

SPECIAL TOWN COUNCIL MEETING NO. 691 APRIL 12, 2006

ROLL CALL

Mayor Toben called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll:

Present: Councilmembers Davis, Derwin, Driscoll and Merk, and Mayor Toben
Absent: None
Others: Planning Manager Lambert, Public Works Director Young, Town Attorney Sloan, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS: None

CONSENT AGENDA

By motion of Councilmember Davis, seconded by Councilmember Merk, 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 Special Town Council Meeting of March 1, 2006.
- (2) Minutes of Town Council Meeting of March 8, 2006, as amended by Councilmember Merk.
- (3) Warrant List of March 22, 2006, in the amount of \$111,463.47.
- (4) Warrant List of April 12, 2006, in the amount of \$146,068.56.
- (5) Purchase of Maintenance Tractor, per Public Works Director's memo of 3/31/06.

REGULAR AGENDA [Note: Agenda items re-ordered at meeting]

(6) Town's Fundraising Feasibility Report

Bob Zimmerman reviewed his report entitled "Town of Portola Valley – Feasibility Study with Reference to the Portola Valley Town Center" dated April 2006. He discussed: 1) purpose of the study and interviews; 2) past and future Town Center uses; 3) hot-button issues; 4) donations to the project; 5) willingness of Town residents to contribute; and 6) fundraising strategies. Contrary to what the report indicated, Councilmember Merk said this was not the first time the residents had been asked to donate to a structure in Town. The names of four hundred donors were inscribed on the plaque at the back of the Schoolhouse and should be acknowledged in the report.

Responding to Councilmember Davis, Mr. Zimmerman said the interviewees had been selected by members of the PVCF committee. The list was a cross section of people, including major donors, who could provide a full sense of the Town. Responding to Councilmember Derwin, he said timing of the project was difficult because construction and fundraising were not often on the same schedule. If half of the money could be raised quickly, the public phase of fundraising could begin before the spring of 2007. [For continuation of discussion, see next agenda item.]

(7) Update on Fundraising Efforts by PVCF

SallyAnn Reiss, PVCF steering committee, introduced other members present. She described her vision of the Town Center project, establishment of the PVCF, goals, and the steering and advisory committees. She described: 1) major gifts campaign; and 2) community/public campaign. She discussed major gifts donor recognition opportunities as shown on the handout, the committee's strategy, development and underwriting of the brochure, the website (www.pvtowncenter.com), major donations to date, neighborhood gatherings, prospective donors, and next steps.

Jocelyn Swisher said funds raised to date included \$2.617 million in hand, with \$2.045 million in written pledges for a subtotal of \$4.66 million; verbal commitments were around \$400,000. Adding in the Town's \$3 million that had been set aside for the project totaled \$8.063 million. She was confident that the group could meet the goal of \$10 million by the end of June. The donations so far had come from 14 households or 1% of the Town's households. Pledges were anticipated from 25 more individuals. On top of that, there was a list of about 40 prospective donors. That list was continually added to as the process continued. Informational gatherings in neighborhoods would continue and relationships built for another year or so. She said the group would like to launch the community campaign in the fall of this year. The next report would be made to the Council in early July.

Responding to Bernie Bayuk, Mayor Toben said the assumption remained that the Town had the capability of generating all of the funds required to finance the project 100%. At the July 12, 2006, meeting, an assessment of the funding to date would be made. At that point, the Council would determine whether some phasing of the project was necessary, whether the Town should consider going to the voters for a bond, or whether the fundraising should continue beyond the time set for a deadline. The Council would not commit to any element of the project that could not be funded.

Bill Henderson, Brookside Dr., said a lot of time and expense could be saved if this was put to a vote by the people—as suggested to Mayor Toben in his interview with *The Almanac*. If the project won, there would be no more questions about funding. Mayor Toben said his response was the same as indicated in *The Almanac* article.

With respect to the names of the interviewees given to Mr. Zimmerman, Councilmember Driscoll said a wide spectrum of viewpoints was represented. He added that he particularly wanted to recognize Chip McIntosh who had held dozens of one-on-one meetings with people in Town. Mr. Zimmerman said one-on-one meetings and tours of the site were very effective. But, if someone was unalterably opposed to the project, he did not think a lot of time and energy should be spent trying to influence that person. There was enough potential among the supporters and those on the fence. Responding to Councilmember Driscoll's question about using a bond, he said ideally it made sense for everyone to support the project. Concern had been expressed by a couple of the interviewees that if the money was raised philanthropically, the people who put the money up would somehow have more of a say about what was going on. As a fundraising consultant, he did not think that people gave to projects like this because they wanted to determine what the project would be like; they gave because they had a certain emotional resonance for it. Some people considered a bond to be the most egalitarian way to go, but it brought up other issues such as the political viability of being able to do it that way. He felt doing it philanthropically--without any sense of selling out or turning over the reigns of power to the people who contributed--was preferable.

