

TOWN COUNCIL MEETING NO. 697, JUNE 28, 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, Town Administrator Howard, Asst. Town Administrator Willis, Public Works Director Young, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane, Westridge, read a prepared statement and discussed the reason why the New Town Center was being built. He presented Councilmembers with copies of Nature's Extremes – Inside the Great Natural Disasters that Shape Life on Earth, noting that earthquake was the number one natural disaster. He discussed: 1) research underway at USGS and Stanford on the San Andreas Fault; 2) key actions taken by the first Town Council in its first four years; 3) the importance of the new Town Hall, emergency center, CERPP, Emergency Preparedness Committee, and Woodside Fire District; 4) the Lane's restricted and unrestricted gifts to the Town Center project; 5) his support of the tenants of the Town Center and family sports groups; and 6) his deep concern for the natural environment.

Bill Henderson, Brookside Dr., pvtrojanhorse.com, said no one doubted the gravity of an earthquake and what it could do. The debate about the proposed Town Center would go on. If it had been put to a vote, it would not have passed. He said the Town's budget was a statement about values and policies as exhibited through revenues and expenditures. Through the budget, choices and decisions were made about animal welfare, noise, traffic, the Sheriff's Dept., development, and the Town Center. In 2002, the Council decided to take the Town Center and apply it as a down payment on the future. As a result, there were less reserves. The question that the Council should be thinking seriously about from here on out was whether the policies expressed by the expenditures made for the Town Center were sending the Town down the road to suburbanization.

CONSENT AGENDA

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

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

- (1) Warrant List of June 28, 2006, in the amount of \$160,015.02.

REGULAR AGENDA

- (2) Minutes of Regular Town Council Meeting of June 14, 2006 (removed from Consent Agenda)

Councilmember Merk submitted a change to the minutes of the 6/14/06 meeting. Councilmember Driscoll asked that the minutes be changed to reflect the order the items were discussed rather than the order shown on the agenda. Approval of the minutes was continued to the July 12 meeting.

(3) Public Hearing: Adoption of Fiscal Year 2006-2007 Budget

Ms. Howard summarized the budget preparation process. She said Council's comments during the discussion of the budget at the last meeting had been incorporated in the latest version.

Responding to Councilmember Davis, Mayor Toben said discussion and a decision on the UUT issue would take place at the July 12, 2006, meeting, which would allow enough time to get the matter on the November ballot. Responding to Councilmember Driscoll, Ms. Howard said the attachment to her memo of 6/23/06 indicated how much revenue would be needed in 2006/07 to fund the designated categories. Revenues would be tallied month by month during the year.

Councilmember Davis suggested the Council hear the presentation from the Sheriff's department prior to voting on the budget.

(4) San Mateo County Law Enforcement Services Agreement

Ms. Howard reviewed her memo of 6/22/06 on the agreement for law enforcement services for 2006-09. She noted that the expense for the first year of the new three-year agreement was shown in the budget on page 49. The basic contract provided 24/7 coverage shared with Woodside. The additional traffic patrols for \$162,000 included one officer just for Portola Valley and Woodside. That was offset by \$100,000 from the State; the remaining \$62,000 would come from the general fund. She noted that when the contract was negotiated three years ago, staff had looked into alternative providers for the services. It became clear that the Town was receiving good service for a reasonable amount; every other option was considerably more. During discussions about this contract, she said the Sheriff's office was having the same problems of increased costs in retirements and benefits for employees as well as increased costs for simply running the business. She noted that Lee Lazaro, Sheriff's office, was present to answer questions.

Mayor Toben said the Sheriff's Dept. had invited the community to comment last January and provide input on the quality of service. He and Councilmember Merk attended, and there had been a very positive response to the level of service. Some suggestions had been made, but there were no fundamental concerns about gaps in the service. He noted that the string of burglaries last year had been addressed very promptly and effectively. In general, the community felt good about its relationship with the Sheriff's Dept. Councilmember Merk concurred. He said the few complaints received were for very specific situations.

