

TOWN COUNCIL MEETING NO. 715, MARCH 28, 2007

ROLL CALL

Mayor Driscoll called the meeting to order at 8:03 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, and Asst. Town Administrator Willis

ORAL COMMUNICATIONS: None

CONSENT AGENDA

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

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

- (1) Minutes of Town Council Meeting on March 14, 2007.
- (2) Warrant List of March 28, 2007, in the amount of \$130,775.60.
- (4) Resolution No. 2302-2007 Increasing the Purchasing Authorization Limit for the Town Administrator, the Expenditure Threshold Requiring Issuance of Purchase Orders, and Modifying Signature Authority for Checks, per Asst. Town Administrator's memo of 3/19/07.

REGULAR AGENDA

- (3) Second Amendment to Consulting Agreement, Maze & Associates Accountancy Corporation (Removed from Consent Agenda)

Referring to Ms. Nerdahl's memo of 3/6/07, Councilmember Merk asked if the annual reports for the four special districts were paid for by the Town. Ms. Howard said the cost was charged to the special districts. By motion of Councilmember Merk, seconded by Councilmember Davis, Resolution No. 2301-2007 Approving and Authorizing Second Amendment to the Agreement Between the Town and Maze & Associates Accountancy Corporation was approved by a vote of 5-0.

- (5) West Nile Virus and Mosquito Vector Control Awareness Week

Mr. Willis reviewed his memo of 3/19/07 on the resolution declaring April 23 through April 29, 2007, West Nile Virus and Mosquito and Vector Control Awareness Week. Ms. Howard noted that Joe Fil was the Town's representative for the District. Mr. Fil encouraged the Council to adopt the resolution. He said the District's services were available to anyone in Town. Yellow jacket season would be starting soon, and removing those was a service the District provided. Additionally, the District was working on a tick abatement program; 3% of the ticks in the County had diseases, including Lyme disease. The District also wanted to take a look at some of the trails in the Coal Mine Ridge area. Spraying within 10' of a trail would eliminate almost all insects. He noted that chemicals used for mosquitoes were very specific and nontoxic to anything else.

Bernie Bayuk, Paloma, said he had had a very positive experience with the Vector Control Department at the County. Mosquito larvae near a stream had been sprayed with a non-toxic chemical the morning after he reported finding them. Mayor Driscoll said he thought the mosquito control group was one of the least appreciated services in Town and one of the best.

Responding to George Comstock, Ms. Howard confirmed that the Mosquito Abatement District website was not listed on the Town's webpage. Mayor Driscoll suggested it be added. Mr. Fil said the District's website was new and quite interesting.

By motion of Councilmember Merk, seconded by Councilmember Derwin, Resolution No. 2303-2007 Declaring April 23 Through April 29, 2007, West Nile Virus and Mosquito and Vector Control Awareness Week was adopted by a vote of 5-0.

(6) Review of Town Center Project Phase 2, Group 1 Bid Openings and Direction for Implementation of Construction Program

Mayor Driscoll said an enormous amount of progress had been made in the last year on the project. A little over a year ago, the Town had roughly 60,000 visitors a year visiting unsafe buildings that spanned the fault. Today, those unsafe buildings were gone, but none of the functions served by those buildings were lost. They were all functioning elsewhere, and in some cases the Town was paying the rent so these activities could continue. All the Town functions were moved into containers or to alternative locations. The Town Center continued to function completely even though the buildings were not there any more. A construction manager had been hired last year who had proved to be invaluable in keeping the cost down for the project. The buildings that were there had been dismantled with 75% of the materials recycled into the new buildings. The concrete was being ground, the buildings would be paneled with tongue and groove panels from the old buildings, and a front desk was being built from recycled material. Phase 1, including creation of the maintenance yard, had been completed on time and slightly under budget. The architects had worked extremely long hours going from the design phase to the construction documents. Bids went out for the first phase, and now half the project was past the bidding. Finally, there had been some amazing efforts by volunteers on fundraising. Tonight, the Council would be answering the question of whether to continue the full-project process, which was to build the whole project at once. During the discussion the Council would not be: 1) committing the Town to any particular scope or expenditure and could still back out in the next few months; 2) ending the fundraising effort; 3) considering a bond activity; or 4) taking on any debt; the project was being done with the money raised so far.

