

TOWN COUNCIL MEETING NO. 693, MAY 10, 2006

ROLL CALL

Mayor Toben 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, Driscoll and Merk, and Mayor Toben
Absent: None
Others: Town Attorney Sloan and Town Administrator Howard

ORAL COMMUNICATIONS

(a) Bill Henderson, Brookside Dr., referred to an article in the *Palo Alto Weekly* that indicated utility rates would be increasing. He said that would increase the Town's coffers through the UUT. He said he would continue to speak to the Council about the UUT. Referring to an article in the *San Jose Mercury News* (5/9/06) about the County of Santa Clara's plan for a pandemic flu outbreak, he said the Council was going ahead with a fancy Town Center versus planning for a disaster. The Council was heading in the wrong direction by trying to bring the city to the country rather than showing off the Town's greatest asset—a small town in a rural environment. He did not think it was prudent to continue to build an extravagant Town Center and spend all of the Town's resources rather than build an infrastructure that could handle a disaster--whether it was earthquake, fire, energy, etc.

(b) Mayor Toben noted that the Town had not had any serious problems due to the series of storms this year. He said he and Councilmember Driscoll had spoken with the maintenance staff during the week and expressed the Council's appreciation for their good work during a very difficult winter. Councilmember Driscoll noted that the County had been declared a disaster area; the compliment to the staff was well deserved.

CONSENT AGENDA

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

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

- (1) Minutes of Town Council Meeting of April 26, 2006, as amended.
- (2) Warrant List of May 10, 2006, in the amount of \$124,994.23.

REGULAR AGENDA

- (3) Annual GreenWaste Recovery Rate Increase

Ms. Howard reviewed her memo of 5/3/06 on GreenWaste Recovery's annual rate adjustment. Councilmember Driscoll noted that GreenWaste had just been awarded the contract for the City of San Jose. Councilmember Merk said the recycling service was excellent compared to what other companies required from their customers. He moved approval of Resolution 2237-2006 Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Yard Trimmings Between the Town and GreenWaste Recovery, Inc. Councilmember Driscoll seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(4) Appointments to Teen Committee

Mayor Toben referred to Ellen Hoffman's memo and request that the Mayor appoint Chelsea Evens, John Jernick, Max Moore, and Ellen Hoffman as Chair. Councilmember Driscoll discussed Max Moore's on-going efforts to set up a redwood log bench in Town. Mayor Toben made the appointments, and Council unanimously concurred.

(5) Status of Town Center Project

Mayor Toben reviewed Ms. Howard's memo of 5/10/06 and recommendation from the PV Community Fund's steering committee to retain a consultant to assist with the public portion of its fundraising campaign. Responding to Councilmember Derwin, Councilmember Driscoll said the three firms being interviewed were the same as those interviewed for Bob Zimmerman's work. Councilmember Merk said he had been part of that interview process, and all three firms were very good. Responding to Mayor Toben, he said he would be glad to participate in the selection process.

Ms. Howard said there would be a study session on 5/16/06 to discuss the two types of delivery systems for the Town Center project. Rick Leisinger (TBI) would attend along with Mayor Kerr (Los Altos Hills), Thomas Fil (Belmont's Director of Finance), Larry Strain and Suzi Marzuola. Hopefully, at the following meeting, a decision could be made.

Councilmember Merk asked if there would be any representatives speaking in favor the traditional bidding process versus multiple prime. He offered to provide some names. Responding to Councilmember Davis, Ms. Howard said no one that was invited would be bidding on the project. Councilmember Driscoll noted that the TBI project manager for Los Altos Hills would likely be the Town's project manager as well. He thought he should be present if possible. Responding to Councilmember Merk, Ms. Sloan said she did not think there would be a conflict of interest if a general contractor participated in the discussion and then chose to bid on the project. Ms. Howard noted that TBI did both types of contracts.

Responding to Mayor Toben, Ms. Howard said the PowerPoint presentation previously given to the Council on multiple prime would be re-distributed in hard copy to Councilmembers. Councilmember Driscoll suggested that TBI be asked to give the pros and cons of both systems. After discussion, Mayor Toben said Councilmembers should do what they could to understand the fundamentals and come with questions. Responding to a resident, he said the public was invited.

Regarding the Village Square space, Ms. Howard said the lease had been received and would be reviewed by the Town Attorney. Councilmember Driscoll noted that Stanley Lo had agreed to \$2,500/mo rent and \$600/mo for heating/utility costs for the space. He would also make a donation of 500/mo to the project. The Town's cost would be \$2,500 less whatever was typically received from the tenants at the present time or approximately \$2,000/mo. He noted that Woodland School had accepted the tai kwon do class but rejected the art classes. They were concerned about the timing and traffic associated with the art classes, which would now be housed in the Village Square space.