Lee Lazaro, Deputy Director – Finance Administration for Sheriff's Dept., said a study had been done in 2002 for benchmarking services. Cost per capita of police services throughout San Mateo County had been looked at—including Portola Valley and Woodside. He distributed a chart showing that the cost in Town for services was \$102 per capita; in 2006, the cost would be \$124. Responding to Councilmember Davis, he said costs for the Town were derived by computing the entire cost of police services for the two Towns and the unincorporated area. A formula was then applied that was a combination of cost for service, square miles/area and population. Using that formula, the costs were apportioned between Woodside, the Town, and the County's cost for the unincorporated area. This year, Woodside had experienced quite a bit of growth, including Cañada College, and that figure went up 2%; Portola Valley went down 2%. The overall cost went up because of inflation. He described assignment of officers. Don O'Keefe, Sheriff's Dept., added that if a situation called for extra officers, the cost did not come back to the Town. There was also no charge for crime lab fees or participation in the narcotics task force. He described mandatory training required for the bomb squad. Responding to Councilmember Driscoll, he said the contract required that there would always be coverage of Woodside and Portola Valley. If a deputy needed assistance in west Menlo Park, they could be diverted. He described extra services required for presidential visits.

Responding to Councilmember Driscoll, Mr. Lazaro said the Sheriff's overall budget had gone up. The cost for employee benefits, health care, retirement, etc., and overhead had all gone up. Labor costs were 75%; the next highest expense was for County service charges for things like the motor pool, IT department, public works department, insurance, etc. With a three-year agreement, the Town saved potentially \$50,000. Costs that had not been anticipated three years earlier were averaged, and the Sheriff's office tried to keep the budgets down. Mr. O'Keefe noted that the Town also saved by not having its own police department with extra management and administrative costs. Mr. Lazaro reiterated that the primary reason for the increase was the cost of officers, vehicles, insurance, and training.

Responding to Mayor Toben, Mr. Lazaro said he could not rule out the possibility of passing on some of the costs the County now absorbed to the Town in the future, but not during this three-year contract.

(3) Return to Public Hearing on 2006-2007 Budget

Mayor Toben opened the public hearing.

Bill Henderson, Brookside Dr., said while the per capita rate for the Sheriff was going down, the costs were going up astronomically. Going forward, the costs for services would increase. The Town was paying for a costly Sheriff's Dept. They had one of the best salary/retirement plans for public officials, and those costs were passed off to the towns. There were alternatives even though the Sheriff's Dept. had a monopoly on law enforcement in the Town because there was no competition. The Town had set revenues and expenditures and had to be mindful that there was a limit on how much the Town could pay for this versus other expenditures.

There were no other comments, and the public hearing was closed.

Councilmember Merk said he did not feel that \$140,000 for digitization of planning documents (p. 58) should be included in this year's budget. It would take a huge amount of staff work to begin this project. He felt having to move the documents a second time paled compared to the work of digitizing. While it was something that needed to be done in some way or another, he did not think it was the best time to start—particularly given all of the other things the very limited staff had to deal with in the immediate future.

Mayor Toben said the assumption was that there would be efficiencies achieved by doing it now. This would be a tough year, but there was no assurance that 2, 3 or 5 years from now, it would be any easier to get a job like this done.

Councilmember Davis said he understood Councilmember Merk's point. On the other hand, placing it in the budget would enable the work to get done. It also brought it to a more public view. He was comfortable leaving it in, even if it could not be executed.

Ms. Howard said the budgeted \$140,000 covered buying the appropriate software and any hardware upgrade. She agreed that this was a very big project, but it was one that staff wanted to do if they possibly could. The Town could not continue going on as it had. There was not only the issue of space, but these document/plans were deteriorating. Something needed to be done to save them.

After discussion, Councilmember Merk said he would not object to getting set up to do it and starting with current documents. When time permitted, staff could go back. He did not think it should be rushed just to keep from having to move the documents twice. Councilmember Driscoll said this was a budgetary placeholder, and he hoped that the subcommittee of Councilmembers Davis and Merk could plan for the correct entry into this process. If it was not spent this year, it could be rolled over to next year. Councilmember Merk agreed.

