

TOWN COUNCIL MEETING NO. 723, JULY 11, 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 Planner Mader, Dep. Town Planner Vlastic, Town Attorney Sloan, Public Works Director Young, Asst. Town Administrator Willis, Planning Manager Lambert and Assistant Clerk Hanlon

ORAL COMMUNICATIONS: None

CONSENT AGENDA

By motion of Councilmember Davis, seconded by Councilmember Derwin, the items listed below were approved by the following roll call vote:

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

- (2) Warrant List of July 11, 2007, in the amount of \$411,330.12.
- (3) Resolution No. 2350-2007 Determining and Establishing the Appropriations Limit for 2007-2008, per Administrative Services Officer's memo of 7/11/07.

REGULAR AGENDA

- (1) Minutes of Town Council Meeting of June 27, 2007 (Removed from Consent Agenda).

Councilmember Merk and Mayor Driscoll submitted changes to the minutes of 6/27/07 meeting. Councilmember Davis submitted changes to the minutes as set forth in his e-mail of 7/10/07. By motion and second, the minutes were approved as amended by a vote of 4-0, with Councilmember Toben abstaining.

- (4) Climate Protection Task Force Reports

Ms. Lambert reviewed the staff memo of 7/3/07 on the Climate Protection Task Force reports to the Council. She noted that the following documents were attached to the staff memo: a) Education and Outreach Committee Greenhouse Reduction Program; b) Building, Energy Efficiency, and Transportation (BEET) Committee's Executive Summary; and c) summary notes from a meeting with local architects to discuss the BEET committee's recommendations.

Councilmember Toben expressed his appreciation to each member of the Task Force for their time, creativity, intelligence and commitment to this work over the past six months. He said the product was something to be proud of and represented an opportunity for leadership by the Town. He said he was eager for the Council to give direction and put this item on a fast track.

Craig Breon, BEET committee, reviewed the executive summary and committee's recommendations, including the recommendation for a mandatory point system for new development and substantial remodels. He discussed: 1) the point system, which would be based on the existing LEED system; 2) timeframe for

implementation; 3) need for staff, ASCC and Planning Commission assistance/participation in the development of the system; 4) desire of BEET committee members to continue the work; 5) need for Town standards to accommodate the new system; and 6) the Town's opportunity for leadership in this area.

Jeff Clark, BEET committee, said there were a number of other areas addressed by the committee, as indicated in the executive summary, such as: a) existing housing stock; b) reduction in carbon emissions related to transportation; c) carbon offsets; d) alternative energy components; and e) educating the Town on what could be done. On existing homes, Mr. Breon noted that Linda Carlson had put together a report and volunteered to lead the program for the first year; a budget had also been put together. He added that transportation was one of the more difficult aspects of climate change to address. The committee's recommendation was for the Town to set goals for reducing carbon emissions and create a program to meet those goals.

Shelly Sweeney and Treena Joi, Education and Outreach committee, reviewed the committee's recommendations and discussed: 1) the committee's mission statement; 2) target audience; 3) three-pronged strategy; 4) timing; and 5) focus areas.

Angela Hey, Metrics committee, said the committee's job was to find methods and data requirements to document greenhouse gas emissions from now going forward. She said Palo Alto's Green Ribbon Task Force's method of measuring energy consumption had been looked at as well as methods used by other jurisdictions and consulting firms to ensure consistency in reporting. Transportation, for example, could be measured in terms of resident traffic, visitor traffic, carpooling, vehicle type, etc. She discussed electricity and natural gas usage for the Town. There were also personal calculators that people could use to see what their energy use was; those would be put on the Portola Valley Climate Protection Website (www.coolpv.com). She noted that there were a number of websites that had news feeds from different publications on climate change and global warming.

Councilmember Toben said it was a very straightforward task to calculate a meaningful number on the community's greenhouse gas emissions circa 1999, which was helpful to gauge improvement. Thanks to the work of Stefan Unnasch and his team, the Town now had the means to track and document the Town's progress over time in a fashion that would provide positive feedback to the residents. It would also serve as useful information to other communities.

Mayor Driscoll asked that Councilmembers be provided with the full BEET report and the report from the Metrics subcommittee.

Responding to Councilmember Davis, Councilmember Toben said the best way to proceed was to tag any significant problems that Councilmembers found in the array of ideas presented. Most of the propositions pertaining to education were straightforward with little cost involved to the Town. The more significant elements, such as a certification scheme pertaining to residential projects, should be discussed. His hope was that at the end of the discussion, the Council would refer the major elements to the Planning Commission/ASCC who could begin to flesh out what might be involved in the eventual implementation of those measures. He confirmed for Mayor Driscoll that the intent was for the Council to decide whether to refer this back to the appropriate committee(s) who could then make recommendations for changes in the General Plan or changes in process.

Councilmember Davis said "mandatory" activities triggered all kinds of transactions such as the cost of tracking, fairness, social values, legalities, etc. Trying to implement very rigid, strict systems, might result in unintended consequences. The comments from the local architects were quite positive but also pointed out some pitfalls of a mandatory system as opposed to an attitude of teaching, instructing, informing and pushing. He would like to talk about what the metrics should be and then have someone come in and argue for mandatory programs. It would add to the confusion early on to start with the intention of an ordinance

rather than the intention of providing tools to help residents when they were in the process of building or remodeling. He preferred to put aside for a year or more the concept of ordinances and determine what the Town wanted to achieve, how to measure it, and how people could help contribute.