Mayor Toben thanked Mr. Zimmerman and the steering committee. Ms. Reiss commended Mr. Zimmerman for his professionalism and assistance. She said it had been a good investment and that Mr. Zimmerman had provided the steering committee with a lot of valuable counseling. Councilmember Driscoll noted that the scope of the work had been changed mid-stream to include how the fundraising should be done. Mr. Zimmerman had acted as an advisor to the steering committee and Town, which was very much appreciated.

(8) Portola Valley Community Fund (PVCF) Request for Approval of 2nd Quarter Budget [Agenda items re-ordered]

Mayor Toben described the PVCF's arrangement with the Town to reimburse expenses incurred in the cultivation of donors, fundraising events, publications, etc. He reviewed the expenses shown on the table for the first quarter 2006 and second quarter proposed budget. By motion of Councilmember Davis, seconded by Councilmember Derwin, the proposed second quarter expenses for PVCF were approved by a vote of 4-0, with Councilmember Merk abstaining.

(9) Current Status of LEED Certification

Mayor Toben said the question before the Council was whether to commit to LEED certification and at what level.

Larry Strain, project architect, said it had been clear from the onset that the Town was interested in doing a green project. His first reaction to do a LEED certified project was, "Why bother." He had done green projects before LEED was in existence. On closer look, he found that LEED certification was a good process for achieving green goals. It laid out specific goals and ways to measure things, and it kept everything honest. You had a green project because you fulfilled all of these requirements. It could still be done without LEED, but most of the consultants were familiar with the LEED process and knew how to work with those specific goals. Coming up with a new tracking and measurement system to get the same result would cost more money. He felt it was simplest to go with LEED. He added that the specific points/credits picked had been selected because they made sense for this project—not for what rating might be achieved. Some points were absurd for this project and had not been entertained. When all the points were added up for this project, it was right on the cusp between silver and gold. Every point and some extras would be needed to get gold, but that should not be the goal. The goal was to get the greenest project possible that made sense for this Town. The Council could wait until the very end to decide whether the project should be sent in for certification. The final cost in the proposal had been separated out and was about \$25,000 for his firm and \$25,000 for the construction manager. The LEED tracking system had been built into the base cost because he thought that was what the Town wanted. LEED had a great system, and the points that didn't make sense weren't included. While there was a good chance it would be a LEED gold project, he felt it was more important that it was an exemplary project.

Mayor Toben noted that several of the potential major donors in Town had expressed particular interest in LEED certification. On March 24, 2006, a \$1 million gift from the TOSA Foundation had been announced, which was specifically connected to the Town's interest in doing LEED certification. TOSA's CFO had been quoted as saying that it was hoped that the grant would allow the Town to meet the LEED gold standard. The question before the Council was whether LEED gold was the aspiration and whether to spend an additional \$100,000 to achieve that level. Mr. Strain noted that most of the additional money for the design team needed to be spent whether LEED was pursued or not. It was not additional money for LEED, but additional money to get a really green project. It took more work to track, design, find materials, etc., for a green project. It was a matter of verifying the greenness of the project. Rick Leisinger said he did not think some of the soft costs could be tied to LEED gold. Whether it was silver or platinum, these costs would be the same. Additionally, some of these costs were based on current costs for today's market. He estimated the cost would be a little over 1% of the hard costs of the project. For example, if the portion of work that was performed for LEED certification was \$10 million, the soft costs associated with that would be a little over 1% or \$100,000.

Responding to Councilmember Davis, Mr. Strain said the project was at the bottom of the gold level. Another six points had been identified that the design team thought were achievable points; some would cost money to get. For example, if you were trying to reduce wastewater by 50% as opposed to 40%, it might cost more. It would buy another point, but there was a question of whether it was a better project or

worth the cost. Responding to Councilmember Davis, he said the architects weren't far enough along in the design to know what points were achievable and at what cost. At the 35% submittal, there would be a new cost estimate. He did not think a decision about whether to try for gold could be made at this time. Responding to Mayor Toben, he said in the proposal to the consultants, they had been given the LEED checklist indicating what points would be sought and who would be responsible. Adding points for some of the consultants might mean their fees would go up; he did not think the increase would be significant. He wanted to go after every point that made sense for the project. The points went from 39 to 51 for gold. He would like to get 48 because it would be a better project. Responding to Mayor Toben, he confirmed that the proposal for working drawings plus LEED certification was not specific to the level. It stated that there was a goal of achieving gold.