Councilmember Davis moved approval of Resolution No. 2244-2006 Adopting the Operational and Capital Budgets for Fiscal Year 2006-2007. Councilmember Driscoll seconded, and the motion carried 5-0. Mayor Toben said the Town was fortunate to have the skillful professionals watching the numbers and giving excellent projections.

(4) San Mateo County Law Enforcement Services Agreement [See earlier discussion.]

Councilmember Merk moved approval of Resolution No. 2245-2006 Approving and Authorizing an Agreement for Basic Law Enforcement Services for Fiscal Years 2006-2007 through 2008-09 Between the Town and the County of San Mateo Sheriff's Office. Councilmember Davis seconded, and the motion carried 5-0.

Councilmember Driscoll moved approval of Resolution No. 2246-2006 Approving and Authorizing an Agreement for Supplemental Traffic Enforcement Services for Fiscal Year 2006-07 through 2008-09 Between the Town and the County of San Mateo Sheriff's Office. Councilmember Derwin seconded.

Councilmember Merk said the COPS program used to cover this entirely. In the last couple of years, that had dwindled. If things got tight for the Town, he asked if this program could be cut back and utilize only the money from the State. Ms. Howard said three years ago, she recommended that the Town spend only the \$100,000 from the State and not the additional \$32,000 needed from the general fund. The Council and community felt that the additional patrols were needed. Mr. Lazaro noted that the contract was worded to allow for a change in State funding; if the State canceled the COPS program, the Town could renegotiate this part of the contract. The State set a minimum of \$100,000 per jurisdiction. If that was raised, the Town's share would be lowered.

Mayor Toben called for a vote, and Resolution No. 2246-2006 carried by a vote of 5-0.

(5) Abatement of Town Buildings

Mr. Young reviewed his memo of 6/19/06 on the lead and asbestos abatement portion for Phase 1 of the Town Center project. Responding to Councilmember Merk, he said each building would be quarantined before it was abated. Monitoring included air sampling to determine safe areas. The buildings would not be tented; materials would be removed from the inside out. Responding to Councilmember Davis, he said the buildings would be standing at the time of the Blues and BBQ event in September. The buildings would be fenced, and the fences would remain until the salvaging process began. This was the first step; the demolition and salvaging package should be ready for the July 12 meeting. As proposed, the Town could start other work at the tail end of the abatement. If the company did the abatement building by building, the salvage would follow. Leaded paint around the outside of the windows would be foamed before it was removed. Responding to Mr. Comstock, he described where salvaged materials would be stored. Mayor Toben said he anticipated having a community meeting to apprise neighbors of what would be occurring, define the hours, etc.

Councilmember Driscoll moved to approve Resolution No. 2247-2006 Approving Plans and Specifications and Calling for Bids for the Town Center Project Phase 1 – Lead and Asbestos Abatement and Awarding of Bid (No. 2006-PW03). Councilmember Davis seconded the motion, and it carried 4-0 with Councilmember Merk abstaining.

(6) Designating Solana Road as an Underground Utility District

Mr. Young reviewed the staff report of 6/21/06 on the proposed undergrounding of overhead utilities on Solana Road. As set forth in the report, he said staff recommended Council establish the Solana Road Underground District as shown on Exhibit A in order for the project to qualify for PG&E's conversion tariff

Rule 20B.

Councilmember Driscoll noted that Matt Avery attended a Cable and Undergrounding Committee meeting on behalf of the residents on Solana. The Committee felt this was a good pilot project for the Town. Councilmember Davis noted that there was a lot of construction occurring on the street, and this was a good time to undertake the project.

Councilmember Merk said Rule 20A was not included in the packet materials. He recalled that 20B funds accumulated for the Town to undertake projects. While he supported this project, he wanted to be sure that in doing this project, the Town wouldn't lose any money that had accumulated or would accumulate for public undergrounding projects. Responding, Mr. Young said the Town would not lose any funds. He confirmed that this was purely a legal definition without administrative costs to the Town. Rule 20B stated that the applicants (i.e., residents of Solana) were responsible for installing all of the infrastructure. Referring to Exhibit A, he confirmed for Councilmember Merk that the district was the hatched area and only the public right of way; laterals were dealt with individually by the residents. He said the two adjoining lots off of Westridge were not served off of Solana. Responding to Councilmember Driscoll, he said the Solana residents had not approached the Westridge lot owners about the project. If they wanted to join in, it would come back to the Council. Councilmember Driscoll said he would like to see the district propagate and move out into a larger area. Responding to Councilmember Merk, Mr. Young said the project would need a permit, and the Town would be inspecting the job.

