

TOWN COUNCIL SPECIAL MEETING NO. 754, SEPTEMBER 10, 2008

CLOSED SESSION: 7:00 p.m.

- (1) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code § 54957  
Title: Town Administrator

REPORT OUT OF CLOSED SESSION: Nothing to report.

ROLL CALL

Mayor Derwin called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Driscoll, Merk and Wengert, and Mayor Derwin  
Absent: Councilmember Toben  
Others: Town Administrator Howard, Town Attorney Sloan, Public Works Director Young, Asst. Town Administrator McDougall and Town Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane, Westridge Dr., discussed the research that led to the decision to go ahead with the new Town Center and his support of fundraising efforts for the project and the creek daylighting. He was very proud of what the Town had accomplished and said there was widespread support across the whole Town. The Town Center had made a tremendous impression, and he congratulated and thanked everyone. He was sorry to have to miss the ceremony.

- (2) PRESENTATION: Portola Valley School District

Mayor Derwin said three years ago, the Council faced a difficult situation because the County library decided that the Town's library was unsafe because of the fault. They pulled their people from the building, and the Town staff scrambled to find a temporary location for the library. Fortunately, the School District offered to house the library on the Corte Madera campus. She expressed deep appreciation to Anne Campbell and Tim Hanretty for their assistance. She read the Resolution expressing appreciation to the School District for housing the library during the new Town Center construction.

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, Resolution No. 2418-2008 was adopted by a vote of 4-0.

Anne Campbell, Superintendent, said it had been a pleasure to assist the Town and have an opportunity to see how many in the community used the library. She said Tim Hanretty had been the brainchild for housing the library at Corte Madera. She said she looked forward to seeing the new facilities this weekend.

CONSENT AGENDA

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

Ayes: Councilmembers Driscoll, Merk and Wengert, and Mayor Derwin  
Noes: None

(5) Warrant List of September 10, 2008, in the amount of \$431,838.32.

(7) Correction to Town Council Minutes of September 28, 2005.

REGULAR AGENDA

(3) Minutes of the Town Council Meeting on August 13, 2008 (Removed from Consent Agenda)

Councilmember Driscoll said it would be helpful if the minutes indicated the approximate time that the discussion started for each item on the agenda. He was curious how late some of the discussions started, whether things had been thought through, and how many hours were spent on certain subjects.

By motion of Councilmember Driscoll, seconded by Councilmember Merk, the minutes of the Town Council meeting on 8/13/08 were approved as submitted by a vote of 4-0.

(4) Warrant List of August 27, 2008 (Removed from Consent Agenda)

Responding to Councilmember Merk, Ms. Howard said the Town purchased a table for Blues and BBQ (p. 9) to accommodate the Town Center architects and others involved in the project.

By motion of Councilmember Merk, seconded by Councilmember Driscoll, the Warrant List of August 27, 2008, in the amount of \$188,346.32 was approved with the following roll call vote:

Ayes: Councilmembers Driscoll, Merk and Wengert, and Mayor Derwin  
Noes: None

(6) Amended Policies for Use of Town Facilities (Removed from Consent Agenda)

Referring to Ms. McDougall's memo of 9/10/08, Mayor Derwin said Janice Aldag sent a letter suggesting two changes to the application for use of Town facilities. She felt the suggestions were worth considering. The first suggestion was to include homeowners' associations and the Westridge Garden Club in a revised user category called "Community and Neighborhood Sponsored – Local" that was exempt from fees. The second suggestion was to include horse shows and private parties under a revised user category entitled "Special Events." Councilmembers concurred.

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, the revised Policies for Use of Town Facilities, as amended, was approved by a vote of 4-0.

(8) Agreement for Construction Management of Town Center Project Phase 2B and Sausal Creek Restoration

Mr. Young reviewed his memo of 9/10/08 and recommendation that TBI continue construction management services for the rest of the Town Center project and creek restoration for an amount not to exceed \$132,749. He reviewed the additional costs as set forth on page 2 of the memo. Councilmember Driscoll commended TBI on the work they had done. Mr. Young concurred citing examples of how TBI had assisted the Town.

Councilmember Wengert said she could not support the recommendation because of the creek restoration component. She remained concerned about the Town's potential deficit position and need to tap into Town reserves to pay for continuing work on the creek.

By motion of Councilmember Merk, seconded by Councilmember Driscoll, Resolution 2419-2008 Approving and Authorizing Execution of a Fourth Amendment to Agreement Between the Town and TBI Construction and Construction Management, Inc. was adopted by a vote of 3-0, with Councilmember Wengert abstaining.