Bill Lane, Westridge, said while there might be additional costs for the certification, it was really nothing compared to a major gift. He felt the LEED prestige would influence potential donors. Additionally, in terms of the cost of fossil fuel in the future, he thought the potential savings would be significant. He noted that the architects had been very responsive to the Council and Town, and the project had become a lot greener. He discussed the importance of the Town Center in the event of an earthquake. He was very supportive of making the investment for the certification, which would be paid back many times over the years in the saving of energy. Additionally, he noted that there were donors who wished to remain anonymous. One of the reasons for the PVCF was that anonymous gifts could be made. That issue had not been fully recognized in the fundraising appeal.

Mayor Toben and Councilmember Davis said they supported using LEED as a management tool in the execution of the project. Councilmember Merk said he did not. Architects had been hired that had experience producing green buildings before there was LEED, and they were perfectly capable of doing it now without it. The cost had been estimated at \$25,000, \$50,000, \$100,000, \$121,000 and 1% of the \$8 million to build the three buildings. If it cost \$25,000, that represented 10 additional kilowatts of photovoltaics that could be put on the roofs of the buildings. In five years, that would generate 4 megawatts of electricity and reduce 7,000 tons of carbon dioxide from the air by producing electricity onsite and not burning oil, gas or coal. He would much rather bring his grandchildren to this site and show them that meter running backwards than show them a plaque on the wall. He wanted the Council to take action that actually did something rather than spend money on a nebulous, irrelevant standard. The Town would build the greenest building it could with or without LEED. He wanted to see whatever money that would be spent on that put into something that produced energy and reduced this nation's dependence on foreign oil.

Councilmember Derwin said she had spoken with Sharon Refvem who was Chair of the Board of Directors of the U.S. Green Building Council's Northern California Chapter. Ms. Refvem indicated that it was far more than a plaque on the wall to have a LEED certified building. LEED was a set of checks and balances and a guarantee that you were getting what you paid for. If your project was LEED certified, you could be confident that it had been built to a standard that was recognized within the U.S. Green Building Council. Ms. Refvem also pointed out that LEED provided extra leverage to make sure the contractors were doing their jobs. Portola Valley had been a leader in terms of land use policy and geology, and the Town also needed to take a position of leadership in green building. Having the Town Center project LEED certified was a step in accepting that responsibility, and she supported building the project to be LEED certified. She moved that the project be submitted for LEED certification and to proceed with the LEED management system. Councilmember Davis seconded the motion.

Referring to an article in the April edition of *Western City* magazine on ethics in government, Councilmember Merk said by voting on this item, the Council would be acting on an item that was listed as discussion on the agenda. This was one more example of the Council saying what it would be doing on paper and then doing something else in the chamber. This was the second time it had been done in a couple of weeks, and he was disturbed by it. If the Council was to keep trust in Town, this needed to be stopped.

Councilmember Davis said he agreed with the basic premise of the concern, but he did not see this transaction in this light. The vote was not to spend \$25,000 on LEED certification. This vote was to try to settle one of a number of parameters that would go into a particular contract that would return to the Council. This was a key element and had been discussed often. Like the rest of the items that were about to be discussed (e.g., timing, building removal, etc), there could be straw votes on each of those as well.

Ms. Sloan said the Council could take a vote on any item that was listed on the agenda. Traditionally, when there was a vote, there was a resolution or ordinance that went with it, but that was not always the case. The approval of the scope of work for Siegel and Strain was item #10a on the agenda. LEED certification was part of that, and she suggested the action be taken when that item was discussed. After discussion, Councilmember Merk said he would be much more comfortable voting on this item as part of the Siegel and Strain agreement. The motion and second were withdrawn.

(10) Agreements with Siegel & Strain Architects for Construction Documents and Construction Administration Phases for Town Center Project

As previously discussed, Mayor Toben said there was \$2.5 million in Town reserves plus \$2.6 cash in hand for the project. If the Council was not satisfied that that was enough of a cushion to proceed with the next stage of work, the Council had three options: 1) suspend the work if the council was not satisfied with the fundraising; 2) proceed with demolition of the old structures, development of the maintenance yard and preparation of construction documents/construction administration; or 3) direct the design team to undertake the completion of all working drawings for the entire project. The cost of option 2 was approximately \$149,000 and involved a limited scope of work. Option 3 was approximately \$1.3 million.