George Comstock said this was potentially an exemplary project for other streets. Responding to Mr. Comstock, Councilmember Davis said three of the residents on Solana were new; others were long-time residents.

Councilmember Davis moved approval of Resolution No. 2248-2006 Establishing the Solana Road Underground Utility District. Councilmember Merk seconded, and the motion carried 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Request for Storage Unit at Ford Field

Mr. Willis reviewed the staff report of 6/22/06 and recommendation to approve Alpine-West Menlo-Atherton softball league's request to locate a storage unit on Ford Field behind the batting cage. Councilmember Driscoll said the Parks and Rec Committee supported the request. Responding to Councilmember Davis, Ms. Howard confirmed that the request had not gone to the Trails Committee or Conservation Committee.

Lisa Hennefarth, Alpine-Menlo-Atherton softball commissioner, said she oversaw the girls' softball program in the community. She said the unit would not impinge on any trail and would be behind the existing storage unit in back of the batting cage. Responding to Councilmember Davis, she said having the unit in by August 1 would be ideal. Responding to Councilmember Merk, she said the existing storage unit was closer to the trail than this unit would be. Responding to Councilmember Merk, she said she would park in the parking lot at Ford Field and hand carry the equipment back to the unit. Responding to Councilmember Davis, she said she currently shared a unit with the Little League at Holbrook-Palmer Park that was a little larger than what she needed. Responding to Councilmember Merk, she said the equipment stored in the unit would be used throughout the league. Girls' softball did not use Ford Field; they used the Town Center field and Priory field primarily and some fields in Menlo Park and Atherton. Only four people would have access to the unit. It would be opened up in the spring to distribute equipment to the teams; it would not be for daily use and would only be used for storage.

Responding to George Comstock, Ms. Howard said she did not think that the current storage unit underwent ASCC review although the batting cage had undergone review. Councilmember Merk said the batting cage

completely hid the other storage unit and would probably completely hide the proposed unit as well from the road. Responding to Mr. Comstock, Councilmember Driscoll confirmed that storage for the new field at Town Center had been designed at the end of the maintenance yard.

Councilmember Driscoll moved approval of the request. Councilmember Merk seconded, and the motion carried 5-0.

(8) Status of Town Center Project

Ms. Howard said most of the work completed in the last two weeks was preparation of the bid packages. The demo/salvage and perhaps the construction package would be ready on the 12th. That would complete the packages for Phase 1 of the project. She added that the Art Gallery would be moving to Allied Arts in Menlo Park; they were very excited about it. She said Mr. Willis was working with Nancy Lund to find her storage space. The lease for the cottage at the Village Square had been signed, and the teachers could move in as soon as they were ready.

Councilmember Driscoll said at the last ADT meeting, C.R. Hodgson from TBI and Mr. Young had reviewed the plans for duplications, unnecessary expenses, etc., and managed to significantly reduce the cost of Phase 1.

(9) Reports from Commission and Committee Liaisons

(a) County Council of Cities

Councilmember Davis reviewed his written report on the County Council of Cities meeting on 6/23/06. As indicated in his report, he said the Anderson Initiative would limit government's ability to adopt certain land use, housing, and environmental regulations. Known as "Protect Our Homes Act," he said the measure addressed eminent domain, redefined "just compensation," "fair Market value," and "damage," and required blight determination to be on a parcel-by-parcel basis. Additionally, the E-mail and Public Records Act: 1) put the burden of proof on a city/town to show that a document was not a public record; 2) required cities to provide electronic documents in electronic format if requested; 3) defined public e-mail; etc.