(9) Notice of Completion for the 2007-2008 Street Resurfacing

Mr. Young reviewed his memo of 9/5/08 on completion of the 2007-2008 street resurfacing project (#2008-PW01).

Mayor Derwin said her street had been resurfaced, and they did a fine job. She asked that homeowners not be boxed in when areas outside the driveway were paved. Her gardeners were trapped on her property. Mr. Young said slurry seal was a problem because you had to wait 4-5 hours for it to dry.

By motion of Councilmember Driscoll, seconded by Councilmember Merk, Resolution No. 2420-2008 Accepting the Completed 2007/2008 Street Resurfacing Project #2008-PW01 and Authorizing Final Payment to G. Bortolotto & Co., Inc. Concerning Such Work, and Directing Town Clerk to File a Notice of Completion was approved by a vote of 4-0.

(10) Authorization for Town to Access Information from the CA Department of Justice

Ms. McDougall reviewed her memo of 9/10/08 on the requirement for contract instructors at the Town Center facilities to be fingerprinted and the Town's need to have access to CA Dept. of Justice records.

By motion of Councilmember Driscoll, seconded by Councilmember Wengert, Resolution No. 2421-2008 Authorizing the Town to Access Criminal History Information Through the CA Department of Justice in Connection with Required Fingerprinting Processes was adopted by a vote of 3-0, with Councilmember Merk abstaining.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(11) Proposed Emergency Preparedness Training for Town Council and Staff

Ms. Howard reviewed her memo of 9/10/08 on proposed training for activation of the Town's EOC.

Councilmember Driscoll said he felt the training would be useful. He preferred to have training with the staff/people that the Council would be working with in an emergency. After discussion, Council agreed to hold a special meeting at 5 or 6 p.m. when staff and Councilmembers would all be available.

With respect to the October 29, fifth Wednesday meeting, Councilmember Merk said the Emergency Preparedness Committee had some suggestions but did not have anyone available to do the training. Councilmember Driscoll suggested the Town's EOC be set up at the meeting. Councilmembers agreed. Councilmember Merk said he would convey the suggestion to the EPC.

(12) Status of Town Center Project

Ms. Howard said staff moved into the new Town Hall over the weekend with Ms. McDougall coordinating much of the activity. While the building was not completely finished, staff was very happy with the space. The library also moved in and spent the last couple of days bringing in the books. They would be opening on the 15<sup>th</sup>. Computers for patrons were not quite ready. Next week, staff would be clearing out the trailers, and they would be removed. The tennis courts, rest rooms and creek were yet to be done. The big push this week was to get ready for Blues and BBQ. The main site would be opened up with fencing removed. The hope was to have everything completed by the end of November.

Councilmember Driscoll said there was some anxiety that if the last phases of the creek project had to go through the bidding process, construction would be at risk of not being finished during this building season. Fortunately, it appeared that the contracts were small enough (under \$75,000) that they could be negotiated with contractors on site already without going through the standard bidding process. He said TBI and Mr. Young were working on this. Mr. Young had asked that the Council authorize the ADT to approve \$75,000 as opposed to \$50,000 so the work could be completed. The intent was not to have to wait for a Council meeting in order to get a contract approved. Ms. Howard said that if the work was not started in the next week or so, it could not be done by the deadline. She suggested authorizing the Town Administrator, with the approval of Councilmember Driscoll, to negotiate up to \$75,000.

Responding to Councilmember Wengert, Councilmember Driscoll said all the estimates appeared to be less than what was budgeted. Ms. Howard added that all the work for the final phase of the creek project had been budgeted. Mr. Young said the culvert would cost a little more than budgeted. He described unexpected work required for the culvert.

Councilmember Driscoll moved that the Council authorize the Town Administrator, with Councilmember Driscoll's approval, to negotiate amounts up to \$75,000 for the next two months for the creek contract.

Responding to Councilmember Wengert, Mr. Young said more than one quote would be obtained for each item. If any of the items could not be negotiated down to under \$75,000, bids would have to go out. Responding to Councilmember Wengert, he confirmed that the total amount was under what was budgeted for the creek. Ms. Howard noted that the total budget for the final phase was \$464,000. Responding to Councilmember Wengert, she confirmed that the fundraising group was still working on obtaining that amount.

Councilmember Merk seconded the motion, and it carried 3-0, with Councilmember Wengert abstaining.

(13) Reports from Commission and Committee Liaisons

(a) Parks and Rec

Councilmember Driscoll said the Committee met but did not have a quorum.