Councilmember Driscoll said if the project was delayed for whatever reason, the cost estimates that were done a year ago were no longer valid. If the Town did not go with option 3, a mixed signal would be sent to the citizens, fundraisers, etc., and the door would be opened in terms of cost. The working drawings were not documents that expired in a short period of time and could be shelved if the Town ran out of money. He supported option 3 and trying to stay on the schedule.

Referring to the Siegel and Strain proposal, Phase II, Exhibit A, CD/CA Scope of Services (p. 3 of 4), Councilmember Merk asked if the new library counter would be used in the new library. In terms of the scheduling (p. 3 of 4), he said he would be very surprised if the construction could be completed in 14-16 months. He said he supported option 3.

Responding Councilmember Derwin, Mr. Strain said delaying demolition past 8/1/06 would mean it would take place during inclement weather; the intent was to do the work during the driest months. Suzi Marzuola said a portion of the paving area by the artists' studio building would be left intact for the Blues and Barbeque event and subsequently for staging. Mr. Leisinger said there would be fencing around the construction site and a large event could be held outside. Responding to Councilmember Derwin, he said some of the buildings might not come down until Phase II. A building could be left for storage purposes but cost was a factor because of the different trades involved in the activity. There were mobilization costs, phasing costs, etc. Using temporary facilities would probably cost less than some of the mobilization costs—especially for abatement activities. Those activities should be started and finished all in one period. Mr. Young discussed the cost of containers, noting that the plan was to buy and then resell them. Responding to Sharen Refvem, Mr. Leisinger said the plan was to utilize modular units for a construction office; they rented for around \$750/month. Mayor Toben noted that the demolition would not leave a field of rubble. It would be cleared and hydro seeded before the installation of the project began. It would not be perfect, but it would not be unsightly.

Councilmember Derwin said the fundraising momentum needed to keep moving. Her magic number to

proceed was \$8 million, including pledges/promises, and that had been reached. She was comfortable going forward with the whole project. Councilmember Davis concurred.

With respect to the demolition, Councilmember Merk said he was being asked to make a decision without all of the facts. Containers would be purchased and would have to be placed somewhere. At least one of them had to be wired because it would be replacing Room 10. These containers would have to house all of the maintenance equipment which was now held in Rooms 1 and 2. Additionally, the remaining tile in Rooms 1 and 2 was alleged to have asbestos in it. The cost of mobilizing to remove the paint was also unknown. Amounts had been referred to, but they had not been formalized. He wanted to know what the real costs were of doing each of those things before he made a decision to demolish all of the buildings. He thought Room 7, 8, 9, and 10 probably had to go. But, he was not convinced about Rooms 1 and 2, and he would like more information before he made a decision. He noted that the Town staff was very small with vacancies. The staff would be asked to move everything and then move it all again. Those costs had to be looked at and compared with the cost of re-mobilizing crews to take down one small building.

Mayor Toben said Councilmember Merk's comments would be very important when the Council was presented with the demolition contract. For now, the focus was on the direction to the design team regarding the scope of work. He was prepared to approve the scope of work described in the proposal dated 4/5/06 for Phases I and II. The Council needed to discuss whether to include the LEED certification. Ms Sloan added that the contracts would be brought back at the next meeting.

Responding to Councilmember Driscoll, Mr. Leisinger said he would prepare an estimate for the cost of staggering the demolition so that one or two of the buildings could be left standing. Councilmember Driscoll said the Council needed to be careful about trying to micromanage this project. He wanted to ask the experts for the most sensible way of doing it. He supported option 3 and moving forward. He reiterated that it was important that the Town not make a move from one state of affairs to another if that resulting state of affairs was not a stable situation. Uncertain things happened, and it was important to move from one rock to the next and not step off not knowing where the next rock was. He thought that the proposed phasing did that. The essential functions needed to continue to function.

After discussion, Councilmember Driscoll moved to proceed with option 3 (Phases I and II) excluding LEED certification. Councilmember Davis seconded the motion, and it carried by a vote of 5-0.

Councilmember Derwin moved to direct the architects to include in the scope of work that work required for LEED submittal. Councilmember Driscoll seconded, and the motion carried 4-1 (Merk).