Beth Rabuczewski, PVCF steering committee, said the \$500,000 matching grant put up by the TOSA Foundation had been completed with 270 residents contributing during the time period. With the match, the total raised privately was \$12 million. The \$3 million in public funds brought the total to \$15 million. Fundraising continued with the target of another \$5 million. Additionally, several campaigns were targeted at users of the center including the softball groups, people who used the art classes, and a variety of other users. The fundraising group was confident it would reach the target. Mayor Driscoll thanked the group for their efforts.

Mayor Driscoll said he had spoken to County supervisors in the last couple of days about various County matters. He mentioned to them that the community had raised \$12 million so far from charitable contributions. They were amazed that a town this small had accomplished that big of a number. He said the Town had arranged with the County to receive a backup line of credit for construction financing. The Board of Supervisors voted unanimously to support that, and the Town would have a revolving line of credit with the County that would cover gaps in collecting fundraising pledges, bills from contractors, etc. The County directed their staff to develop the documents, and the Town would have the right to borrow up to \$4 million from the County. They would be paid an interest rate equal to what they would make from their

funds, which was about 4%. The Town might never draw on that money. He discussed the previous line of credit from the County for damage during El Niño, which had never been used due to federal reimbursements.

Ms. Howard reviewed her memo of 3/28/07 on the bidding process to date for Phase 2, noting that the bids had come in slightly under what was anticipated. The second group of packages still had to go out for bid.

Mayor Driscoll discussed his pie charts showing Town Center finances. He reviewed total project revenue sources including: a) Town funds; b) Bill Lane's kickoff contribution; c) PVCF donations received; d) PVCF donations pledged; e) PVCF high likelihood donations; f) County construction line of credit; and g) PVCF donations to be raised. He felt the Town had the funds to go with the whole project. He reviewed the project budget for Phase 1, Phase 2a, Phase 2b, soft costs, soft cost contingency, and contingency. He discussed project expenditures to date and those remaining.

Mayor Driscoll said the question before the Council was whether to continue with the single complete project or pare the project back and build only what the money was clearly identified for today. If the Town proceeded with the single project, there were still a couple of months to kickback to Plan B in the event there was some kind of a financial setback. If the Council halted a portion of the project, it was likely that the costs would be increased. The upcoming construction season would also be missed. There was some urgency in making the calendar in this construction year to get going with the project.

Councilmember Merk asked: 1) whether the water storage had been addressed; 2) if the parking was going to be reduced further and what the Town would do when the parking lot was full and people parked on Portola Road; and 3) where the Sheriff's desk would be located in the Town Center; they had a nice spot in the Woodside Town Hall and spent a lot more time there. Mayor Driscoll said the water storage issue had been raised at the last ADT meeting, but he hadn't heard a response yet. It could be handled as a change order and was being investigated. On parking, he said he did not know of any attempt to reduce the parking. There was an attempt to identify additional places for parking on the plan. The architects were working on finding 10-15 additional places for overflow parking on the property—not on the street. Councilmember Davis said parking dedicated to vans and electric cars had been discussed, but nothing had been adopted. Regarding the Sheriff's space, Mr. Willis said the conference room in Town Hall had an area designated as the radio room. The officer he spoke with was comfortable with what was proposed. He confirmed for Councilmember Toben that the space was in the EOC.

Councilmember Davis said it was great to see light at the end of the tunnel. With the bids that had come back, the Town was not experiencing cost overruns that would burn up the contingencies. The bids were turning out to be equal to or less than what was budgeted. Mayor Driscoll noted that TBI and Mr. Young had done a great deal of work walking the bidders through the budget and making sure the project was clearly specified. TBI had been remarkably accurate in predicting what the bids were going to be.

Responding to Councilmember Toben, Ms. Howard said all of Group 1 had been bid and bids had been received. The bid packages for Group 2 had been put out, and bids were coming in. By April 25, the Town would know how those bids related to the projected Phase 2a budget of \$11,000,651. Responding to Councilmember Toben, she said the Community Hall was budgeted at \$2 million and was the piece that would be up for grabs if funding did not materialize. Phase 2b had not been bid. Mayor Driscoll said the initial stages of the project involved clearing the site, which was something that would be done even if the Community Hall was not done. The danger was that if the foundation/construction work was not started in the June/July timeframe, the buildings would not be buttoned up in time for the rainy season. Responding to Councilmember Toben, he said the last possible date for choosing to defer building the Community Hall was around mid-May. Ms. Howard said there was a 45-day period after bids were accepted that they could be modified with no cost to the Town. There was a different period of time—probably through May and the first of June—where the construction of the Community Hall could be stopped, but there would be some costs

involved to the Town. The contractors would have bought the materials, and the Town would have to pay for and store those materials. The absolute drop-dead date was probably the last meeting in June. By then, they would have started working on that part of the project. For no cost to the Town, it would need to be decided during the two meetings in April and maybe the first meeting in May.

