

TOWN COUNCIL MEETING NO. 718, APRIL 25, 2007

ROLL CALL

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

Present: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll
Absent: None
Others: Town Attorney Sloan, Asst. Town Administrator Willis, Planning Manager Lambert, Building Inspector Fitzer, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS: None

(1) PRESENTATION: Recognition of 15-year Anniversary of Planning Manager, Leslie Lambert

Mayor Driscoll said Ms. Lambert had been the Planning Manager for 15 years. He said she was one of the people who made the Town a very nice place to live. He complimented her on 15 great years and looked forward to 15 more. Councilmember Davis said Mr. Lambert put a wonderful face on the Town. Councilmember Merk said Ms. Lambert's department worked very well together, and things ran smoothly. He said Ms. Lambert had performed her job well for a long time, and it was a pleasure dealing with her. Councilmember Derwin said residents had a very favorable opinion of Ms. Lambert. She was much loved and appreciated. Councilmember Toben added that some gifts had been made during the fundraising campaign in honor of Ms. Lambert, which was a remarkable tribute. He praised Ms. Lambert for her dedication and the face she put on the Town. He praised her problem-solving abilities and diplomacy and agreed with the superlatives voiced by his colleagues. Mayor Driscoll presented Ms. Lambert with a 15-year service award. Ms. Lambert thanked the Council.

Bill Lane, Westridge, said he had always been very impressed with the way Ms. Lambert handled the public. He described his dealings with Ms. Lambert who was always calm and relaxed under a tremendous workload. He thanked Ms. Lambert for her excellent service to the Town and read a personal note from the Lanes. He said he heard a lot of comments about what a fantastic job Ms. Lambert did.

Gary Nielsen, Pinon Dr., said his first year on the Council corresponded with Ms. Lambert's first year in the Town. He said he had heard countless comments over the years about Ms. Lambert's work.

Jerry Hearn, Los Trancos Woods, said he had known Ms. Lambert for 10 years from the Watershed Council. He said she represented the Town's interest outstandingly and did so with clarity and good humor, and was always ready to help. He said she was one of the few people he knew that when she walked in the room, people smiled. He appreciated working with Ms. Lambert and looked forward to doing so for many more years. Danna Breen thanked Ms. Lambert for her work on the creeks and being the liaison for a number of committees. She said she really appreciated Ms. Lambert's work.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Davis, the items listed below were approved by a vote of 5-0:

- (2) Minutes of Town Council Special Meeting of April 4, 2007.
- (3) Minutes of Town Council Meeting of April 11, 2007.

REGULAR AGENDA

- (4) Warrant List of April 25, 2007 (Removed from Consent Agenda)

Councilmember Merk said he would abstain because of the reimbursement to PVCF.

By motion of Councilmember Davis, seconded by Councilmember Toben, the Warrant List for April 25, 2007, in the amount of \$305,539.71 was approved with the following roll call vote:

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

REGULAR AGENDA

- (5) Agreement with Scientific Arts Studio for the Design of New Playground Equipment for Town Center Project

Mr. Willis reviewed the staff report of 4/9/07 and recommendation to retain Scientific Arts Studio to design, fabricate and install an artistic, one-of-a-kind play structure for the New Town Center for an amount not to exceed \$95,000. He noted that Ms. Sloan had reviewed the sole source issue. Referring to the agreement, Ms. Sloan said paragraph 10 indicated that all the work was the property of the Town and artistic rights to the structure were waived in case the Town wished to change it in the future. Responding to Councilmember Merk, she said this was similar to provisions indicating that a town did not have to go to bid for a professional such as an engineer or architect. This group was fairly large and formed a corporation, which was a corporation of artists. There was no potential conflict. She added that this was the same group that did the mitt at AT&T Park.

Erica Hughes said a playground subcommittee of the Parks and Rec Committee had been formed to study this issue. One of the parents, Christy Patterson, had worked with Scientific Arts Studio. Input had been received from residents, the ASCC, and other entities that indicated people wanted something unique and tailored to the Town's ecology/history. Every installation Scientific Arts Studio did was developed specifically for that site with an eye for what children got out of a playground. The plan was to have a more imagination-based play area for the small children. This would incorporate a lot of activities, such as climbing and sliding, but in a different way. It would also incorporate trees that were taken down from the site. She described the theme of the play structure. She reviewed a brochure that illustrated other work by Scientific Arts Studio.

Responding to Mayor Driscoll, Mr. Willis confirmed that the \$95,000 was within the \$20 million project budget. Responding to Mayor Driscoll, Ms. Hughes said Scientific Arts Studio would make every effort to meet the proposed opening date. Responding to Councilmember Merk, she said she was not familiar with "Tnemec coating" but would follow up to ensure the material was safe.