Councilmember Derwin said she attended a Green Building Policy Workshop at the Adobe complex in San Jose. Officials from Rhonert Park and Santa Cruz discussed their green building policies. Rhonert Park had a mandatory policy; Santa Cruz had a volunteer system for a year and was going to mandatory. The speakers all felt it was better to start with voluntary incentives and reward people for doing the right thing. It could be ramped up when there was buy in.

Councilmember Merk said there was a lot of information; the ideas from the education and BEET committees were great. But, he questioned if the whole picture was being looked at. As bigger and bigger houses were built and more and more people came to service the houses, that affected the transportation footprint. What was the energy use of a 7,000 sf house as opposed to a 4,000 sf house? What was the carbon footprint of an 800 sf entry that was two stories tall? He agreed that the Town should start with something that was voluntary. One of his concerns about offering incentives like sf bonuses was that the houses would get bigger; that was self-defeating. He would rather see it as, "if you don't do this, you get a 5% reduction." In terms of transportation, the residents didn't have much of a choice other than to drive their cars. He said he didn't want to slow the committee's work down. He would be happy to have the Council address appropriations of funds and have the Planning Commission and ASCC start looking at these things. But, he also didn't want them to start looking at the issues in terms of an ordinance for this or that. The concrete things that could be done and ideas that could be implemented should be looked at first. At least in the beginning, it should be voluntary.

Councilmember Derwin said another point brought out at the workshop was it was best not to try to reinvent the wheel. They recommended that people use LEED or Build It Green/Green Points. Build it Green/Green Points seemed to work better for residential with LEED working better for commercial. Responding to Councilmember Derwin, Mr. Breon said LEED standards covered water as well as building material, etc. It was recognized that 15% of California's electricity was used to move water around the State. Water should be part of the formula.

Responding to SallyAnn Reiss, Mr. Vlasic said the architectural review process included sustainable building and a checklist. There hadn't been an audit in terms of how many projects actually implemented the things that were checked off. Architects were somewhat reluctant to come forward with what had or hadn't been included in the project. As part of the process, there should be some way to complete the audit. It was fair to say that over the year or two that the Town was involved in this, more people were doing it. Carol Borck had done an incredibly good job of making people aware up front of what the Town's expectations were and why it was part of the ASCC review process. It was voluntary, and there was no mandate to do it, but by simply making people aware and using education, a change could be seen—not only in the applications but also in the completion of the projects. The resources the Town had and the information used in developing the committee's recommendations were incredibly helpful. He agreed you did not need to reinvent the wheel, but there were a lot of different measuring systems out there that could be looked at. From a planning standpoint, the logical next step was to look at what a measuring system might be, test it with some applications, and look at what the reactions were from the applicants and design professionals. The architects in Town were encouraging their clients to do more. They were probably as important to any educational process for large residential development within this community as anybody. The interaction between staff and the architectural community in encouraging the clients to do the right thing was moving in the right direction. Most of the development community the Town dealt with was prepared to look at a system—whether it was voluntary or mandatory—and assist. The Planning Commission and ASCC could certainly advise the Council on whether it should be mandatory or not. Structuring this in a more refined way seemed a reasonable and appropriate next step.

Responding to Councilmember Davis, Mr. Vlastic confirmed that the key points made by the local architects at the meeting were included in the meeting notes. Everyone that was involved in this felt personally that this was what the Town should be doing, what they should be doing, and what their clients should be doing. But, the minute you told people they had to do something, there was a negative reaction to that. Ultimately, it might not be a problem because everyone would buy into it at some point. But, this was still a transition period. Most of the people who were doing costly projects in the Town were decision makers and wanted to have control over the system. If you gave them solid information, a good system to work with and something they could resonate with, they would buy into it. They had to be given options and choices.

Councilmember Merk said projects with a photovoltaic system made points with the ASCC. When the project was three-quarters through and people ran out of money, the solar panels disappeared because there was not enough money. If any kind of credit was given for these things when they came in on an application, there needed to be some way of making sure of what was actually there at the end of the process.

Danna Breen said another reason it should come to the ASCC was that the aesthetic of the Town would change as these things were addressed. Siding would need to get lighter, there would be more photovoltaics, etc. Blue Oaks, for example, would have been perfect for photovoltaics, but it would be glaring.

Councilmember Derwin noted that there were three bills that made it through the Assembly and were in the Senate with green building mandatory policies. Ira Ruskin had one calling for all State buildings to be LEED certified gold. Assemblyman John Laird out of Santa Cruz had one that said by 2013, all residential buildings should meet LEED gold standards. And, Ted Lieu of Manhattan Beach had the same for commercial. This was the way it was going, and in 10-15 years, it would be routine. It would be nice to be on the cutting edge.

Mayor Driscoll thanked the group for their time. He said he was 100% for it. At this point, he felt it was appropriate to pass it on to the planning/strategy people to find out what changes needed to happen to encompass this greater and additional goal, and what changes needed to take place in the Town's processes and procedures. They could make recommendations that were more specific and pass it down to the ASCC/tacticians who implemented these things. The Council would review their recommendations in a few months. He did not think the Council should decide tonight whether this was mandatory or not. The Planning Commission and ASCC should be given an opportunity to figure out what they thought the best ideas were since they were the ones implementing and recommending policies for the General Plan.

Councilmember Davis said the education and Website activity didn't really match well with the Planning Commission and ASCC. These were more short-term but would be important in getting people going, which he encouraged. Mayor Driscoll suggested that the Council agree that the education component and recommendations go forward with the committee. Responding to Councilmember Merk, he said the amount of money involved would probably be minor, and he thought the funds could be found. He suggested the education committee take their recommendations and translate them into budgetable actions and return in a couple of months with specifics on costs.