Councilmember Toben said all of the elements were pointing in a positive direction. He tended to be cautious by nature, but did not see the dark cloud in the silver lining. He was also comforted by the latest news of the County's commitment to offer a line of credit. The reality was that the Town also had some Town reserves that might be accessible under certain circumstances. He saw ever more clearly the wisdom in proceeding with the intention of completing the project in one build. He was pleased and enormously appreciative of the efforts of everyone—the staff, PVCF committee, and everyone else who had contributed.

Councilmember Derwin said she supported going forward with the whole project.

Councilmember Merk said a bird in the hand was worth two in the bush. He was looking at \$5.2 million pledged, a \$3 million donation with high likelihood, and almost \$2 million to be raised. Those were birds in the bush—not in the hand. He had a certain amount of trepidation. On the other hand, it seemed crazy at this point not to go for the whole thing. It would be cheaper, it would be done, and it would be much simpler for everyone if it all was built at once. Given what was known right now and the approval of a line of credit from the County, he thought the whole project should be built. There were also three more meetings before the absolute deadline on dropping part of the project.

Mayor Driscoll asked for public comment. Responding to George Comstock, he said throughout the negotiation process with the Church, there was some agreement that the Town could use the Church parking lot if necessary and vice versa. From an insurance point of view, neither side wanted to officially say that you had that right. Responding to Mr. Comstock, SallyAnn Reiss said there were 270 donations from families, plus another 50 or so who were major donors who contributed prior to the TOSA matching campaign. The mailings went further than the 1800 Town households because Ladera, Los Trancos and parts of Woodside had been included.

Responding to Bernie Bayuk, Mayor Driscoll said the interest on the funds collected was not reflected in his charts. While the funds were sitting in the SVCF account, they were earning about 2.5%. Responding to Councilmember Merk, Ms. Rabuczewski said the Town was earning about 2.5%, which included the fee. Responding to Mr. Bayuk, Mayor Driscoll said municipalities had certain limitations on how aggressive they could be in investing. The Town tended to be cautious and principle preserving oriented as opposed to “most aggressive growth.”

Responding to Councilmember Merk, Ms. Rabuczewski said of the \$5.2 million that was pledged, about half of it was pegged to groundbreaking. Presumably, on April 28 when the groundbreaking ceremony was held, about half of that \$5.2 should be coming in.

Responding to Mr. Comstock, Mayor Driscoll said there was no thought at the present time of revisiting the UUT. If the Town drew down all of the County money that would have the effect of requiring an interest payment each year until it was paid off. That amount had been carefully chosen to be within the amount of money received in incremental property tax revenues from the TEA shift negotiated last year. It should have no net effect on the operating budget.

SallyAnn Reiss distributed copies of the press release announcing the result of the TOSA challenge grant. She thanked everyone who helped spread the word, including people at The Sequoias, The Ranch, neighbors calling neighbors, etc. Responding to Mayor Driscoll, Ms. Rabuczewski said the first quarter had yet to close, but the expense for the fundraising was well below 1% as of the end of last year. Ms. Reiss added that when the consultants were interviewed, they said anywhere between 8-10% of total funds raised

would be needed for fundraising costs. She thought the Town's cost was about 0.89%. Councilmember Toben said on a capital campaign of this magnitude, fundraising costs were between 6-10%. The fact that the Town's fundraising wasn't even at 1% was remarkable.

Council agreed to go ahead with the full project. Ms. Howard noted that the Council had agreed to officially accept the bids on April 4, 2007.

(7) Current Status of the Chilean Woodchoppers' House

Mayor Driscoll said everyone had the best intention of trying to preserve this historic structure. The problem was that the building, which was about 800 sf, was not structurally sound. The exterior cladding was usable. The Town Center included a roughly 800 sf restroom facility. He suggested to Nancy Lund that the facility be re-designed to the exact shape and footprint of the Woodchoppers' House and wrap it with the original siding. Ms. Lund seemed to be attracted to that idea. Responding to Councilmember Merk, Ms. Howard said Carter Warr's estimate to rebuild the house on the SpringDown property with the old siding was \$150,000-\$250,000 and closer to \$250,000. Bamberg Associates had submitted a proposal for a report on what was actually historic and could have some value for about \$3,000. Mayor Driscoll noted that it was the last structure to be built in the project because it was in the footprint of the existing temporary buildings. Right now, the restroom facility had been designed to resemble the old red schoolhouse aesthetic. The architects were fine with the new suggestion and expected it would be a small additional cost. The Town would be expending \$200,000 to build the facility anyway. Responding to Councilmember Merk, he said the Whites were anxious to have the building removed from their property. They felt it was in danger of falling and rotting out.