SallyAnn Reiss, Golden Oak Dr., thanked Ms. Hughes for all her work to bring the younger generation in Portola Valley together and behind the Town Center project. She commended Ms. Hughes for overseeing the design of the playground and educating families about the project. Councilmember Toben said he had watched Ms. Hughes's efforts on this project for a long time. He said she exemplified the best of volunteerism. She made sure that there was a rich consultative process and ample opportunity for members of the community to have input.

Councilmember Merk moved adoption of Resolution No. 2325-2007 Approving and Authorizing Execution of

an Agreement Between the Town and Scientific Arts Studio, Inc. Councilmember Toben seconded, and the motion carried 5-0.

(6) Amendment to Building Code to Provide an Exception to the Requirement of Providing an Automatic Sprinkler System

Mr. Fitzer reviewed his memo of 3/1/07 recommending an amendment to the building code related to automatic sprinkler systems in order to: 1) codify the original intent of the existing ordinance; and 2) clarify existing practices and procedures, including exempting structures not exceeding 1,000 sf in floor area.

Councilmember Merk moved introduction and first reading by title only, waive further reading, of an Ordinance of the Town Adding Subsection d. to Section 15.04.020 B. 2. to Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code. Councilmember Davis seconded. Councilmember Merk said it was nice to see that someone was paying attention to things like is. Mayor Driscoll called for the question, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Portola Valley Community Fund (PVCF) Request for Approval of 2nd Quarter Budget for 2007

Beth Rabuczewski, PVCF, reviewed her memo on the first quarter 2007 budget and expenditures and the proposed second quarter budget. Councilmember Toben moved approval of the 2nd quarter budget. Councilmember Derwin seconded, and the motion carried 4-0, with Councilmember Merk abstaining.

(8) Temporary Use Agreement with the Woodside Priory

Ms. Sloan reviewed Mr. Vlastic's memo of 4/18/07 on the request by the Portola Valley Softball League to temporarily use the Priory softball field during the Town Center construction. She said the Softball League had spoken with the Priory, which was being very cooperative. Council's action would clarify that the League was an accepted user of the Priory field under the use agreement. Responding to Councilmember Merk, Ms. Lambert said she received an e-mail from Tim Molak, Priory, verifying that the use and scheduling was acceptable. Responding to Councilmember Derwin, she said she did not think the neighbors had been notified of this, but she had spoken to some of the neighbors to let them know that the use would not be on Kalman Field, and there would be no parking on Georgia Lane. Councilmember Toben said the CUP made provision for this kind of temporary use once the Town Center field was no longer usable; technically, the neighbors had notice that this could occur.

Mayor Driscoll said it was a challenge keeping the Town Center operating while it was rebuilt. The Priory was doing a wonderful job to help get through that process. They deserved a great deal of credit, and the Town's appreciation should be conveyed to the Priory.

Councilmember Toben moved the addition of Portola Valley Softball League to the joint use agreement with the Woodside Priory. Councilmember Merk seconded, and the motion carried 5-0.

(9) Reports from Commission and Committee Liaisons

(a) Planning Commission

Councilmember Derwin said the Planning Commission discussed the planning program and budget for FY 07/08. Commissioner McKitterick wanted to include consideration of green building requirements. There was also a discussion of deer fencing around vineyards. Construction staging and pre-construction meeting requirements were also discussed. She noted that Ms. Lambert indicated they had 493 active building

permits. Responding to Mayor Driscoll, Ms. Lambert said a review of active permits was conducted every six months. Responding to Councilmember Toben, she said she met with George Roberts, his architect, and contractor about moving into the vacated John's market space. The hope was to get the store open by November/December of this year. The ASCC review would occur on May 14. She described work included in phase 1 and phase 2 to get the space ready for Roberts Market.

(b) ABAG General Assembly Business Meeting

Councilmember Derwin said she attended the meeting in San Francisco last Thursday. The discussion centered on the linkage between transportation, housing, conservation and environment. The Mayors from San Jose, San Francisco and Berkley participated. There was also a lot of talk about the promotion of regionalism to solve problems together. The Mayor of Petaluma did a slide show of all the things they had done in their town—including an affordable housing development that was built in conjunction with a non-profit. She also discussed some city/school partnerships where the kids had built street benches. At the meeting, a lot of councilmembers had complained about their low cost housing numbers. The proposed budget was also passed with a few changes.

(c) Friends of the Library

Councilmember Derwin said Karen Fisher and Lorrie Duvall were stepping down. Jane Wilson would be the new president, and they were looking for new board members. The screen for the seismograph in the library was discussed, and there was concern that there would not be enough room for their donor recognition wall and the Friends of the Library material. She reviewed upcoming library events.

(d) School District

Councilmember Derwin said the new principal for Ormondale would be announced shortly. She noted that there had been some very good candidates.