(b) School District

Councilmember Derwin said she made a brief report to the School Board on the Town Center project, budget, committee activity, new employee, post office station, and fields. The Board president indicated it was helpful to know what was going on.

(c) Ethics Training

Councilmember Derwin said she felt the ethics training was worthwhile and a good use of time. Councilmembers Merk and Davis concurred.

(d) Planning Commission

Councilmember Merk said the Commission discussed the status of the Woodside Priory project and conformance with CUP conditions. One of the neighbors would be connecting into the Priory's system to resolve drainage problems on their property. A few of the neighbors had expressed concerns about noise from air conditioning units, etc. The Planning Commission found the Priory to be in compliance. The Commission also approved a request to re-subdivide the previously merged lots 14 and 15 at Blue Oaks.

(e) Conservation Committee

Councilmember Merk said the Committee wanted to know why the amendment to the significant tree ordinance regarding the size of Blue Oaks had not yet reached the Council.

Councilmember Merk said the Fire District had flushed out pipes and fire hydrants at the Ranch, and the water was being sent into the frog pond. There was some concern about the chloramine in the water. Responding, Ms. Howard said Mr. Vlasic had contacted Cal Water who recommended the fire district use a chlorine neutralizer whenever pipes were flushed. The Fire District had been informed of the recommendation.

(g) Stanford's Sand Hill Road Project

Councilmember Merk said he had spoken with Town Planner Mader about the term "native/drought tolerant species" used in the project documents. There were different interpretations, and they were on notice that the Town was concerned about how it was interpreted. Mr. Mader wrote a memo to the Senior Planner of Menlo Park and cited areas in the draft EIR and the original proposal that showed it should be interpreted as local native plants that were drought tolerant as opposed to native or drought tolerant plants.

(h) Emergency Services Council (ESC)

Councilmember Merk said the ESC discussed the National Incident Management System (NIMS), which was the federal equivalent of SIMS. NIMS had requirements for training which counties, towns and cities had to incorporate into training records management systems by 9/15/06. Public works field staff and supervisors had to take classes as well as city/town/county EOC staff if they wanted to collect any money from the federal government. He noted that the County would be having a preparedness day at the fairgrounds on 9/30/06. It was very successful last year, and any city or town could have a booth if they wanted to. CERPP was also eligible to participate. With respect to grants, he said \$100,000 would be coming in for Neighborhood Emergency Response Teams (NERTs); CERPP was a NERT and could apply for grants.

(g) Ad-Hoc Sausal Creek Advisory Committee

Mayor Toben said the Committee would not be meeting until September when there would be a full complement. The Committee was moving strongly in the direction of not recommending relocation of the ball field. Responding to Councilmember Merk, he said delaying the final decision on the creek at Town Center until September should not impact the schedule.

WRITTEN COMMUNICATIONS

(10) Town Council 6/16/06 Weekly Digest

(a) U. S. Post Office Station

Councilmembers discussed Mayor Toben's letter of 6/15/06 to Rep. Eshoo about the Town's post office station. Responding to Councilmember Merk, Ms. Howard said a representative from the post office came to Town and indicated that you did not need to submit applications from three businesses. When they received a letter of interest, the Post Office apparently came out and viewed the site. If someone passed the first inspection, they could formally apply. Responding to Mayor Toben, she said there had been two applications for the last post office station. She noted that the response from Rep. Eshoo would be in the next digest. Mr. Willis said Rep. Eshoo's office would be contacting the Post Office district manager in Denver and report back.

(11) Town Council 6/23/06 Weekly Digest

(a) San Mateo County Grand Jury Report

Councilmembers discussed the Grand Jury Report on the allocation of property taxes to cities and towns. Responding to Councilmember Driscoll, Ms. Howard said she would investigate whether the Town would benefit from being a member of the San Mateo County Financial Officers Group (SAMFOG) (p. 11). Responding to Mayor Toben, she said the Town could potentially receive \$1.2 million for back years.

(b) Wireless Silicon Valley

Referring to the letter from the co-chairs of Wireless Silicon Valley dated 6/14/06, Ms. Howard confirmed that the Town had not given any money to the group.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Mayor

Town Clerk