Councilmember Toben noted that the Planning budget for FY 07/08 included funding for green design analysis as described in Town Planner Mader's memo of 6/29/07, p. 3. The BEET recommendations could go to the Planning Commission with money already in the budget. He added that he had been pushing for months to hire an environmental outreach coordinator, which the TOSA foundation thought it was buying with a piece of its grant. That hire had not been made. The coordinator function was central, and he wanted to see it materialize. Ms. Howard had drafted the job description. The person would be responsible in part for showing off the Town Center to residents, school kids, etc. The function would also include things outside of the campus. The tasks were defined, but it was not specified whether it was a full-time position, a

part-time position, a volunteer, or a current staff member with some reallocation of job function.

Mayor Driscoll said the task force could continue moving toward implementation on everything beside the building aspect, which would be referred to the Planning Commission and ASCC for further study and implementation ideas.

Councilmember Toben said at every policy level, the emerging consensus now was that voluntary measures were insufficient to get the Town to the finish line that had to be attained in order to make some meaningful difference in terms of tipping points on climate. There were rapidly emerging notions of regulatory complements or structures that would support market mechanisms, for example, but would go beyond what presently existed in the way of voluntary measures. He had started from a place of some skepticism about mandatory schemes, but was concerned that without some attention early on to that, voluntary measures could prove to be pretty weak tea 1-2 years from now. Development of a useful scheme that would move the Town in the direction of more mandatory measures would be delayed. The critical idea was to make the initial threshold very modest and largely undefined. It was the classic situation where there was the creation of regulatory framework within which lots of innovation could take place. He also wanted to respond to the notion of voluntary measures and the rewards that could be offered. The Town's tool chest was pretty limited with respect to rewards for people who wanted to do the right thing. For example, there had been some discussion of reducing road impact fees if someone voluntarily achieved outstanding performance. There would have to be a nexus between fees and public policy with respect to building green. Road impact fees were the largest fees the Town had in the building permit process, but the nexus between road impact fees and green design was thin. Building fees themselves were very trivial relative to the cost of these enormous projects. Giving someone a reduction of 25% in fees was not much of an incentive. Expedited review had also been discussed. But, the Town was not so bad and it was hard to know just how much people could benefit. Given the magnitude of the problem, the larger trend was moving toward regulatory schemes that were fairly modest in their inception. He thought it was something the Town should consider. He understood that the sense of the Council was somewhere else, but he wanted the Planning Commission to have the benefit of his comments. Councilmember Derwin suggested talking with Rhonert Park if mandatory measures were considered, and she offered to provide contacts.

Mayor Driscoll said the consensus was to refer the building portion of this to the Planning Commission and ASCC for more study and implementation/suggestions. The ad hoc committee should work on next steps to implement some of the educational and transportation recommendations. Further, the Town Administrator was urged to find the right person to be the coordinator as a partial task or additional task for staff members. He noted that these were new goals that were not a part of the 1963 General Plan or any modifications that had happened since. He thanked the Task Force members.

(5) Town Center Baseball Field Backstop Design

Mr. Vlasic reviewed the staff report of 6/26/07 on the baseball field backstop alternate design. He said the ASCC felt the revised design was superior with the adjustments shown on p. 2 of the staff report. He said the options were: 1) complete the working drawings for the modified design; or 2) refer it back to the ADT and/or ASCC for further evaluation. Given the nature of the use of the field, its relationship to other activities and recommended minimum standards, the design professionals did not feel there was a lot of wiggle room in terms of what they could come up with.

Councilmember Merk said he attended both ASCC meetings on this issue and studied the minutes. In no place did he find the term "superior" or any superlative term used to describe this design. The ASCC did not like the first design, and, with the exception of Mr. Warr who had some reservations, they did not like the revised plan. He disagreed with the use of the term "superior" to describe the ASCC's opinion of the revised plan, which he felt was terrible. Mr. Vlasic said the term was only offered in relationship to the first design. The record clearly showed that the ASCC did not give any kind of unanimous recommendation with regard

to the alternate design. There were continuing problems with it, which he thought he emphasized. They had not come together and said this was the preferred design. One was better than the other, but the ASCC had not recommended the alternative design. Councilmember Toben said his reading of the memo was that the alternate design was superior to the former design.

Responding to Councilmember Toben, Mr. Vlasic said the sideline fencing in terms of the distance from the backstop itself did not change in either design. It was 8' tall and the lengths were exactly the same; the gates were in the same location. The backstop elements dropped from 20' to 16' and 14' to 12' at the back. The protective fencing also dropped down. In looking at the plans, the difference in area between the two was roughly a 20% reduction. Responding to Councilmember Derwin, he said the proposed fee for the backstop design was \$15,559 (versus \$17,600) which included the design work completed to date to look at the alternate design.

Mark Lockareff, Parks and Rec Committee, said the Committee had spent 3 years studying the baseball field and backstop. There had been numerous meetings and hundreds of people had been talked to in order to reach out to everyone to gather input. He described the broad range of opinions, which were all over the map. Short of taking a vote of everyone in the community, he said he didn't know whether the backstop was good or bad. The Committee felt that the most important driving factor was safety. He did not want to see any of the facilities shortchanged or compromised because of something other than safety. The game had changed since the 1950s and 1960s; the bats, balls, and kids had all changed, as had the world, which was more litigious. There were more things going on on the site than there were in the past. Plus, there was now a ball field next to the soccer field, a nearby maintenance yard, and a creek. The backstop needed to be sufficient to keep foul balls from coming back over the top and into the maintenance yard or into the creek; some of the foul balls would end up on the soccer field. The new design had an overhang with netting almost all the way across. He questioned whether the netting had to go quite that far out. He felt the overhang could be backed up a bit, which would also enable a catcher to catch a ball that was popped up. Otherwise, he felt the modified plan was a reasonable plan for safety. While more could be done, he did not think a lot less should be done. Mayor Driscoll said he did not think the depth had changed in the modified plan; it looked like it was setback about 6' from home plate.

