum. As Ms. Howard just indicated, staff was looking at ways to lower the cost of the project. The Town had money for the daylighting project in reserves, and the Council did not feel that this was fiscally irresponsible. Those were the grounds under which he voted for the daylighting project at the last meeting. A "loan" had not been approved. A willingness to transfer money to pay these bills was approved in case the other moneys didn't come in.

Councilmember Davis noted that the only potential loan the Town had was the line of credit from the County. To the best of his knowledge, he did not recall the Council agreed that it wouldn't approve a capital project under general funds. It had been agreed to not use money from the UUT for anything other than the specific list of things it was earmarked for such as roads, police, etc. The incremental amount left over from that in the current budget was very small if not negative. The UUT was not surplusizing the Town's general funds. The intent was that the creek project money would be paid back.

Councilmember Merk said people heard the word "loan" associated with the general fund, and it was probably not a good use of the word. It was analogous to lending yourself money from your IRA to do something now and pay it back later. Money was taken from a pie that you wouldn't normally be using for a purpose to do something, get it done, and then put the money back. The same thing was being done with the baseball field. Mayor Driscoll noted that the money was being borrowed from the 2008/2009 budget because the field was being done in 2007/2008. It was a device to deal with the annual budgeting process.

Mr. Bayuk said the baseball field had always been a part of the new Town Center project. Opening the culvert never was; it was a future "maybe." He questioned whether it was prudent for the Council to take the risk and be in a position where the Town would have to pay the \$400,000 if the money didn't materialize. Responding, Mayor Driscoll said if the \$400,000 wasn't spent this year, it would escalate each year and become \$500,000 next year, \$600,000 the year after that, and so on. Additionally, if the money was not spent now, the whole site would be buttoned up and finished. In two years, it would have to be torn up in order to do the creek, which would be more disruptive. The question was whether it was more fiscally responsible and economical to do it at the same time the Town Center project was being done. It was a complicated issue, and there were arguments on both sides. This Council believed it was important enough and there was sufficient public support to fundraise for it, that the project should be undertaken. The Town Center project had also been tackled before any money was raised. There was close to \$2 million in the bank. The Council was taking a small chance, but it was a chance that was covered.

With respect to the creek project, Mayor Driscoll said he had had conversations with C.R. Hodgson and with Mr. Young on finding ways to get the project done more economically. They both had some ideas that would significantly reduce the cost of the project. The agreement with PWA was more of a "not to exceed" number, and there was a high likelihood that the number would come down. He noted that the consultant had had unexpected problems with Fish and Game, etc., in the past and had learned to be very conservative with his estimates.

Councilmember Merk moved adoption of resolution 2365-2007 Approving and Authorizing Execution of an Agreement Between the Town and Philip Williams & Associates. Councilmember Derwin seconded the motion.

Councilmember Toben said he had opposed the motion to proceed with this project at the last Council meeting. His intention was to abstain on this vote, although he wanted the process to succeed. His own view was that the way the financing was being handled was not consistent with the agreement that the Council reached a year ago and not consistent with the consensus that was produced by the Sausal Creek advisory group. That could be debated, but his understanding was that funds resulting from a separate fundraising effort were to be in hand before starting this project. In terms of the Town Center project itself, he said the Council insisted on having \$8 million in hand before Phase 1 was approved. That was a significant stake that reflected the kind of prudence he felt the Council should display in matters of this kind. He thought this would succeed and had a great deal of confidence in the fundraising team, but he was not comfortable with the funding mechanism that was being put in place.

Councilmember Derwin said she appreciated Councilmember Toben's comments. She was very much in support of the project, but this was not the way she wanted it to come down. The information on the daylighting project should have been available last April, so that when the construction deadline came, the funds would have been raised. But, she felt if the project didn't go forward now, it would not happen. There was tremendous support in the environmental community for this project, including endorsements from the Loma Prieta Sierra Club, Committee for Green Foothills, and Acterra, who would help write grants. It was overwhelming how positive this was perceived outside the Town. The Town was on the cutting edge of understanding how important it was to daylight creeks—just like the Town had been on the cutting edge of how important it was to build green. This was so important that the Town needed to assume a little risk and spend the money.