(11) Current Status of Town Center User Groups

Ms. Lambert reviewed her memo of 4/6/06 on alternative locations for current activities conducted at the Town Center. She said all of the teachers of the classes and Nancy Lund were fully aware that they needed to be out and their classes moved before 8/1/06. She noted that she had not talked to the artists or the Art Gallery. She said the next step was to have the teachers evaluate available space and ensure that it would work for them. She was confident that a place would be found for everyone and soon.

Councilmember Driscoll said the art programs and tae kwon do could be accommodated at the Woodland School in Ladera. Yvonne Tryce had looked at the building at the back of the Village Square and felt she could move her science program there. The landlord of that property was also prepared to negotiate with the Town and have some of the rent be considered a contribution to the project. Additionally, some of that space might be used for Town storage or possibly the Art Gallery. The Sequoias was also offering some storage for the historical archives in addition to housing the children's music program.

Responding to Bernie Bayuk, Mayor Toben said he did not think the artists' studio building could remain for

any length of time. It was one of the more dangerous buildings and should come down sooner rather than later. He said the artists were aware that the studios would close. The new Town Center would not have multiple studios but there was one space that could be used by the artists on a rotating basis. There would also be abundant opportunities for displaying art.

Mayor Toben suggested agendaizing vacating the premises by the users by 8/1/06 for the 4/26/06 meeting. Councilmember Driscoll suggested forming a subcommittee to look into alternate spaces for the Blues and BBQ event, Town picnic and holiday party. Councilmember Merk said the Community Event Committee was concerned about venues, the look of the site, etc. Mayor Toben suggested an additional Councilmember attend the Committee meeting on Thursday, and Councilmember Derwin volunteered.

(12) Formation of Ad-hoc Sausal Creek Advisory Committee to Study Possible Renovation of Sausal Creek at Town Center (Charter, Membership and Budget)

Referring to Ms. Lambert's memo of 4/4/06 and attached membership list, Councilmember Merk asked if any at-large members had been turned away. Mayor Toben said Craig Breon was content with participating as a member of the public and was not concerned about being a voting member. Matt Stoecker was also interested in participating.

Referring to the charter, Councilmember Merk said some of the wording was very vague. For example, the objective of "determining the facts associated with the existing creek..." was very open-ended. "Identify realistic options..." was also vague. Referring to the tentative meeting outline, Councilmember Driscoll confirmed for Councilmember Merk that the purpose of the first meeting was to review the Committee's charge—not to make a decision about the creek. Mr. Vlasic added that the whole point of the first meeting was to get a complete review of what the committee's responsibilities were. Additionally, it was critical that there be good factual information. The intent was that everyone be given an understanding of how this would move ahead. It might take more meetings than indicated, but the hope was to get as much information to the Committee as possible in a way that they could assimilate it. More questions would arise, but the specificity in the meeting outline was intended to not only focus on the committee's charge but also the consultants' assistance to them. Changes to the framework set forth would be made.

Referring to the budget for consultants' services, Councilmember Merk said he was very shocked to see a budget of \$46,100 for this committee. He also questioned the need for a technical background paper that would, among other things, discuss the channel history of the creek. The creek had been all over the bottom of this valley. To talk about the history of the channel of the creek was specious. More importantly, a lot of decisions had been reached about the Town Center in terms of siting, views, etc., through a very long and arduous process. Now, the Town was stepping back and opening up an issue which would have amazing impacts on the site that were not considered when a lot of the other decisions had been made. He questioned what the goal of opening up the creek was. A pretty little stream that added to the ambient quality of the Town and looked like something you would see in England or back east was not something you would see in Portola Valley. A stream in Portola Valley would have willows, dogwoods and alders, and there would be a hedge of growth—some of it quite tall—right across the site. The question was what was wanted: a natural Portola Valley creek or an unnatural feature that wouldn't exist here otherwise. To spend \$46,000 to make that determination was throwing good money after a bad idea. He thought this would be a committee that would sit down and decide whether it was a good idea to open up the creek—not three consultants for \$46,100 supporting them. He could not support that—especially when he could look at the committee membership and determine what the answer would be.

As the Committee Chair, Mayor Toben said he did not see a predetermined outcome. He was eager to find out what the members would say about this issue, which resonated in many different ways for many different people. It was fair to predict that there would be a great range of opinions. The task would be to see if a consensus could be reached. There were four options that were clearly specified in the meeting

outline. He said he was also aghast when he saw the proposed bill. But, he had identified twelve very difficult and substantive issues--including cost. There were strong aesthetic, environmental and recreational pluses to opening up the creek, but there were also very many significant downsides. Through frugal management by the Town staff, there were some funds—around \$25,000--available in this year's budget still uncommitted to consultants. He did not like the fact that \$46,000 was being contemplated, but to get to a reasonable result by mid fall, the expertise of these consultants was needed.