Councilmember Merk said you could see the old 1800 saw cuts on the siding. He thought it would come off fairly easily. It would take some careful measuring to put it on a building of the same footprint. He thought it was a great idea.

Mayor Driscoll said his only concern was taking an historic building and making it a bathroom. Rather than have no solution, Ms. Lund was quite happy with the suggestion. At first, Ms. Lund had hoped it would become a Town museum. Since there was a nice archive room in the new library, she was happy now just to have it preserved. Responding to Mr. Bayuk, he said Ms. Lund believed that the siding was hundreds of years old and was historically valuable.

Jon Silver, Portola Road, said the building was valuable to the Town. It was important to have some tangible reminders of the history, which that house was. When he was on the Council, he had urged strongly that the Town adopt an Historic Preservation Element, which had been lacking for many years. Part of the value of that structure was not just the structure itself but also its location and what it said about the heart of this Town. It was close to the scenic highway. Until recently, it didn't detract from the scenic highway because of its modesty. Those who moved to the Town needed to be reminded of a rural town's needs. He urged that efforts be made to restore the house at its current location. It could serve as one piece of affordable housing in the heart of Town, like it was for farm workers. He discussed the restoration of Grand Central Station.

Councilmember Davis asked which version of the Chilean Woodchoppers' House would be reconstructed. Secondly, he wanted a good cost estimate. Two years ago, he had made the same suggestion because restoration costs were outrageous. To Mr. Silver's comments, he said this was not Grand Central Station. Every time it had been reviewed for inclusion as an historic structure, it had not been accepted. Councilmember Merk said the reason it wasn't listed was because of the vehement objection of the then owners. He felt the additional cost would be the costs of removing the siding.

Responding to Councilmember Davis, Ms. Sloan said ADA laws for restrooms all had to do with the interior.

Councilmember Davis said there had to be ramps and adequate doorways for ADA compliance. Mayor Driscoll said the suggestion was to clad a compliant building with the original siding. Councilmember Merk added that the back of the structure that had been added on would not be rebuilt; that was where the doors and ramp could be added. Mayor Driscoll noted that the doors would not be facing the street. Responding to Councilmember Davis, he said the building would have the same shape and window pattern. The decision tonight would be to look into the suggestion. The architects and Ms. Lund were willing, and it seemed to be an inexpensive way to accomplish what had to be done anyway. Councilmember Davis said he liked the other schoolhouse and would like to build a miniature version of the other schoolhouse that sat next to this one. Mayor Driscoll agreed it was a far more attractive building. He was however, uncomfortable with the miniature aspect. He was trying to solve a practical problem in that the Chilean Woodchoppers' House had no home, had skin that the historic group would like to save, and had an owner who would like it torn down.

Mayor Driscoll said he would ask the architects to look at the suggestion and see whether the costs would be significant. If the architects said it was hopeless, Councilmember Davis suggested finding a place where the siding could be used.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (8) Status of Town Center Project

Ms. Howard reviewed the bid walk dates and deadlines for the next bid packages as set forth in her memo of 3/23/07. She said the ASCC would be reviewing the pole light fixture and baseball backstop at their April 9, 2007, meeting. Story poles for the backstop would go up tomorrow; some netting would be applied to give a better idea of how it would look. Responding to Councilmember Merk, she said an additional piece and different light bulb had been added to the mockup pole light fixture. Councilmember Merk said it was better but it could be made even better. It needed one more skirt on it. Additionally, he would like to see what the illumination from the bollard lights would look like.

Mayor Driscoll said grading was being done for drainage purposes, and in some places the field would need to be cut another foot or so. The backstop had been painted on the ground, and black story poles would be used with the same netting used for the soccer netting, which needed to be replaced soon anyway. A construction fence passed through the backstop area, so the fence would need to be moved.