Mayor Driscoll said he would take some of the responsibility for the acceleration of this project. At one of the ADT meetings, he realized how much energy, time and material it would take to button up the site, when it could be buttoned up a different way that would facilitate the creek daylighting project. He had done a little investigation, and Mr. Hodgson had indicated that grading in the creek bed would not cost significantly more than grading without the creek bed. It was all about economy. If it wasn't done now, the landscaping plan/opportunity would be missed and the Town would end up paying for it later in terms of destruction and

the initial cost. There was a window of opportunity to do it now by taking a bit of a risk with general fund money.

Councilmember Merk said there was also the economy of being green. You could build green, but building by its nature was not a green endeavor. It was a very energy-consuming process no matter how it was done. If the site was buttoned up and completed and then torn up to do the creek project, that was not a very green project.

Councilmember Toben said he wanted to offer a cautionary note to the fundraising team about the psychology of donorship. People were less motivated to give money to a project that was already happening. They were more motivated to give to a project if that project wouldn't happen unless they gave. The fundraisers needed to figure out their message in a way that created the excitement to get the project done.

Mayor Driscoll noted that the \$400,000 was just to get the drawings done. This was not unlike awarding the master design contract to Siegel and Strain, which was done well before the Town raised \$8 million. This was the planning process and no dirt would be moved with this money. He said he was looking forward to unleashing Mr. Young and Mr. Hodgson to bring the costs down.

Mr. Bayuk said there was an obligation to the donors who donated to the new Town Center project without a creek. Mayor Driscoll reiterated that this aspect of the project was to grade so a creek could be put in cheaply later; the site had to be graded anyway. The question was whether it could be graded with the contours that would be consistent with the creek so it wouldn't have to be torn up again later on.

Mayor Driscoll called for the question, and Resolution No. 2365-2007 passed by a vote of 3-0-2, with Councilmembers Toben and Davis abstaining.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Improvement Project Update for Robert's Market in Town

Ms. Lambert reviewed her memo of 9/19/07 on the status of the permit processing for Roberts Market. She noted that the Town's Plan Checker signed off on the building permit plans last week. A preconstruction meeting had been held with George Roberts and his contractor on Monday, and the building permit was issued. The next phase would include a CUP amendment, which would include hours of operation and delivery schedules as well as lighting and the parking lot. The application was submitted last Friday. The first step would be a preliminary review with the Planning Commission on November 7. It would go to the ASCC then back to the Planning Commission—possibly at a special meeting due to the Thanksgiving holiday. Mr. Roberts was very appreciative of the Town staff's assistance. Responding to Mayor Driscoll, she said there were a couple of neighbors who had difficulties with John's Market. Their biggest concerns were noise, lighting and the visual aspects of the market. Mr. Roberts's contractor had been meeting with one of the neighbors who recently bought his property and was planning on developing his own new home. Staff's primary concern had to do with lighting, which would be discussed. Notice would be given for all of the review meetings.

Responding to Kirke Comstock, Ms. Lambert said Mr. Roberts was not interested in having a post office substation in the market. However, if and when he decided to develop the back parcel, the issue could be revisited; development of the back parcel was very preliminary at this point. Mayor Driscoll said the paperwork necessary for having a post office substation in your business was voluminous. Councilmember Merk noted that it was also not an attractive business deal. Councilmember Derwin said she wanted to encourage someone to do it.

(8) Sausal Creek Fundraising Project

Alex Von Feldt reviewed the memo dated 9/20/07 on the fundraising and grant pursuit for the Sausal Creek daylighting project. She said about \$150,000 in costs for landscaping would be absorbed by the daylighting project and removed from the Town Center project. As costs and available grant money were understood more, the fundraising group would come to the Council with adjustments. The project consultants indicated that the costs would be less than what had been presented. She discussed grant potential, the fundraising event in November, individual interviews, and scope of the campaign. Mayor Driscoll thanked the fundraisers and offered Council's help.

Councilmember Derwin said some donors were interested in giving only to the creek project—not the Town Center project. There was a subset of people who were still not thrilled with the Town Center project. Danna Breen noted that her list of potential donors consisted mostly of people who had not donated to the Town Center. Ms. Von Feldt said there were currently pledges for \$65,000. She said it would be important to have the visuals before launching the campaign.

Councilmember Davis said it would be important to get a good understanding of the project costs before contacting people. Ms. Von Feldt said the 30% design was a key milestone at the end of November and was needed for grant applications. About that time, the renderings would be available and the event could be held. At the end of November, the fundraisers would have a better idea. In January, the design phase would be complete, and there would be a much better idea.