Dave Polkinhorne, Valley Oak, said he had kids who played in the leagues. While he was not opposed to safety, he did not think it should be the sole design concept. The overall design, aesthetic, open space, and views had to be taken into account and balanced against the safety aspect. This was not a major league baseball park; it was a recreational park for the kids. People needed to be aware of the Town, the area and the usage expected on the field.

Responding to Mr. Silver, Beth Rabuczewski, PVCF, said there were no donations or pledges to date that were contingent upon the baseball field. There were several donors in the wings—including the Little League—who were waiting to see what the design would be before making a determination on whether they would donate to the plan. Some of them wanted a bigger design, some wanted a smaller design. Responding to Mr. Silver, Mayor Driscoll said the design team encompassed people who were experts in architecture, various mechanical systems, plumbing and electricity, as well as a person who was a playing fields coordinator. They had been asked to provide designs that they could sign off on. They had been asked to make the first design smaller, and they indicated that the revised design was about as minimal as they were prepared to sign off on. While the Town could build something smaller, they would not sign off on it. Ms. Sloan added that ASTM (America Society Testing Materials) was made up of a group of architects, engineers and other professionals. They worked on standards for a variety of things. In order for the design team to feel comfortable with what they were recommending, they turned to the ASTM standards, which for ball fields were attached to the staff report. The main immunity for liability in new construction was the design immunity. If something was designed by a professional and they had stamped it, the Town had a design immunity whether it was a new building, road or bridge. That was why both ABAG representatives and she felt it was very important to protect the Town against liability and turn to the design professionals.

The design professionals in turn looked to the ASTM standards.

Danna Breen said this was not her idea of a positive design legacy for the Town. She reiterated that the ASCC did not support either design. That being said, she thought the ASCC was getting comfortable with the safety issue and realized that some compromise was necessary. The ASCC had a problem with the third base line and wanted to have temporary fencing that could go up and down between games. It bisected the entire site with a black chain link fence; trees had to be put in to try to mitigate the fence. The early designs were all about preserving the core views through the site into the hills. Whenever you had to mitigate with trees, there was a problem. Additionally, the ASCC felt that netting was more visible than the chain link.

Mayor Driscoll said the consultant indicated that once you put up a fence that the kids were to stand behind when they were on the bench watching the game, the kids had a tendency to come up to the fence. The material needed to be stiff enough so that it would not yield to a baseball hitting hard against it. The professionals felt that whenever there was a chance that hands or faces would be close to the fence, it needed to be chain link. That did not mean it was impossible to have a temporary section made of chain link, and that could be discussed.

Craig Breon said over time, the Town had walled off a lot of the longer views with trees. That was always a concern, and he encouraged the Council to think about views from people passing on the road, walking or on horseback. He suggested that parts of it be temporary. There ought to be a way to give them the safety that they needed during the baseball season, but restore the view as much as possible during the non-baseball season.

Alex Von Feldt, ASCC, supported a more restrained design for the backstop and specifically the third base line. It was a visual barrier and philosophically, it looked very suburban and industrialized. She supported making it temporary, which would solve a lot of the problems.

SallyAnn Reiss said no one wanted the fence in the middle to divide anything. It was being put there because it was a multi purpose/use area. The soccer players who were next door wouldn't be watching the game. Additionally, she thought the trees were put there for shade as much as mitigation for the fence. A lot of the soccer players were looking forward to having the trees there for the shade.

Jon Silver said the ASTM standards appeared to be very generic. They didn't say anything about being suited for minor or Little League players. If metal bats made the game more dangerous, you could require only wooden bats on Town fields. He agreed that safety was important but thought the ball field people's enjoyment was also important. Spectators should be able to sit on the grass without a chain link fence between them and their children on the field. He was not aware of a single instance on the existing fields or school fields because of the lack of fencing. There could be a small fenced area with a 4-5' fence that people could get behind with their toddlers if they didn't want to pay attention to the game. A lot of these things could be handled with simple ground rules. Part of the reason for 8' fencing instead of 6' was because with a 6' fence, someone might leap for a foul pop up and get their arm caught on the fence. A ground rule that said the catch didn't count if you touched the fence while you were making the catch would mean people would stay away from the fence. The ASTM standards talked about minimum 8' fences all around the field—including the outfield. The Town was already deviating from the standards. ASTM did not have different standards for different levels of play. You had to use common sense given site conditions and how the field was going to be used. In Town, it should be more in keeping with what the spirit of the Town was. If it was considered a hazard to have the central path there, it could be moved to go around the other side of the soccer field, which would keep people a long way from dangerous foul balls.

A resident noted that there were signs on some fields that indicated it was a baseball area, entering was at your own risk, and there was a likelihood of balls going wild. He thought the Town could protect itself in

ways other than putting fences in. Responding, Ms. Sloan said signs helped, but they were not a guarantee. If you put in a soccer field and a path next to the baseball field, you were contradicting the sign because you were inviting people to that area.

Mayor Driscoll noted that in an earlier design, there was a truss on the top of the backstop. The designer was concerned that baseballs would get stuck up there and the kids would climb up on the backstop to fetch the balls. He proposed signs for every post telling people not to climb here, etc. The design with the netting was supposed to be a self-shedding technique so the balls wouldn't stay up there. It would be impossible to stop kids from certain kinds of behavior, but the Town didn't want to have a warning sign everywhere.

