

TOWN COUNCIL MEETING NO. 712, FEBRUARY 14, 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 Planner Mader, Town Administrator Howard, Town Attorney Sloan, Asst. Town Administrator Willis, and Assistant Clerk Hanlon

ORAL COMMUNICATIONS

Toni Bray, Co-Chair 2007 Blues and BBQ, distributed copies of her memo and requested input on the venues being considered for the 2007 event. Mayor Driscoll suggested agendaizing the item for the next meeting.

(1) PRESENTATION: Friends of the Library

Karen Fisher, President-Friends of the PV Library, said the Friend's \$10,000 donation to the Town Center project would be matched by TOSA, and the total gift would amount to \$20,000. She wanted to clarify that the gift was for the whole Town Center—not a donation to the library. The community building, recreational facilities, Town Hall as well as the library were all gifts to the community. She encouraged everyone to join the Friends in supporting the Town Center. Mayor Driscoll thanked the Friends for their donation.

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

- (2) Minutes of Town Council Meeting on January 24, 2007, as amended.
- (3) Minutes of Town Council Special Meeting on January 31, 2007.
- (4) Warrant List of February 14, 2007, in the amount of \$230,108.58.
- (5) Resolution No. 2294-2007 Approving and Authorizing Disposition of Surplus Property, per Asst. Town Administrator's memo of 2/5/07.

REGULAR AGENDA

(6) Update on Fundraising Efforts for Town Center Project

SallyAnn Reiss, PVCF, distributed a handout that showed the progress of fundraising for the new Town Center. She discussed private funds secured, TOSA matching grant, contributions in the last month, Town funds, and the grand total to date of \$14,535,835. Mayor Driscoll thanked the committee members.

(7) Update on Cost and Scheduling for Town Center Project, Phase 2

C.R. Hodgson, TBI Construction, said Phase 1 was on time and on budget. He reviewed the schedule for Phase II shown on the first page of the handout. He reviewed the Phase 2 site plan showing proposed construction fencing, hydro seeded area, stock pile of crushed concrete, and fire accesses. He discussed the project budget sheet dated 2/14/07 for Phases 2 and 2a and total construction and soft costs. Responding to Mayor Driscoll, Larry Strain said a “building dashboard” was a metering system that looked at all the energy/water flows in the buildings. It was a good way for the Town to know what was happening and to educate people about how energy efficient the buildings were. It was a web-based system, which could be tapped into from other sources. It could also earn an additional LEED point. Hard costs were about \$20,000 but the final cost was not known at this time. Responding to Mayor Driscoll, he confirmed that it could be handled as an addendum to the bid package or a change order. Mr. Young noted that the schedule might shift as construction moved forward due to weather, etc. The exact costs would not be known until the bids went out and the numbers came back to the Council for approval.

Responding to Mayor Driscoll, Ms. Howard said once there was good growth in the hydro seeded area; the fence would be moved to another area—hopefully by April.

Responding to Councilmember Toben, Mr. Hodgson said Phase 1 should be completed mid-March. The contingency had not been used yet, but it was not known at this point how much might be needed for the paving. Responding to Councilmember Toben, he said he anticipated needing the contingency for Phase 2. Responding to Councilmember Merk, he said “18SS” on the construction schedule referred to task 18, start-to-start. Once bonds and insurance were in, the work could start. Mayor Driscoll noted there was a great deal more detail behind the numbers shown on the charts.

Larry Strain, architect, said the project would be LEED gold, which started at 39 points. The approach had been to make decisions about LEED that made sense for this project and this Town. The project was currently at about 42 points with 8-10 more points identified as entirely possible; some of them involved some money. There would be decisions going forward that could allow for more credit. He was interested in making it a greener project rather than trying to get more points. He thought the project would end up in the high forties. It would cost more money to try for platinum and would probably involve some design decisions such as giving up some parking spaces, etc. It was a good sign that the points were going up as the project moved forward. It required continued vigilance—especially in terms of materials used. But, the specs were clear, and the contractors were on notice of what the Town wanted. Mayor Driscoll noted that he had spoken with a resident in Town who was head of the Northern California Green Building Council. She would be contacting Mr. Strain with some ideas on areas where additional points might be earned.