Councilmember Driscoll said it sounded like the Council was trying to make the Committee's decisions before the Committee got started. He felt the Committee should make its decision carefully and not spend a lot of money trying to identify the previous streambed location until they had been through all of the conceptual issues of whether or not this should be done. The \$46,000 might not be spent unless there appeared to be an emerging consensus that this was a good idea. Mayor Toben added that he thought a decision could be reached rather quickly; opening up the full creek channel might not be feasible. That would cut a lot of costs out of the proposal. There also might be a decision reached quickly that some opening of a segment of the creek was desired. There were many competing issues. There were some strong advocates of opening up the creek, and others were quite skeptical.

Councilmember Driscoll said he felt that the members were a heterogeneous group with heterogeneous views. He did not feel the recommendation from the committee was pre-decided. It was however important that this committee have free reign on the issue and not spend money until they were absolutely sure that they needed to. He was prepared to authorize the "not to exceed" budget. He suggested approving the agenda but only the agenda for the first meeting. From there, the Committee would try to finish when they could. This was a very complicated issue. Sometimes the Town's committees took a long time to make a decision.

Bill Lane said the members of this committee needed to be very aware of what the Town was trying to achieve with the Town Center. The tail could be wagging the dog on this issue unless the committee members really comprehended all of the effort and thousands of hours expended before this issue ever came to the surface. This committee needed to appreciate and revere the work that had gone on up to this point. There was no room for tunnel vision about a lovely scenic meandering creek through the site. This was not the only creek in Town. He felt opening up the creek could be a very serious intrusion. He also agreed with Councilmember Merk about the plant material that would have to be planted to stabilize the banks. There could be huge volumes of water going down at one time, and it would only run for a short period of time during the year. He did not want the creek to rock the boat.

Councilmember Davis said it was important to understand the nature of this creek. Some people viewed it as a theme park creek with a great deal of romance and sweetness. Early on, when they saw the impact on circulation, bridges, foliage, etc., they would change their minds. Additionally, he saw the cost in two phases: 1) work that needed to be done to make a decision; and 2) education cost, which worried him. He had suffered through a year or two of trying to explain to people that this was an earthquake zone that had been verified by world-class scientists. There were still people who believed the earthquake wasn't a problem. Some people could not be convinced. The first meeting of the Committee would be very important. He would support the "not to exceed" budget, reluctantly, with the hope that this was a quality group of people who would face up to the parameters. He thought the group could quickly coalesce into a couple of things to pursue rather than all of the options. Charter approved 4-1 (Merk) with committee membership appointed 4-0-1 (Merk). *[Further discussion of this item not recorded.]*

(13) Philip Williams and Associates Agreement in Support of Ad-hoc Sausal Creek Advisory Committee

[Not all of the discussion of this item was recorded.]

Mr. Vlastic said the history of the creek that would be presented to the Sausal Creek Advisory Committee consisted of some aerial photos to give the sense that this was not a natural creek channel. Additionally, a number of contentions had been made, and the facts needed to be set straight. There was no interest in digging into the ground to figure out where the channel was. One of the important contributions of Phillip Williams & Associates was to come to the Committee with a sense of what the hydrology was and to begin to look at what needed to be considered with the channel. There were some options that could be considered, but that information needed to be given to the Committee first. With that information, they could very quickly get a sense of what the impacts would be. It was important that they had that first presentation and to get that information as clearly as possible.

Councilmember Merk said he would not vote to approve this agreement because of the money involved. But, he did not want his vote to be construed to disparage the work of Philip Williams and Associates who did excellent work.

Councilmember Davis moved approval of Resolution No. 2230-2006 Approving and Authorizing Execution of an Agreement Between the Town and Philip Williams & Associates. Councilmember Derwin seconded, and the motion carried 4-1 (Merk).

(14) Spangle Associates Agreement in Support of Ad-hoc Sausal Creek Advisory Committee

Councilmember Driscoll moved approval of Resolution No. 2231-2006 Approving and Authorizing Letter Agreement Dated April 12, 2006, Between the Town and Spangle Associates for consultant services in support of the Sausal Creek Advisory Committee. Councilmember Davis seconded. Councilmember Merk said his same comments applied to this consultant as to Philip Williams and Associates. Mayor Toben called for the vote, and the motion carried 4-1 (Merk).