Mark Lockareff said the issue was very polarized, and there was no standard that could satisfy everyone. The Council needed to make a decision that was specific to the site. The standards could be modified as long as the Town showed some due care to prevent injury.

Ms. Breen said she talked to Tim Molak at the Priory who had the same issues as the Town with their field. They had a clamshell with no sidelines.

Mr. Vlastic said the landscape plan had been adjusted to take out a number of trees at the ASCC's direction to avoid the impact of vegetation across the center of the site. Secondly, some organizations--including the Little League--had been contacted to see what their standards were. They left it up to the local jurisdictions and didn't want to be held responsible for setting backstop standards. They referred cities to the ASTM and their local designer; they didn't want to take responsibility.

Councilmember Toben said he spent several years defending public agencies and corporations in cases involving negligence and allegations that the defendants neglected to adopt generally accepted standards of practice. He was a bit disappointed that the ASCC didn't give more attention to the safety factors during the two hearings he attended in April and June. He appreciated the concerns about aesthetics and views. But, the Town had taken down the old school buildings, which had opened up a view shed that couldn't have been dreamed of a year ago. He tended to focus on the good that had been accomplished in removing that obvious impairment to the views. He didn't accept the characterization of bisecting the site. The 8' fence went 28' to the edge of the infield. Given: 1) the overwhelming concern about the safety of the kids on the fields who clamored over fences to get balls; 2) concern about people walking their baby carriages on the adjacent central way; 3) the fact that the design consultants indicated that this was the minimum that they could professionally recommend for the conditions; 4) the standards for spectator protective fencing, backstop fencing, etc; and 5) the fact that the alternate design was the bare minimum, he felt the proposed design should be approved with the suggested modification that the overhang consist of netting material.

Councilmember Davis said it was decided that the Town was going to have a baseball field, and he had to vote for minimum safety. After looking at all the various options, he thought the design was defensible and would reluctantly vote for it.

Councilmember Merk said this entire process had been one of the most disturbing, uncomfortable processes that he had experienced in 30 years of service to the Town. He was extremely disappointed in how this had come down. The entire process had been backwards. By putting off this decision until now and designing the field and its amenities without a backstop decision, the Town had arrived at an unsatisfactory result that would highly impact future Town Center use. A field was being built that would attract use like a magnet. There would be parking problems as a result of this fabulous field. Traffic would be generated by high use by outside parties who came to use the field. He asked if anyone remembered that there were picnic tables next to and paths of egress and access on both sides of the old field. It had a creek next to it and a maintenance yard close by. It sounded like this field, and it didn't have any of these fences. No one had responsibly addressed the clamshell decision. He asked what design professional had signed off on the clamshell for the Priory; the Priory had an attorney looking at this and knew about the

ASTM standards. He hadn't seen one thing written about the clamshell or its safety effectiveness, and the Town had simply not addressed it. That was very disturbing. He also found it disturbing that those who were on the design team were in favor of this. They were the ones who were selecting, choosing, backing up these professionals, talking to them and saying what the Town needed, and therefore driving the decision. He felt a different design professional from a different point of view with a much less urban answer was needed. More than a year ago, he said he would not support the Town project if there was a huge backstop on this field. He felt he had been hoodwinked by having the process reversed. Now, there was this field; it was all planned and ready to go out to bid. Even people who were voting for this decision didn't like it. He did not support this design and wanted more information. He wanted to see a clamshell or some other way of approaching this. He wanted to see the field designed so that it didn't attract more use.

Councilmember Derwin said she appreciated the time and angst that had gone into this process. Her issues with the design mirrored those of the ASCC. She had a lot of discomfort around the whole thing. She was still fuzzy about whether there was a clear mandate from any agency as to absolute standards for height and mass of the backstop and the fence. She remembered looking at the design a year ago and being told that there would be a removable backstop and not to worry about it. Now, she was being told that there were all these standards that had to be adhered to so that children wouldn't be killed and the Town wouldn't be sued. If the Town knew there had to be a 16' high backstop and an 8' fence along the third base line, why weren't these things taken into account 2-3 years ago when the whole site was being designed so that the fields could be switched around or the pathway moved. Now, the field was set. She felt the property would be bisected, and this gorgeous view towards Windy Hill would be marred. She could not support the design.

Mayor Driscoll said he had stood at the road and looked down at the site many times. The 8' fence would be seen against the green grass embankment of the soccer field. It was not above the level of the soccer field; this was not a barrier to the western hills. About a year ago, the Council decided to move forward with this project. At that time, the risk was that if it didn't start, a whole construction season would be missed. As a consequence, some of the loose ends—including the backstop—had been held out so that the project could get rolling. It wasn't an attempt to hoodwink anybody or sneak something through. It was simply an attempt to move expeditiously toward an overall solution. Today, the backstop was being discussed. Having worked with the designer, he felt the designer had been pushed about as far as he could be pushed. He provided a design in April, which was rejected. He was asked to come up with a smaller design, which he felt was as small as it could be. He recalled speaking to someone a year ago who felt the old backstop was a lawsuit waiting to happen. He understood that there had been a couple of cases where people were hit, and the Town had been fortunate not to have been sued. He didn't like the current backstop and would prefer not to have it. But, if the Town wanted to meet the original goal of having the functions that were originally on the site and not cast off uses, there would be a baseball field. If there was a baseball field, the prudent course of action was for the Town Council to approve the backstop. When it was built and had been up for a year or two, he did not think it would be as visually intrusive as a lot of people felt it would be. It would be visible against a grassy bank behind it—not against the western hills. He noted that the story poles exaggerated the height of the fence because the grade would be different. There had been a lot of time and money spent on this. If it was horrible, it could be easily taken down. He would reluctantly vote in favor of the alternate because it was the safest thing to do.