Responding to George Comstock, Mr. Strain said ground source heat pumps had been looked at. It was a good, efficient system but was four times as expensive as the mechanical system planned. The mechanical engineer said the buildings had been made so efficient that small, high efficiency residential units could be put in instead of commercial units. There was also a new, higher performance glaze for the windows; the performance was better than what was in the models. The pv system had also gotten a lot larger than when it started at 20 kw. It was now at 30 kw with another 27 kw as an alternate if the money was there.

(8) Town Center Project Phase 2 – Bid Packages 1-19 and 24

Mr. Young reviewed his memo of 2/14/07 on bid packages 1-19 and 24 for Phase 2 of the Town Center project. Referring to the estimated cost, he said the correct amount was \$11,000,651 as shown on the TBI budget sheet. Responding to Mayor Driscoll, he confirmed that the bids would come back to the Council for approval. At that time, any one could be approved or rejected. Responding to Mayor Driscoll, he confirmed that the Community Hall would be bid as an alternate and that it was included in the \$11,000,651.

Responding to Councilmember Merk, Ms. Sloan confirmed that the action was to approve the plans and specifications and call for bids that were based on those plans and specification. In the plans and specs, Councilmember Merk noted one of the sheets showed the large, heavy framed backstop for the baseball field. He understood that that part of the project was still in question. Mr. Young said those items were not being bid in Group 1 or Group 2, and they could be changed. Ms. Sloan suggested rewording the resolution to indicate "...approving plans and specifications for Town Center project phase 2 bid packages 1-19 and 24 and calling for bids..." Ms. Howard read the list of things included in bid package 23.

After discussion, Councilmember Davis moved approval of Resolution No. 2295-2007 Approving Plans and Specifications for Bid Packages 1-19 and 24 (No. 2006-PW03B) and Calling for Bids Related to those Bid Packages. Councilmember Merk seconded, and the motion carried 5-0.

(9) Third Amendment to Agreement with TBI Construction and Construction Management, Inc.

Mr. Young reviewed his memo of 2/14/07 and recommendation to approve a third amendment to the agreement with TBI Construction and Construction Management for construction management services for Phase II of the New Town Center Project in an amount not to exceed \$400,000. He noted that the contract allowed the Town to stop using TBI at any time. Responding to Mayor Driscoll, he said TBI was under their fee estimate for Phase I. Mayor Driscoll noted that TBI had been instrumental in keeping the project under budget.

Councilmember Davis moved approval of Resolution No. 2296-2007 Approving and Authorizing Execution of a Third Amendment to Agreement Between the Town and TBI Construction and Construction Management, Inc. Councilmember Derwin seconded, and the motion carried 4-0, with Councilmember Merk abstaining.

(10) FY 2007-2008 Street Resurfacing Project

Mr. Young reviewed his memo of 2/14/07 on the FY 2007/2008 street resurfacing design to be completed by Nichols Consulting Engineers in an amount of \$27,000. Responding to Mayor Driscoll, he confirmed that the total cost was \$37,000, which included a \$10,000 grant in services from Metropolitan Transportation Commission (MTC). MTC had done the competitive bidding on design services with engineering firms who would supply those services to the communities. Responding to Mayor Driscoll, he said the scope of work had to be approved by MTC in order for Nichols to be paid. He said he agreed with the estimated hours it would take to do this job. The contractor had to justify billing with time sheets and documentation that the work was done. Mayor Driscoll said the competitive bid process seemed to have been bypassed by the grant, which was a fraction of the contract. Councilmember Merk said he was uncomfortable with the way the information was presented. Responding to Mayor Driscoll, Mr. Young said the firm of Nichols Consulting Engineers had been around for a long time and was qualified.

Responding to Kevin Webster, Westridge Dr., Mr. Young described the section of Westridge that would be looked at. If the project came in under budget, other work on Alpine Road could be considered.

Councilmember Toben moved approval of Resolution No. 2297-2007 Approving and Authorizing Letter Agreement Dated February 7, 2007, Between the Town and Nichols Consulting Engineers for FY 2007-2008 Street Resurfacing Design. Councilmember Derwin seconded.