(15) Siegel & Strain Architects Agreement in Support of Ad-hoc Sausal Creek Advisory Committee

Councilmember Driscoll moved approval of Resolution No. 2232-2006 Approving and Authorizing Letter Agreement Dated April 12, 2006 Between the Town and Siegel & Strain Architects for consultant services in support of the Sausal Creek Advisory Committee. Councilmember Davis seconded. Councilmember Merk said his same comments applied to this consultant as to Philip Williams and Associates. Mayor Toben called for a vote and the motion carried 4-1 (Merk).

Councilmember Driscoll urged that the Committee Chair exercise caution about the expenses.

(16) Support of Proposition 81 - Library Funding

Councilmember Derwin read a statement in support of Proposition 81--a bond measure to assist local governments in the construction and renovation of public libraries. If it passed, she said certain towns would be eligible for funds to build or renovate old libraries. Half Moon Bay was one of the towns in the JPA and was at the top of the list. At the last library JPA meeting, members were asked to bring a resolution in support of Proposition 81 to the councils. Thus far, Half Moon Bay, Belmont and San Mateo County passed a resolution. Supervisor Jerry Hill had sent a letter of support to the campaign on behalf of the Board of Supervisors, and other cities had the issue on their agendas. As the Town did not historically adopt resolutions of this sort, she said there were a number of reasons to break this tradition. First, this resolution was different from others that were more political in nature. Libraries, unlike many other organizations represented by propositions, served every single member of society equally. Public libraries were seen as an integral part of local government service and the core of democracy as they provided a place for all people to inform themselves about current issues and events. As elected officials, it was in the Town's best interest to promote and support strong libraries. Second, enhancing any library in the JPA would improve services to all libraries. New libraries had larger collections, and residents of smaller communities with

smaller collections often relied on materials of larger libraries. In January, there were 372 holds filed for users in the Portola Valley Library. These 372 items came from other libraries in the system. All the materials were shared. Third, Proposition 81 would support the building/renovation of many libraries in this State, and a number of them in the County would apply for funding—not only Half Moon Bay but also San Bruno, South San Francisco, and possibly other communities in the JPA whose facilities were termed below par. These included Pacifica, Brisbane and East Palo Alto. Fourth, Proposition 81 had the support of many municipal and county governments, the League of Women Voters, California Federation of Teachers, and the California PTA. Fifth, someday the Town might need the support of Half Moon Bay or another member of the JPA. She asked that the Council pass a resolution in support of Proposition 81. Responding to Councilmember Davis, she said libraries considered below par would be eligible for funds; the Town's library was not considered as such.

Councilmember Merk said this was a wonderful cause and any member of the Council or the Town who wanted to could support it. But, this was not how things were done in Town. People had come and asked the Town to pass resolutions in support of all kinds of causes. He did not think it was the Council's place to start down a path which would lead to spending more and more time discussing whether Council support should be given to one issue or another. There were many wonderful issues—many of which were not political. He was willing to support this cause personally, but was not willing to pass the resolution as a Councilmember.

Mayor Toben said Councilmember Derwin had tied this very much to the local condition, and the Town was an integral part of the library JPA; the local nexus was quite convincing. Secondly, this was a different kind of proposition. It was not one that put the Town in one ideological camp or another. It was good for everyone. It also very much related to the educational ideals in this community. Additionally, he did not think the Town should be enslaved to the past. The Town was becoming more and more connected to other communities in terms of emergency preparedness, library services, etc. There would come a time when the Town needed to join the ranks of others and step into the arena. For those reasons, he enthusiastically supported the Town going on record in support of this proposition.

Councilmember Driscoll said he was sensitive to Councilmember Merk's comments. But, the Town's membership in the JPA was important for local control. In the next 5 years or so, the Town would be asking the JPA for help in furnishing the library. He supported the resolution. Councilmember Davis said he shared Councilmember Merk's concern. However, this had a sufficient local component, and he would support the resolution. Councilmember Merk said he was convinced that there was a local component of this issue and would reluctantly support the resolution.

By motion of Councilmember Driscoll, seconded by Councilmember Derwin, Resolution No. 2233-2006 Endorsing Proposition 81, the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006 was approved by a vote of 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [*Agenda items re-ordered*]

(17) Proposed Change to Cable and Utilities Undergrounding Committee Charter

Referring to Chris Buja's e-mail of 3/23/06, Councilmember Merk moved approval of changing the Committee's charter to reflect a change in meeting time to 8:15 on the second Thursday of the month. Councilmember Davis seconded, and the motion carried 5-0. Councilmember Merk suggested this type of charter change should be in the consent agenda.