(e) Office of Emergency Services for San Mateo County

Councilmember Merk said the budget was passed with a slight increase in cost to Portola Valley: 2.3% or \$274, which was nothing considering what the Town got back. San Mateo County was recognized for their joint powers agreements between the various law enforcement and fire agencies. Because of that, the County had received a lot of grants from the federal government totaling \$12.6 million with another \$7.4 million in the pipeline. A lot of great equipment would be coming into the County, which he described.

(f) Conservation Committee

Councilmember Merk said sudden oak death syndrome was back on the radar and clearly in San Mateo County. The Committee was very concerned about the fire department's chipping program. If a bay tree that was a carrier or a sick oak tree was chipped, the bacteria would be on the chipper and moved onto the next place. Derry Kabcenell had had people from the County and the State out. The Committee would like to do some kind of informational mailer to Town residents to let them know that treatments were available, the time of year treatments needed to be applied, etc.; they would be including something in their budget.

(g) Emergency Preparedness Committee

Councilmember Merk said the Committee's budget had been approved. They were planning for an evacuation exercise with CERPP this Saturday.

(h) ASCC

Councilmember Merk said the ASCC reviewed eight projects at their last meeting.

(i) ADT

At the ADT meeting, Mayor Driscoll said C.R. Hodgson indicated that the project was on schedule and on budget. Mr. Vlastic reported on the ASCC's feeling that the backstop was too big for the site. The architects were preparing drawings on a number of alternatives for a backstop to lessen the visual impacts. The seismograph would be in the heritage room along the east wall on a glass display cabinet. There was a sophisticated set of structural supports required to support it, so its location had to be determined early on. The liquid crystal panel, which would be used as a dashboard indicating what was going on around the site, would be located on the wall to the left as one entered the library. He said locally collected eucalyptus that could be used for hardwood floors was also discussed. There was no track record on how well it would hold up. Councilmember Merk said the local eucalyptus grew very quickly, which resulted in a larger grain and a weaker/softer wood. He would feel more comfortable with the eucalyptus harvested in Australia in terms of durability. Councilmember Davis described the density and treatment of the local wood. Councilmember Toben said the environmental argument was that in California, eucalyptus was a trash tree. This was a way to put it to some use. He noted that the Hewlett Foundation building was the first LEED gold certified building in California five years ago. A lot of risks were taken with materials; most of them played out very well. It was realized that there might be some failures. That was part of the cost of being a leader, and there was some argument to be made for taking a chance as long as there was a reasonable level of confidence. Councilmember Merk said he would like to work with a sample.

(j) Parks and Rec Committee

Councilmember Toben said the Committee had a lot of discussion about the backstop issue. There was some disappointment about the way the ASCC discussion had gone and some concern that some Commissioners didn't seem to appreciate the liability and safety issues. There was a need for an adequate backstop that would catch foul balls and tips and deal with the safety of passersby, as well as the safety of the players. There was a sincere belief that the basic ASTM standards needed to be incorporated at a minimum for liability reasons. There was also an understanding that aesthetic and open space issues mattered a lot. The Committee was perfectly happy to see some alternative to the proposal shown on the story poles. He looked forward to seeing what the ADT came up with.

(k) Climate Protection Task Force

Councilmember Toben said the next plenary meeting would be on Monday. He thought the Council would have a report from this group at the first meeting in July. He said the input was very rich, and he was impressed by the energy that had been mobilized around this issue. He described ideas being looked at by the subcommittees.

(l) Cable/Undergrounding Committee

Mayor Driscoll said the Committee discussed undergrounding and what had been done in Palo Alto, which he described. Responding to Councilmember Derwin, he said the homeowners paid a surcharge on their bill in order for the street to be undergrounded and then they were individually billed for the undergrounding from the street to their home. Over a period of time, they would be undergrounding the whole city. There was also some discussion about the Town designating a portion or all of the UUT to an undergrounding trust fund at some time in the future. That might also be a way to put it on the ballot.

WRITTEN COMMUNICATIONS

- (10) Town Council 4/13/07 Weekly Digest: None
- (11) Town Council 4/20/07 Weekly Digest
 - (a) Letter to Kevin Frederick re Portola Valley Ranch Trails and Dogs

Responding to Councilmember Derwin, Ms. Sloan said Mr. Frederick was the attorney hired by the Ranch. He had made a vigorous presentation to her saying that he concluded that the Ranch had the ability to prohibit all dogs on their trails. The letter responded to his conclusion. Mayor Driscoll asked to have a copy of Mr. Frederick's letter. Councilmember Davis described discussions among Ranch residents about the issue.

ADJOURNMENT

The meeting adjourned at 9:04 p.m.

Mayor

Town Clerk