Councilmember Toben moved to approve the backstop design described on sheet LA2.2 dated April 20, 2007, as modified by the recommendation of the ASCC set forth on p. 2 of the 6/22/07 staff report with respect to the materials and cabling system. Councilmember Davis seconded, and the motion carried 3-2 (Councilmembers Merk and Derwin opposed).

(6) Proposed Revision to Scheduled Construction Date of New Town Center Baseball Field

Mr. Young reviewed the staff memo of 7/11/07 on the pros and cons of moving the construction of the

baseball field ahead of schedule to facilitate opening of the field by March 2008 for the spring 2008 season. He noted that approximately \$400k would be needed for the construction, which would include the access trails to the field. Responding to Councilmember Derwin, he confirmed that the Town would save about \$40,000 by constructing the field earlier. He noted that the money for the field was programmed into the original Town Center budget, but was not allocated for this year.

Responding to Beth Rabuczewski, Ms. Howard said there was enough cash to cover all the expenses that were budgeted for. Any additional money raised could be used to offset this cost. SallyAnn Reiss said there was renewed interest as the buildings were going up. There was no fundraising fizzle going on. Mayor Driscoll noted that if the money was spent in 2007, it was cheaper than spending it in 2008. There was an inflator for every year something was delayed.

Councilmember Toben endorsed accelerating the timetable. Councilmember Davis concurred.

Councilmember Merk said he was not in favor of doing the construction earlier. He did not feel that sod would root in winter; it was too cold. When people started using the field in spring, it would be torn up by the cleats on their shoes. He was also very concerned about parking on the site; there was very little parking on the site right now. Having a completed field would draw a lot of interest and use to a site where there were contractor vehicles, staff parking, etc. Mayor Driscoll noted that CR Hodgson intended to consume the materials piled where the future tennis courts would be in the construction of the central road and baseball field. That area would be leveled and made into temporary parking; that was within the \$400k. He noted that if the field was built, the site would be in use while construction was still going on; fencing and safety issues would need to be looked at.

Councilmember Merk reiterated that sod taking root in the wintertime was not feasible. Mr. Willis said some work had been done at Rossotti's over the winter. Turf blankets had been rented with excellent results. Those would be used to help the sod take during the wintertime. The funds would come from the Parks and Rec budget.

Responding to Councilmember Merk, Ms. Howard said the budget would need to be amended and increased by \$400K, which would be taken from the general fund. There was also some money left over, which could also be used. Mayor Driscoll said the money could be loaned from the general reserves. When the cash came in from fundraising, it would be paid back. He noted that everything was a moving target: the fundraising, the amount the project would eventually cost, the scope, cost of the backstop, etc. There would be fine-tuning until the very end. He was reasonably confident that the project would come in on budget on time.

Councilmember Derwin said she liked the idea of using the dirt that was stockpiled, saving the roads from moving the soil in, saving money, and letting the baseball players have an early season. She supported expediting the construction of the ball field.

Mayor Driscoll said Mr. Hodgson embraced the idea of expediting the construction. It was clearly in the Town's best interest to benefit the citizens by getting the field done a season earlier. As it was, the Town was imposing on the Priory and other places. The faster the site was back and fully operational, the better. He was convinced that the cost would at least break even.

Councilmember Merk moved to direct staff to provide the necessary documentation to change the budget to expedite construction of the field. Councilmember Davis seconded, and the motion carried 5-0. Ms. Howard said staff would also prepare the bid package.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Video Taping Town Council Meetings for Website Viewing

Mr. Willis reviewed the memo on the request by Grapefruit Media to videotape Town Council meetings. Mayor Driscoll noted that Steven Marra from Grapefruit Media was creating the documentary film on the New Town Center project. His unsolicited proposal was attached to the staff report.

Councilmember Merk said he had not heard anyone say they wanted the meetings video taped; \$17,600/year was a lot to put something on tape that hadn't been requested by the public. Councilmember Davis said he could not support spending the money for this. Councilmember Toben agreed that he had not seen much interest in video taping the meetings. There didn't seem to be a strong community sentiment for getting the images of Council action with a 4-5 day delay. He would be a bit more inclined to simultaneous broadcasting. Councilmember Derwin said it would be an interesting resource, but she would need to hear more interest from the community.

Mayor Driscoll said there had been a 40+-year process whereby the Councilmembers spoke in front of the public uninhibited by camera behavior. Meetings were generally kept light and friendly. In the end, the meetings were distilled in a well-measured, summarized version. He was concerned that the videotaped meetings might be used to second guess the minutes and change the nature of the process. The Council could end up retrospectively reviewing and revising minutes, with people interpreting words differently than they were originally intended. Once the meetings were videotaped, he thought the meetings would change. He spoke to a councilmember in Palo Alto who claimed that when meetings were videotaped, people began to speak to their constituencies in the camera as opposed to speaking their honest mind. He didn't want to take a step toward municipalizing the Town Council. He noted that he was in the Webcam business for a long time and was a big believer in Internet companies, democratizing the influence of the information super highway, getting more involvement from Town citizens, etc. There were arguments in favor of video taping the meetings, but at this point, he did not support the proposal. It was also a big cost for a town this size. If the Council was interested, he could support it being done for important issues or doing a test run to see what it would be like.