(6) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember Driscoll said the Committee discussed the C1 trail. He said Councilmember Davis had summarized Stanford's position, and the Committee would be walking the proposed trail with Stanford representatives. Stanford would subsequently present the detailed plans to the Council and answer

questions, which included: a) what would happen to any funds not used by Portola Valley; and b) how much flexibility the Town had with respect to the location of the trail. Councilmember Davis discussed the recent article in *The Almanac* about the trail, which was not accurate. He said he received an e-mail from Larry Horton (Stanford) indicating that: 1) the Town had not been given a take-it-or-leave-it offer funding any specific trail design or some modest modification of the BKF plan; 2) Stanford had made an offer to pay up to \$2.8 million to Portola Valley for enhancements to the Alpine Road trail that Portola Valley wished to make within a broad set of general guidelines; and 3) the Town should design the trail that it wanted, come back to Stanford, and Stanford would march with the Town to Santa Clara County to get approval. If the Town did not spend all of the money, Councilmember Davis said the language in the contract was somewhat vague. From the Town's standpoint, the objective was to design a trail that the Town felt would be useful; hopefully, the County of Santa Clara would agree. At the highest level, the County was really motivated to improve the circulation for bicycles and pedestrian traffic. Councilmember Driscoll said once the questions were clarified, the Trails Committee would take on the task of figuring out what the Town wanted. Responding to Councilmember Merk, Councilmember Davis said the Committee would also be looking at the separation of the various users of the trail. Responding to Councilmember Merk, he confirmed that Stanford had not expressed any willingness to grant any frontage easements.

Councilmember Driscoll said the Committee also discussed their vote(s) on the issue of dogs on Coal Mine Ridge trails. There was still some confusion. The Committee was preparing a memo that described the pros and cons of leaving the policy as is. A subcommittee would be writing a memo on the pros and cons of alternatives. Because of the amount of literature about dogs on trails, the report to the Council would probably not be completed before a month.

In terms of conflicts of interest for Ranch residents, Ms. Sloan said the conflict of interest laws applied to Councilmembers and Planning Commissioners; there was also a list of people/commissions the Town had voluntarily decided should be subject to the conflict of interest laws; these included the ASCC, certain consultants, and certain staff members with decision-making power. The conflict of interest laws did not apply to any of the other committees; the theory had been that these were informal and advisory bodies and the members should not be burdened by filling out the forms, etc. The laws did apply to Councilmembers. She said Town Planner Mader indicated that more than 12% of the homes in Town were located at the Ranch. The "public generally" exception was that if more than 10% of the residences were affected, there was no conflict of interest. She said Councilmember Davis and Councilmember Driscoll did not have a conflict unless one of the trails under discussion was within 500' of one of their houses. Town Planner Mader had also confirmed that the trails under discussion were not within 500 feet.

Mayor Toben said he was unhappy about the way this had been handled at the Trails Committee level. The Committees had been given a lot of authority to take public input and shape that input so that it could be useful. Ideally, he would like all of the material made available to the public before it came to the Council. The Trails Committee should agendize another discussion where public comment could be received on the content of the materials. Councilmember Driscoll said the majority and minority reports would be reproduced for the entire group and made available to anyone who wanted to see them. He did not think the group would be able to reach an agreement. Councilmember Davis urged that: 1) the Committee ensure that people felt they had been heard before a decision was reached; and 2) the Council receive sufficient articulation of the pros and cons. Mayor Toben suggested the drafts of the majority and minority reports be provided to the community a week or so in advance of the next Trails Committee meeting, and the agenda for that first meeting in June indicate there would be public comment on the proposed minority and majority reports. The Committee need not take further action and could refer it to the Council. He said he would attend the next Trails Committee meeting and listen. It was critical that everyone be given an opportunity to be heard. Councilmember Driscoll noted that this was a very polarizing issue. He did not want to promote a consensus if it ended up promoting polarization. Mayor Toben felt this was an opportunity for creative problem solving. For example, there might be a peripheral route that could be open 4 hours/day that met the needs of reasonable dog owners. Councilmember Driscoll noted that alternatives

had been discussed by the Committee before the vote was taken.

(b) Blues and BBQ

Councilmember Merk said the Blues and BBQ Committee would like Council's input for honorees.