Councilmember Merk said he was dissatisfied with the Town's Pavement Management System and the product it was producing. He described the recent project on Portola Road and sections of the road that were cracking. He said he was surprised that some cul-de-sacs were being paved when the major arterials—Portola Road and Alpine--were in bad shape. Mr. Young described the work that had been done on Portola Road and why some areas had been bypassed. He said there were cracks outside the paved

area on Portola Road from the last project, but the design and budget had to be followed. The extensive amount required to repair the cracks would have brought the project over budget. Councilmember Merk reiterated that he was not satisfied with the system and did not feel it was serving the Town well. The roads were in worse shape than they had been in thirty years.

Mayor Driscoll said it appeared that the current process alternated between arterials and interior roads. He thought that should be weighed against traffic; the arterials were getting ten times the traffic. There was also an enormous number of trucks due to construction projects in Town. He thought more attention should be paid to the arterials. Mr. Young said he would look into it.

Mayor Driscoll called for the question, and Resolution No. 2297-2007 was approved by a vote of 4-1 (Merk).

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(11) CEQA Requirements Regarding Historic Structures

Town Planner Mader reviewed the staff report of 1/16/07 on CEQA requirements for historic structures. As indicated in the report, it was recommended that: 1) provisions be added to the Town ordinances requiring a demolition permit for buildings over a certain square footage; and 2) criteria be developed for judging the historic significance of buildings. He said there were a lot of over 50-year-old buildings in Town that technically needed to be looked at, and the process should be as simple as possible. A lot of the historic structures were already identified in the Historic Element and on the map. There were also some buildings less than 50 years old that might be historically significant because of their design.

Councilmember Merk said it was not clear at the State level that review was required. Additionally, the staff report indicated that single family residences and 2nd units were categorically exempt from CEQA unless they might cause a substantial adverse change in the significance of a historical resource. He questioned how many structures were left. Ms. Sloan said single-family residences were exempt from CEQA unless there were unique circumstances. One of the unique circumstances was if it was historic. Town Planner Mader said the State used the national standard, which was 50 years; he felt it was a reasonable criterion. Ms. Sloan said the 50-year standard was not as clear as it could be, but it was used by the courts as well.

Councilmember Davis described the historic review of the Town Center buildings. He said the downside of the requirement was the broad interpretation of "historic significance." If the Town was going to have a process that could be handled over the counter, it needed to be a "high threshold" approach in terms of historical significance. He thought the major tool should be the Historic Element; that could be expanded if necessary. Mr. Mader said the hope was that it would be simple. The State indicated that you could go out, inventory all the houses in Town, and identify those that were historically significant. There were some houses in Town designed by well-known architects such as Cliff May. Councilmembers and staff discussed structures in Town that might be considered historically significant.

Councilmember Merk said a lot of buildings in Town had been identified for the Historic Element. One of the oldest and best designed buildings that few had seen was the Woods house. They did not want their house on the list. Some subsequent owner might want to raze that house. It was not in the Historic Element, and there was no provision to at least document the house. Town Planner Mader said if there was a demolition ordinance, the Town would be required to look at it. That was missing in the Town's system. Ms. Sloan said it was unusual for a town not to require a demolition permit. There were a lot of other reasons to have a demolition permit other than just historic significance such as ensuring utilities were turned off, etc. Council agreed that the Town needed more than an informal procedure to address demolition.

Responding to Councilmember Merk, Town Planner Mader said more and more, the ASCC was requiring

more documentation on the structure. Ms. Lambert had indicated that staff might ask for older plans and attempt to perform some appraisal. Pictures were also taken before the remodel, which were put in the file. But, there was no checklist or any format for doing that. While it needed to be as simple as possible, the Town should try to establish when a structure was built, who designed it, etc.

Responding to Councilmember Davis, Town Planner Mader discussed additions/remodels to older buildings where the style and architecture had been emulated under ASCC review.

After a discussion of the Next Steps shown in the staff report (pp. 4-5), Council agreed that: 1) the Town should adopt ordinance provisions requiring a demolition permit; 2) each application should be considered on its own with a requirement that the applicant submit certain required information that would help determine the historical significance of a building; 3) a form should be developed and used when analyzing buildings 50 years or more in age; and 4) criteria should be developed for reviewing these structures. In addition to asking Ms. Lund for assistance, Town Planner Mader noted that some of the architects in Town might be asked to assist in developing criteria. They had knowledge of different architects/architecture in Town.