Councilmember Davis said if there was a possibility of having it covered by grants, donors might question why they should donate. They would want to know how much was really needed for the project. Ms. Von Feldt said by early next year, it would be known how things were going with the private money. The grant money took a long time to come in. The Town had put its neck on the line for the design phase, but the project would not go forward if the money was not secured. Mayor Driscoll noted that the grading of that area for the Town Center project would not start until April or May of next year. Ms. Howard said the target for the bid packages was January.

Councilmember Toben said there needed to be coordination between the Friends of Sausal Creek and the PVCF. Ms. Von Feldt said the PVCF had supplied the Friends with a list of people who had not contributed to the Town Center who they felt would be good to approach. Councilmember Toben said it was essential that there be on-going communication between the teams. PVCF was still hustling for the Town Center project. He wanted to make sure that effort was not disrupted. PVCF had met every other week for the last two years. They were a team of eight, and there were two Council liaisons. There was a lot of coordination about who was asking whom for what. Ms. Von Feldt said the Friends would meet once they had the pictures and discuss what the project was. It would be made clear what had to happen with the Town Center project. The Friends would orchestrate who was talking to whom so paths weren't crossed. Councilmember Toben reiterated that on-going communication and cooperation with PVCF was critical. Councilmember Merk agreed the approach needed military discipline and cooperation on both sides. Ms. Von Feldt said she understood the tone needed to be set from the beginning.

Responding to Councilmember Toben, Ms. Von Feldt said who would be writing the grants was being researched. PWA was providing a list of grantees and contacts. A list of five would be targeted. Grant writers from the San Francisquito Creek Watershed Council and Acterra would be used. She also had inquiries in to see how much a grant writer would cost. Ms. Lambert noted that the JPA had partnered with PWA and the Town on the creekside corridor report and were willing to assist again with the grant writing. She would be holding a meeting on Friday to see what needed to be done to move that forward.

Councilmember Toben noted that the Friends memo included a request for \$2,000 for an event. PVCF had

been put through the ringer when it came to setting up their administrative structure. There were some who were not comfortable about the way that was operated. A very rigorous process had been set up for PVCF to present their budget. Ms. Von Feldt said nothing had been decided yet. She had discussed structure with Ms. Howard who felt checks could be written to the Town but deposited in a separate account. If the Council wanted to use the same budgeting process as PVCF, that could be done. Ms. Breen said costs for printing, etc., might well be underwritten, but there was nothing to go on yet.

Councilmember Davis encouraged the Friends to come back with a plan to ensure the PVCF organization was separate for those who wanted to donate to the creek. Ms. Howard said the fundraising process would be structured the same way it had been for the Schoolhouse. The money would come directly to the Town.

Councilmember Merk moved to approve the request for \$2,000 from the Town to cover the expenses of a brochure printing and one event. Councilmember Davis seconded, and the motion carried 5-0.

(9) Status of Town Center Project

Ms. Howard said almost all of the site was fenced for construction. Grading for the baseball/softball field had begun and would go on for at least a week. Regular construction continued, and windows had been ordered for the community hall. All the parking lot asphalt had been ground to accommodate the ball field, and the fire hydrants had been hooked up. People were enjoying the playground, but it was constricted with the construction fence nearby. Signs were posted showing people how to access the playground. Responding to Councilmember Davis, she said the water line had been broken, repaired, broken again, and repaired. Testing showed that the water was now safe and drinkable. Responding to Councilmember Merk, she said she did not think the pipe for the hydrants had been hand trenched but would follow up to ensure the oak tree was not damaged.

Mayor Driscoll said Mr. Hodgson had plans for the asphalt grindings, which would be used to winterize the area around the back side of the library between the library and the church. Next spring, it would be taken up and used for base rock somewhere else. Nothing was being wasted. The slab for the Town Hall was 1-2 weeks from being poured because the thermal piping had to go in.

Responding to Councilmember Toben, Ms. Howard said the problem with Russ Miller Field had been fixed. They found two breaks in the water line caused by large trucks going over the water main. There had been insufficient water pressure for the sprinklers, and there were dry patches. The Rec Facilities Director thought it would recover. Some of the adult soccer games would be moved over to Woodside.