(18) Proposed Change to Parks and Rec Committee Charter

Referring to Neil McKinnon's memo of 3/23/06, Councilmember Driscoll moved approval of changing the

Committee's charter to reflect a change in meeting time to 7:30. Councilmember Merk seconded, and the motion carried 5-0.

(19) Set Date for Study Session on Options for "Delivery Systems" (i.e., General Contractor Bid or Multiple Prime) for the Town Center Project

Mayor Toben reviewed Ms. Howard's memo of 4/3/06 and recommendation to hold a discussion on which method of delivery system the Town should use as it seeks bids for construction of the Town Center. After discussion, Mayor Toben asked that Ms. Howard provide some dates within the next 45 days.

(20) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember Driscoll described the Committee's discussion/votes on the issue of dogs on Coal Mine Ridge trails. He said the Committee would be discussing three options: 1) opening up part of a trail to dogs; 2) no change; and 3) opening up the trails to dogs. He noted that it was a contentious issue with petitions on each side. Responding to Mayor Toben, he said the Conservation Committee was very active in this issue.

(b) Conservation Committee

Councilmember Merk said the Committee was having great success with the sixth grade science class monitoring the frog pond; the students were monitoring the level, plants, animals, etc. Additionally, he said the broom pull had been very successful with 20+ participants. A native oak day was proposed for September 30 in the Schoolhouse from 10:00 a.m. to noon where people would be shown how to plant and re-establish the stock of native trees in the area.

(c) Historic Resources Committee

Councilmember Merk said the Town had received a grant for \$1000 to buy materials to tarp the Chilean Woodchoppers' House months ago to protect it from the weather. The Whites were not happy with the idea of a tarp being over that building. The building was deteriorating, and the Committee would like to see the Town take some action to save it. They wanted to explore the possibility moving the building onto a corner of one of the two lots that the Town bought from the Goldsteins and leased back to them. Councilmember Davis said he was concerned about it being an attractive nuisance. He felt the Town should make a decision to do something with the building or not. Councilmember Driscoll suggested it be dismantled with the notion that it would be reconstructed at a proper place at a later date. Councilmember Merk said the Committee felt that the outside side boards and just the shell should be preserved. Councilmember Davis said he preferred to dismantle it rather than just move it. Council discussed where the building's materials could be stored and the quality of the shell materials. Councilmember Merk suggested contacting Bamberg who had worked with the Town on the Schoolhouse. After discussion, Councilmember Merk and Ms. Lambert said they would meet with the Whites.

(d) Library JPA

Councilmember Derwin said the Belmont library grand opening was April 29, 2006.

(e) PV School District

Councilmember Derwin said the PV School Foundation's gala was May 20, 2006.

(f) Teen Committee

Councilmember Derwin described new applicants for the Teen Committee and recruitment at the schools. The Committee was looking for venues for events. They also discussed service projects and ski trips.

(g) Planning Commission

Councilmember Derwin said the Planning Commission finished their discussion on basements and forwarded the rationale statement and recommended limitations to the ASCC. At the last meeting, a draft revision of Resolution 500 and amendments was discussed; comments would be incorporated for further discussion at the next meeting.

(h) Traffic Committee

Councilmember Davis said the one-way circulation at Ormondale School was discussed.

(i) Parks and Rec Committee

Mayor Toben said the Committee discussed whether a new ball field should be located at Corte Madera School; possible alternatives were not panning out. The Committee wanted to hold another informal conversation with neighbors to come up with at least a temporary ball field to replace the one at Town Center during construction.

WRITTEN COMMUNICATIONS

(21) Town Council 3/10/06 Weekly Digest

(22) Town Council 3/17/06 Weekly Digest: None.

(23) Town Council 3/24/06 Weekly Digest: None.

(24) Town Council 3/31/06 Weekly Digest

(a) Rubberized Asphalt Concrete Paving Grants

Referring to the letter from the CA Integrated Waste Management Board, Councilmember Merk asked that a copy of the letter be forwarded to Mr. Young.

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

CLOSED SESSION

(26) Conference with Legal Counsel – Anticipated Litigation
Government Code § 54956.9(c)
Possible Initiation of Litigation: one case

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting adjourned at 11:33 p.m.

Mayor

Town Clerk