Councilmember Merk said in the past, quite a bit of money had been spent on installing wiring and buying equipment for videotaping in Room 10. It lasted for a few meetings, but there was no interest. Mayor Driscoll recalled that students had done the recording, and it was free.

SallyAnn Reiss supported the proposal. Some of the goals Mr. Marra was trying to accomplish were about communication to the public. There was not enough communication in Town, and she thought this would be an interesting way to accomplish that. People would find it interesting if it was user friendly. In Room 10, it was not user friendly. It could also be edited. It was honorable to try to create some better communication, and it was in the interest in the Town to reach out more. She also thought it was a great way to capture history—even if it was only important meetings.

When the newsletter was resurrected, Mayor Driscoll suggested asking the citizens for comments on the issue, or asking the question on the website. Questions could be: 1) would you like to see videotapes of Council meetings or 2) would you like to see some Council meetings.

Councilmember Toben agreed that it might be of some value on a selective basis. That would be a different cost structure. Many people were interested in climate protection. If there had been cameras in the room, the quality of the presentation might have improved. But, what the Council viewed as important, might not always hit the mark from the standpoint of the citizens. Someone might like to see, for example the budget discussion. He agreed that the Town was not optimizing its messaging to the community. There had been plans to retain someone who would do communications on a more systematic basis, and the Council had

discussed sending out postcards on what the Council had done, etc. The communication function was something that the Town needed to return to. Ms. Howard noted that the communication position would again be posted in *The Almanac*; it was difficult to find someone.

Councilmember Davis said he would much rather spend money of this nature in a push rather than pull routine. The Town was flawed right now in its ability to get things out and give a dynamic view of what was truly happening. He felt the question to the public should be whether it was worth \$4 or \$15/family to have the meetings videotaped.

Mayor Driscoll said the fundraisers had taken on the responsibility of doing an update to the citizens on what was happening at Town Hall. That might be the launching point for reinvigorating communications to the citizens. When the newsletter was reconstituted or the communication position filled, advice from the citizens should be sought.

(8) Proposed Change to Trails and Paths Committee Charter

Ms. Howard noted that the Committee Chair submitted an email dated 7/11/07 indicating that the Committee would like to change its membership from 10 to "up to 9" members. Mayor Driscoll noted that the committee lost a member and was having some problems with getting a quorum; they preferred to have an odd number. He felt the "up to" language was confusing and suggested setting the maximum at nine.

Councilmember Toben said he received some comments from the dog community who felt the Trails Committee was somewhat closed and that it was hard to get on the Committee. The Committee had not offered any rationale for reducing the number from 10 to 9, and he suggested raising it to 11 in order to get some of the dog people on the committee. Councilmember Merk said he could understand wanting an odd number and also supported raising the number to 11.

After discussion, Councilmember Toben suggested the item be deferred until there was more information on the request. Councilmember Davis suggested the liaison communicate the Council's interest in getting some more members on the Committee.

(9) Planning Department Activity Report

Ms. Lambert reviewed her memo of 7/3/07 on Planning Department activity and discussed: 1) photovoltaic permits; 2) major projects in Town; 3) neighbors' concerns about construction; 4) pre-construction meetings; and 5) handouts provided to applicants on construction staging, tree protection, building permit conditions, inspections, the Statement of Understanding, etc. Responding to Councilmember Davis, she said on most job sites, there were few return contractors. Even if it was a repeat contractor, it could be a new superintendent that hadn't worked in Town before. If the job was really complicated, the meeting was held at the job site.

Councilmember Merk said he understood that ASCC determinations ran with the land. That message needed to get to the real estate agent, who was required by law to disclose that information to the buyer. The important thing was that the buyer understood what had been approved. Ms. Sloan noted that in some cases the ASCC required a deed restriction. She suggested that every time an approval was issued, a one-page document could be prepared that: 1) indicated ASSC approval was granted with conditions; 2) required the owner's signature; and 3) was recorded. Responding to Mayor Driscoll, she said some cities/towns did this.

Ms. Lambert noted that in some cases pre-application meetings were held, which were extremely helpful. A lot of times, by the time an applicant got to the Town, they were already married to their design. The earlier the meetings with applicants, the better. She noted that staff was working on a guide to assist applicants

through the process. She reviewed the status of items in the planning program as set forth in her memo. Additionally, she said she was working with the Town of Woodside on a joint task force on sudden oak death, which was a big concern in Town—especially in the western hillsides. She discussed actions taken, including spraying trees along Portola and Alpine Roads, and the importance of getting information out to residents. A workshop would be held in Woodside on August 2 at 7:30 p.m., and additional workshops would probably need to be held in Town.

(10) Approval of the 2007-2008 Planning Program

Ms. Howard reviewed the staff report of 7/11/07 on the 2007-2008 Planning Program and budget. She noted that the Council had already approved the total planning budget of \$156,000.

Responding to Councilmember Davis, Town Planner Mader said item #5, Design Guidelines, included green building design and would be extended based on the discussion tonight to include amending the General Plan, etc. There would probably also be amendments to the Conservation Element and perhaps a special element to address this subject in a more comprehensive way. Councilmember Davis said the philosophical base from which one started on this subject was very important. He wanted to agree on what the Town was trying to philosophically obtain before trying to apply rules and metrics. Town Planner Mader said the materials that had been developed by the Task Force would be put together in some form that the Planning Commission could look at with some structured approach. The big picture and major issues would need to be looked at in terms of the General Plan and figure out what it was that the Town wanted to achieve. He noted that San Francisco adopted LEED standards for commercial and public buildings and had some ideas about residential buildings.