##### (9) Reports from Commission and Committee Liaisons

###### (a) Trails Use Discussion Group

Councilmember Toben said the article in *The Almanac* did a nice job of capturing some of the subtleties of this issue. He thought the process had achieved what was intended. The viewpoints had been sharpened, and he was comfortable with the fact that there was no consensus in hand yet. The level of discourse had been civil, and there had been an honest and thoughtful exchange of viewpoints. One question that had bothered him throughout the process was the history and where the policy had come from. Staff had researched this and produced a lot of information. He was impressed by the quality of the archives and the ability of staff to reconstruct some pretty remote history on the dog policy. This had been put into a binder in Town Hall to summarize the background on this issue. While the original grant deed conveying trails did not include an explicit prohibition on dogs, the Trails Committee in 1977 articulated a "no dogs" policy on Coal Mine Ridge. That was never officially sanctioned by the Council until 2000. There were documents that were quite clear that the norm throughout that period of time was that dogs would not be allowed on Coal Mine Ridge. It was an informal policy that was not official, enforced or had signage. There was no mobilized opposition to the informal policy. There was documentation to support the notion that dogs were not encouraged and discouraged unofficially. He was preparing his report to the Council stating the

outcome, and Councilmember Derwin was producing a meeting summary. He thought there had been significant convergence around a moderate position; there were some who were still insisting on an all-or-nothing point of view. Mayor Driscoll thanked Councilmembers Derwin and Toben for tackling the issue. He suggested agendizing the item for the second meeting in April or first meeting in May.

(b) Council of Cities Meeting

Councilmember Davis said there had been some grumbling at the meeting over the housing allocations coming from the State.

(c) Conservation Committee

Councilmember Merk said a lot of people showed up for the broom pull. Additionally, the Committee was becoming more and more concerned about the depletion of groundwater from wells. The County permitted wells in terms of health and safety, but not in terms of what the water was used for, how much was pumped, etc. Some believed that a drought cycle was occurring and that more wells would be drilled with the water table going down lower. The Committee might ask the Council to look into whether the Town could control that.

(d) Planning Commission

Councilmember Derwin said the Planning Commission continued its discussion on creek setbacks. There was a push to get clarity and simplify the rules. They would be holding another study session on April 4.

(e) School District

Councilmember Derwin said she would be sitting on the hiring committee for the new principal. She and Councilmember Toben would be going to the District on April 9 to discuss how the schools could help with climate protection. She noted that she attended a Sierra Club rally at Sequoia High School. She discussed attendees and commemorations recognizing the Town's endorsement of the Mayors Climate Protection Agreement.

(f) Trails

Mayor Driscoll said Stanford had replied on the trails issue indicating that nothing could be done until the lawsuits were settled. The County had also considered an offer at the last meeting and deferred making any decision. Councilmember Davis said Trails Committee members would be meeting with Stanford on the engineering work that had been done to see if the requests of the Trails Committee were reflected.

(g) Parks and Rec Committee

Ms. Reiss said the Committee approved the playground design. The fields were also looking good, and a lot of the softball communities were pleased.

WRITTEN COMMUNICATIONS

(10) Town Council 3/16/07 Weekly Digest

(a) Memo on Budget Calendar

Ms. Howard noted that the 2007-2008 budget process had started as indicated in her memo of 3/2/07. She asked the liaisons to encourage their committees to agendize and discuss their budgets. Responding to

Councilmember Merk, she said the memo went out to the Committees on March 2, 2007. Councilmember Merk requested that a copy be redistributed to the Conservation Committee.

(11) Town Council 3/23/07 Weekly Digest

(a) Letter from John Schulte

Referring to the letter dated 3/12/07 from Dr. Schulte describing the behavior of the Peloton bicyclists who used the Town's roads, Councilmember Davis said the letter had been forwarded to the Traffic Committee. He said he spoke with Dr. Schulte noting that the bicyclists had a legal ability to do most of the things they were doing, but not all. The Traffic Committee would be studying the request. Woodside had done quite a bit on this issue.

(b) Committee for Green Foothills

Referring to the Committee's e-mail opposing Stanford's proposal for the trail, Councilmember Merk said he resented their use of the term "sidewalk" when referring to the trail. They seemed to be confusing the part of the trail that was in San Mateo County with the part of the trail in Portola Valley going out to Arastradero Road. He found the memo misleading.

(c) Almanac Article Regarding Caltrain Debate

Councilmember Toben suggested including the article in the 4/11/07 meeting packet when the issue would be discussed.

CLOSED SESSION

- (12) Public Employee Performance Evaluation  
Government Code § 54957  
Title: Town Administrator

REPORT OUT OF CLOSED SESSION: None to report.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

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Mayor

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Town Clerk