Mayor Driscoll said there was a trail that passed right in front of the site. In order to put the trail and the parking lot in, the trees would have to be removed. Mr. Strain was reluctant to do that, and he and Mr. Hodgson had discussed leaving the existing parking lot, resurfacing it and leaving the trees. The trail easement would be on the narrow side and fairly close to the road surface. There were plans to put in a fence between the road and the trail in order to provide some separation. It was cramped but a lesser of two evils; the only alternative was to take out the mature trees that were healthy and provided some screening. It was also cheaper to leave the trees and not move the parking lot 8-10 feet. Councilmember Merk confirmed that the equestrians wanted a little fence between the road and trail. Mayor Driscoll said it would be a single file trail for equestrians because of the trees.

Councilmembers agreed it was fine if the trees impacted the trail in a few places. Ms. Howard said once the plan was available, it would be brought to the Trails Committee.

Bill Lane, Westridge, thanked the Council and particularly the Mayor for the tours that were given of the construction site. He and Mrs. Lane felt they were very well done and other people he spoke with thought they were very informative. With regard to fundraising, he said this area was a target for a number of major

fundraising efforts. Councilmember Toben's comments about the competition for two projects that were being aggressively pursued in Town were merited. With respect to the amendment to the Town Attorney's agreement (agenda item #4), he said the legal consultants to the Town had been critical for the volunteer form of government and working with the Town bodies. He said Jim Morton was a hard act to follow, but Ms. Sloan and other people in her organization were very efficient and cooperative. He thanked Ms. Sloan for her efforts.

(10) Reports from Commission and Committee Liaisons

(a) Friends of the Library

Councilmember Derwin said the Friends of the Library had new members. There was a Chilean music event on a Sunday, which was very well attended. It was a prelude to Isabel Allende coming to read in San Mateo on October 11. There was also discussion about their fundraising campaign. There was some question whether they needed to raise \$150,000 and what it would be used for. They would be coordinating with the JPA to determine exactly what they needed to do.

(b) Planning Commission

Councilmember Derwin said the Commission approved the proposed creek setback ordinance, which would go to public hearing on October 17. They also passed a request by AT&T to upgrade their equipment with an additional seven boxes for AT&T Lightspeed; it would be determined later whether the boxes needed landscape screening. Responding to Councilmember Merk, PC Chair Wengert said AT&T had agreed to maintain any screening put in for two years. She added that the Commission also began discussions on how the General Plan should address sustainability and climate change. Commissioners also discussed specific actions the Town could take now that would precede the development of goals/policies. The Commission would be reviewing the General Plan to see which provisions would benefit most from either separation into a new Sustainability Element or cross over with what the Town decided to do. Town Planner Mader had set out a framework for organizing goals and policies, which Commissioners agree on. There was also discussion of specific proposals that would fall under the general policy areas.

(c) Newsletter

Councilmember Derwin said she was working with Julia Dillingham who hoped to have the Newsletter out by Thanksgiving.

(d) Re-election Event for Supervisor Tissier

Councilmember Derwin said she attended a re-election event for Adrienne Tissier.

(e) Committee for Green Foothills

Councilmember Derwin said she attended an art auction organized by the Committee for Green Foothills on Sunday in Los Altos.

(f) Clean and Green Forum

Mayor Driscoll said he attended the Silicon Valley Leadership Group's Clean and Green forum on climate change and projections for 2008. He thought the Town had already done most of the things they were suggesting. CA Attorney General Jerry Brown gave a very entertaining speech and received a standing ovation. As Attorney General, he would be enforcing laws associated with clean air and clean water, including federal laws.

(g) Conservation Committee

Councilmember Merk said the Committee would be holding a broom pull next March. They were very worried about *dittrichia*, which was spreading. Additionally, the Committee would be contacting Mr. Young about possibly spraying Agri-Fos on the two oak trees at the top of Coal Mine Ridge and the Ranch on Town land.

(h) Emergency Services Council

Councilmember Merk said there would be a microwave test on the first Tuesday of every month. A Golden Guardian exercise would be held on November 14 during which radio communications between San Mateo County and Santa Clara County would be tested. The County would also be approaching the cities and towns to come up with a plan for cooling centers during extended hot spells. Emergency Preparedness Day would be held at the County Expo Center this weekend starting at 10.00 a.m.

WRITTEN COMMUNICATIONS

(11) Town Council 9/14/07 Weekly Digest

(a) Data Sharing Consent Form

Referring to the data sharing consent form, Mayor Driscoll said Armand Neukermans from The Sequoias Climate Protection Task Force, had signed the form for the Town. The form authorized BAAQMD, ICLEA and the Joint Venture Silicon Valley Network Climate Protection Task Force to share any air quality data provided by the Town.