Mayor Driscoll said he had not read about any city coming up with a reduced carbon footprint general plan element. It was an opportunity for the Town to be a leader and the first community to modify its general plan to incorporate this issue. Councilmember Merk agreed it was important to start with goals. Councilmember Derwin noted that some cities had modified their municipal code. Mayor Driscoll said he liked the idea of modifying the general plan; the code flowed from the plan.

Councilmember Davis said he was interested in having the planners and Planning Commission come back as soon as possible with a time line of activities. The creek setbacks had taken a decade, and that was a much simpler, concrete, physical issue that other jurisdictions had already addressed; the Town was still working on it. Town Planner Mader noted that the Design Guidelines line item was originally intended to augment the Design Guidelines booklet and address things like materials, reflectivity, fire safe roofs, siding, windows, exterior lighting, consistency with recent building codes, etc. An audit by the ASCC of new buildings had been added along with consideration of a point system. The much broader approach at the Planning Commission level--including formulating policy and goals--had not been included. What would be involved needed further thought and discussion.

Councilmembers and staff discussed where additional resources might come from to fund further analysis and the Task Force's recommendations. Councilmember Toben said the idea of spending \$25,000 on the Noise Element and only \$15,000 on Design Guidelines did not begin to approach the question of scope of work or reorienting costs associated with environmental design, point system, etc. Town Planner Mader noted that the review of the Noise Element was required by State law. He added that when the planning program was formulated, the Climate Task Force was not before the Planning Commission. He reviewed the list of items in the planning program. He agreed that in terms of the grand scheme of things, the Noise Element was not that significant. There would be more policy established in the element than there was now, and ways to implement noise control would follow. The creek setbacks were much more important. The biologic/fire hazard study would have a lot of benefit to the Town.

Councilmember Toben said he was not arguing that resources should be shifted out of these items. He felt

the pie was not big enough. In a perfect world, he would add resources to this budget and bring in a temporary planner to assist in getting your arms around the implications of some general plan revisions and possible ordinances down the road. He agreed the items listed in the planning program had to be done. Responding to Councilmember Merk, Ms. Howard said if money was going to be allocated to the planning program, it needed to be taken out of something else. Councilmember Davis suggested waiting until it was determined what the Town wanted to do.

Mayor Driscoll suggested first figuring how much funding would be necessary to accomplish what it was that the Town wanted to do and adjust the priorities to accelerate this issue and decelerate some other things accordingly so that the budget number didn't change. He did not feel that the Noise Element was that high of a priority. Town Planner Mader said the Town should not get too far behind the State guidelines. The Noise Element needed to be done, even if it could be done for less money. Mayor Driscoll suggested borrowing from some of those things that were more discretionary to accelerate this process. He reiterated that he felt it should be kept under the total planning budget.

Councilmember Davis wanted to stop all efforts on noise at this time, determine what the philosophy was for the climate-oriented portion, and come up with a plan. This was a high profile activity and the Planning Commission needed to get this on their agenda.

Councilmember Merk questioned if it would cost more to start up again later on the Noise Element. Town Planner Mader said the Town had a contract with the consultant on the Noise Element to do certain work. Planning staff would be drafting the text of the element with his oversight and input. It did not have to be worked on right away. Planning staff could devote some time to the climate issue and come back with that. Responding to Councilmember Davis, he thought something could be brought to the Commission within four weeks.

Ms. Howard suggested moving \$10,000 from Special Requests to Design Guidelines so that scoping recommendations for climate change implementation could be done; if additional funds were needed for special requests, they could be transferred during the year back into that line item. By motion and second, Council agreed by a vote of 5-0. Councilmember Toben noted that the description of the Design Guidelines item needed to be enlarged.

(11) Status of Town Center Project

Ms. Howard said the footings had been excavated for the Town Hall in the last two weeks. The concrete footings had been put in and edge forms were being done for the library. The steel rebar was being put in for the community hall. Mayor Driscoll said he would be reviewing the first installment of the construction documentary tomorrow. He distributed a copy of the verbiage Mr. Marra had suggested for the splash screen, which he felt was somewhat self promotional. After discussion, Councilmembers agreed the Town should not be promoting a commercial organization such as GrapeFruit Media. Mr. Willis said he would change the text and forward it back to Mr. Marra. Responding to Councilmember Toben, he said he would review the contract to see what the Town was obligated for.

(12) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember Derwin said the Committee prioritized their work items. The priorities in order were Minoca Trail, signs and posts, the Kresten property trail, and Indian Crossing Trail.

Councilmember Merk said he tried to walk up the trail on Nathhorst from Portola Road going up to the Priory. The construction project put a fence right out to the pavement and the trail was completely blocked.

WRITTEN COMMUNICATIONS

(13) Town Council 6/29/07 Weekly Digest

(a) League of California Cities Designation of Voting Delegates and Alternates

Referring to the League's memo of 6/8/07, Ms. Howard said the Council needed to designate a voting delegate and two alternates for the Annual Conference September 5-8 in Sacramento. Council agreed to designate the Mayor and Vice Mayor.

(b) Electronic Communication Among City Officials Report

Referring to the letter from the Superior Court on electronic communication, Ms. Sloan said she would respond to the Grand Jury report. Referring to the report's recommendations, Councilmember Merk said it was an unconstitutional prohibition of speech to require that communication on all city or town business be by e-mail. Ms. Sloan said the assumption was that people had a home e-mail address. The recommendation was that a city should have an e-mail policy requiring councilmembers to use their city e-mail account for city business.

(14) Town Council 7/6/07 Weekly Digest: None

ADJOURNMENT

The meeting adjourned at 12:00 a.m.

Mayor

Town Clerk