(12) Status of Town Center Project

Ms. Howard said the grinding was complete and the rough grading had been started. The hydro seeding should be done in about two weeks. The maintenance shed was coming along. Story poles for the backstop would be put up with some netting at the end of February. The project was also getting good press in *The Almanac*. The groundbreaking ceremony would be held on April 28 and would be sponsored by the PV Community Fund; part of the festivities would be a hosted lunch in the Schoolhouse for invited guests, including the major donors. She said the new playground was included in the first group of bid packages. There would be times during the construction when it would have to be shut down, but it would be in use for most of the time. Mayor Driscoll noted that the existing tot lot would be shut down in mid-April, and the new lot would not be available until June. Ms. Howard said there was a mock up of the lighting, and a new diffuser was being obtained. Councilmember Merk said the diffuser needed some kind of shielding/cover to screen the source of the light.

(13) Reports from Commission and Committee Liaisons

(a) Open Space Acquisition Advisory Committee

Councilmember Toben said the Committee discussed encouraging conservation easements. He said the Committee asked him to draft a letter for Council's review and distribution to selected property owners. A draft would be presented to the Council at the next meeting.

(b) Trails Discussion Group

Councilmember Toben said the group had held one meeting and two hikes. There was good turn out with energetic participation. The final business meeting would be March 3.

(c) Climate Protection Task Force

Councilmember Toben said there was now a calculation on the 1990 emissions of carbon for the Town; the methodology seemed reasonable. All three sub-committees were very energetic and were coming up with a lot of ideas.

(d) Blues and BBQ Meeting

Councilmember Merk said most of the discussion centered around a venue for the event. He agreed the item needed to be agendized for the next Council meeting.

(e) Jasper Ridge

Councilmember Merk said he met with Jasper Ridge staff to discuss fire safety. The Town was looking into requiring defensible space and ways to improve communication with Jasper Ridge staff and Town staff.

(f) Council of Cities and City Selection Committee

Councilmember Derwin discussed results of the City Selection Committee election.

(g) Friends of the Library

Councilmember Derwin said the Friends were gearing up for their fundraising campaign in the fall; the goal was to raise \$150,000 for furnishings, fixtures and equipment. They would be meeting once/month until June.

(h) Library JPA

Councilmember Derwin said the JPA reported on their financial audit.

(i) Teen Committee

Councilmember Derwin said the Committee was advertising for their ski trip on March 17.

(j) Trails and Paths Committee

Councilmember Derwin said the Committee discussed the trail on the Kersten property. They also discussed trail closure policy and maintenance of trails in Westridge.

(k) Cable Committee

Mayor Driscoll said Metro Connect, prime contractor for the Wireless Silicon Valley Initiative, was doing demonstration projects in San Carlos and Palo Alto. They were interested in having Portola Valley be the test site for WiMax. The Committee was also continuing its discussion on undergrounding.

(l) Sand Hill Project

Town Planner Mader said the Town had expressed concern about the landscaping and lighting of the Sand Hill Project. Noting that the site was in the Town's planning area, he said he looked at the plans which showed 43 redwoods along the freeway. He asked that Menlo Park look into that along with the great deal of lighting that was proposed.

WRITTEN COMMUNICATIONS

- (14) Town Council 1/26/07 Weekly Digest: None
- (15) Town Council 2/2/07 Weekly Digest: None
- (16) Town Council 2/9/07 Weekly Digest

(a) Contract Postal Unit (CPU) in New Town Center

Referring to Mr. Willis's memo of 2/9/07, Mayor Driscoll said he was stunned to see that a CPU required 142 sf. Noting that Robert's market planned on moving into the John's market site, Councilmember Toben suggested they be contacted to see if there was any interest in housing a CPU. Council agreed that a CPU at Town Center was not viable.

(b) Resolution in Support of Virgin America

Referring to the Supervisors' letter of 1/29/07 asking for support of Virgin America, Mayor Driscoll said he would write a letter.

(c) Outlook Conference

Councilmember Derwin said she was interested in attending the Outlook Conference on 3/8/07.

ADJOURNMENT

The meeting adjourned at 10:06 p.m.

Mayor

Town Clerk