(b) Ladera Oaks Improvements

Referring to the letter from Ladera Oaks of 9/6/07 on planned improvements, Councilmember Merk suggested the Town might have some concerns about proposed lighting.

(c) Westridge Drive Sewer Installation Project

Referring to Ms. McDougall's memo of 9/26/07 on the sewer installation project, Mayor Driscoll noted that staff had revoked the encroachment permit and work was stopped for the reasons stated in the memo. Councilmember Derwin said this project had been extremely disruptive to the neighborhood. For at least 3 weeks, an entire stretch of the street was closed. She said Mr. Young had tested the asphalt, and it hadn't passed. Responding to Councilmember Davis, Ms. Howard confirmed there was a bond for the project in the amount of \$400,000. After discussion, the item was agendaized for a future meeting.

(d) County Sheriff's Crime Activity Report

Councilmember Merk said the Town needed a Police Commissioner and someone who could keep in contact with the officers. He said the report continued to include addresses that were not in the Town. Mayor Driscoll said during an upcoming meeting at The Sequoias, the new officer would be introduced. The Town was also working on finding a Police Commissioner.

(12) Town Council 9/21/07 Weekly Digest

(a) Article on Phillips Brooks School Parcel Purchase

Mayor Driscoll referred to the article in the *The Almanac* about the School's purchase of a 10-acre parcel near Portola Valley. He said he and Councilmember Toben met with the Chairman of the Board of Trustees, the head of the School, and their consultant. While they had not contacted the Town, they had contacted the Town Planner six months ago and asked some questions. The intent of the meeting was to find out what the School was planning to do. They explained that they had made this purchase in spite of recently investing \$15 million in the Avy Ave., Menlo Park site. They described this as a long-term process—15 years or so—while they developed plans, raised the money, obtained permits, etc. There was apparently no formal idea of what they were planning to do except possibly move the School there or sell the property. Their consultant indicated that she thought most of the problems were mitigatable. Mayor Driscoll said it was conveyed to them that the Town felt certain aspects of this project were not mitigatable and were insurmountable in addition to being inconsistent with the General Plan.

Responding to Mike Houlihan, Mayor Driscoll said they were very unspecific other than to say that they were not planning on changing their mission as a school. They were expecting to get some value out of the investment in the Avy Ave. site before donating it to the school district when they left.

Councilmember Toben said his questions had not been responded to satisfactorily. Referring to the proposal the School submitted for the Woodside site, he said if those same numbers would apply to this new site, he failed to see how they could shoehorn those parameters into this site.

Mr. Houlihan said if and when the School approached Santa Clara County Planning, it was hoped that the appropriate questions would be asked. He was very interested in what the Town and concerned residents could do jointly in terms of offering advice to Santa Clara County Planning.

Mayor Driscoll said he and Councilmember Toben would be speaking with some of the Supervisors in Santa Clara County and convey concerns. Mr. Houlihan discussed traffic impacts if the project went through. Mayor Driscoll said that had been conveyed.

Bill Lane said this was another example of how *The Almanac* served this community. The investigative reporting had been developed in a very beneficial way for the Town and the other communities the paper served. Having dealt with Santa Clara County quite a bit on the Stanford plan, he felt they would be very concerned about what a school would put down in terms of impervious surface and runoff into the creek.

Councilmember Toben said it was essential that the Town and neighborhood work in very close coordination going forward and continuously assist the leadership in Santa Clara County in understanding the concerns. This was the start of a marathon that would evolve over a long period of time. Mayor Driscoll said he and Councilmember Toben would be investigating the issue and options further. Councilmembers, Mr. Lane, and concerned neighbors discussed the Woodside site/process, traffic, the School's need to find a permanent home, the Town's and Palo Alto's sphere of influence, Arastradero Road, communication with Santa Clara Supervisors, and next steps for Councilmembers and concerned neighbors.

CLOSED SESSION

- (14) Conference with Real Property Negotiator
Government Code § 54956.8
Property: Trevis Parcel #077-212-140
Negotiators: Town Attorney and Town Administrator
Under Negotiation: Price and Terms

- (15) Public Employee Performance Evaluation
Government Code § 54956.8
Title: Town Administrator

REPORT OUT OF CLOSED SESSION: None to report.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Mayor

Town Clerk