(c) San Francisquito Creek Study

Councilmember Merk said he attended the last meeting on the creek study. The material described reaches 1, 2 and 3, which ran from the San Francisco Bay to the crest of Highway 35. The representative from the Army Corps of Engineers said the project ended at Searsville Dam, in contrast to the written materials. He said he would follow-up.

(d) Planning Commission

Councilmember Derwin said at the request of the Conservation Committee, the Planning Commission voted in favor of amending the Site Development Ordinance so that blue oaks of 16" circumference or 5" diameter would be considered significant trees. She said the Commission learned from Paul Heiple that blue oaks grew only in California in the grasslands at the top of hills. They were the rarest of the oaks in Portola Valley and grew very slowly. The Commission also discussed Resolution 500, which would now go to the Town Attorney and then to the Geologic Safety Committee before going back to the Planning Commission.

(e) Library JPA

Councilmember Derwin said the library JPA meeting had been held in the new Belmont library, which was a very nice facility. Two new library service managers had been introduced, and the FY 06/07 budget had been presented. She noted that the Belmont Friends of the Library had raised \$350,000 for that library. She said she would try to have the Belmont Friends get together with the Town Friends.

(f) School District

Councilmember Derwin said she, Mayor Toben and Ms. Howard met with Board members and the Superintendent to discuss a number of issues. It was decided that it would be helpful to have the Council make a presentation to the Board now and then, and she would be making a presentation on June 20. The Strategic Action Plan templates from the Community Partnership group were ready to go to Ann Campbell.

(g) Teen Committee

Councilmember Derwin said she had informed the Committee that the MUR could not be used as requested by Ms. Hoffman in her memo of 5/3/06. Ms. Hoffman was working with the schools to find an alternate location for a dance. The Committee would like to start a tradition of having a teen dance after the picnic. Additionally, the Bay Area Ski Bus would be used for ski trips next year. Responding to Councilmember Derwin, Mayor Toben confirmed that there would be a shared space that the teens could use in the new Town Center. Regarding Max Moore's bench, she said the new idea was that it would be put in Triangle Park so that teens could have a place to gather.

(h) Community Events

Councilmember Derwin said Liz Sweeney indicated that the picnic planning was going well. Responding to Councilmember Derwin, Councilmember Driscoll confirmed that the Council would need a display table similar to those in the past.

(i) Sausal Creek Advisory Committee

Mayor Toben said two meetings had been held to date. The dynamics of the creek, natural history of the valley, and comparable channel opening projects had been discussed by Jorgen Blomberg (PWA, Ltd.) along with funding. The second meeting was a site walk. He said the group was very productive and diverse; he was not sure if a consensus or strong unified majority view would be reached. On the 18th, the committee would discuss opening up the creek through the southern half of the property. They had designed a matrix that defined options 1, 2, 3 and 4 against a variety of factors that needed to be considered. Each member had been asked to state their tentative position on which of the four options or some hybrid would be preferable while keeping in mind the interests of soccer players, conservation advocates, creek waders, red-legged frogs and fiscal conservatives. Mr. Blomberg's job was to indicate what the costs would be. He said this was an important and valuable exercise, and rich information was being put on the table. The Council would be well served by the recommendation(s) of the Committee.

(j) Traffic Committee

Councilmember Davis said the Committee had looked into complaints about parking on Oak Forest Court over a period of time, along with the Sheriff's Department, and had not found any parking problem. One or two times, a car had been found in the bulb, but this appeared to be a neighbor-neighbor issue. The Fire Department had been asked to see if it presented any problem for fire equipment, and letters would be going to neighbors reminding them not to park in the bulb.

WRITTEN COMMUNICATIONS

(7) Town Council 4/28/06 Weekly Digest: None

(8) Town Council 5/5/06 Weekly Digest

(a) Storage Options for Town Center Project – Phase 1

Referring to Mr. Young's memo of 5/4/06, Ms. Howard said the decision on storage options would need to be made before the Council decided how to proceed with the bid packages. She recommended the issue be agendaized, and Councilmembers concurred. Councilmember Driscoll and Mayor Toben discussed staff's reactions to the options. Referring to Mr. Leisinger's letter of 5/4/06, Councilmember Merk said Mr. Leisinger didn't understand that the two things that needed to be abated were paint and the tile on the floor in rooms 1 and 2. They could be abated at the same time all of the other abatement took place for all of the buildings. As indicated in the letter, Councilmember Merk said he did not think that: 1) there would be a need for any additional permitting; and 2) leaving the buildings standing would open the door for other users to say the other buildings could be left up as well.

The meeting adjourned at 9:20 p.m.

Mayor

Town Clerk