(b) Nature and Science Committee

Councilmember Driscoll noted that Councilmember Toben forwarded an e-mail dated 9/3/08 on the Committee's meeting on 9/2/08. Responding to Councilmember Driscoll, Yvonne Tryce said the archives included all of the natural history materials—not teaching materials—such as plants and animals that belonged in nature. Birds nests, feathers, birds, etc., had to be recorded by federal and State law. Things that were stuffed and delivered to the Town had to be reported. Rocks did not need to be reported. The things that she had been taking care of were not hers. People gave birds nests as well as whole collections to the Town. When she was teaching in the Los Altos School District, she had a joint sponsorship with Los Altos School District and the Town. A joint sponsorship could be done with the Portola Valley School District and the Town. Responding to Ms. Sloan, she confirmed that whenever someone gave her a birds nest, it was registered with a State organization. She said the Town had a record of what had been registered. It was registered with California Fish and Game and Fish and Wildlife. The annual list would be due again at the end of December.

Ms. Howard said it was her understanding that the Committee was supposed to come up with a formal recommendation of what to do with all these materials. Ms. Tryce said several suggestions had been discussed at the last meeting. Ms. Howard said if she could have that information by September 17, it could be agendized for the next meeting. More information could also be obtained from the Town Attorney.

(c) Trails Committee

Councilmember Driscoll said the Committee discussed the e-mail from Nancy Lund of 8/27/08. *[See below under digest dated 8/29/08.]*

Responding to Councilmember Driscoll, Ms. Howard said the vacancy on the Committee had been advertised.

Councilmember Driscoll said the issue of driveway scoring had also been discussed. There were approximately 15 driveways with trails across them that needed scoring. Mr. Young had sent letters to the homeowners asking if they would be willing to donate \$250 to score their driveways or score the driveways themselves. He had received responses from about half of them. The scoring would be done because the Town could be liable if a horse slipped on a Town trail easement. It was more economical to do all the work at once with the same contractor. The Committee supported that approach.

Councilmember Driscoll said a resident requested a bench be put on Shady Trail on the newly owned open space. The Committee did not like the idea of benches cropping up everywhere. *[See below under digest dated 8/29/08.]*

(d) Historical Resources Committee

Bill Lane said he was involved with the acquisition of some of the Spanish/Rancho history material. He asked what the status was. Councilmember Driscoll said Ms. Lund was moving the material to the new library. Responding to Mr. Lane, he said Ms. Lund would be using two rooms. A back room had a locked door where valuable material could be kept. The outer room with the seismograph had display cases and was meant to be more like a public museum. Mr. Lane said it was important for children to have exposure to the historic origin of this area—particularly the mission period and before that.

(e) Traffic Committee

Councilmember Merk said the Committee was in favor of having an extra enforcement officer in Town. The officers noted that when they were doing traffic enforcement, another service call would take priority. There had been a number of complaints about speeding and accidents recently. The officers all agreed that if someone was drunk or speeding, they would have an accident regardless of what traffic measures had been implemented. The only thing that made a difference was the presence of officers, which slowed people down. The Committee also discussed the Sheriff's service. In the last couple of months, the number of tickets issued was particularly low. The officers said it was due to service calls.

(f) CERPP

Councilmember Merk said on 10/21/08 at 7 p.m., there would be a radio check that would include the EOC. On 10/25/08, there would be a wildland fire exercise, and the EOC would be opened.

(g) Emergency Preparedness Committee

Councilmember Merk said the Committee was concerned about the lack of action on the Town's EOC—particularly with regard to radio communication with the Woodside Fire Department. The Committee did not feel there was a good link with the Fire Department. You would have to go through the County dispatcher to get to the Fire Department. They were also disappointed in the last fifth Wednesday training session.

(h) Community Events

Councilmember Merk said the Committee met this morning and approved expenses and discussed Blues and BBQ. There was also more discussion about a farmers market. Bill O'Conner attended and was very knowledgeable. It was decided that the level of interest in the community needed to be determined. From that, how something could fit into the Town needed to be looked at. For the typical farmers market, parking was needed for 200-300 cars. "X" number of people would also need to come and spend \$25-\$50 to make it viable. There was also discussion about a market where people brought their own backyard produce and exchanged it. There were issues such as State certification requirements.

Mayor Derwin and Councilmember Driscoll discussed small farmers markets that were excellent. Mayor Derwin felt there was a way to make this work. Councilmember Merk said Mr. O'Conner stated that you would need 1,200-2,000 customers for a typical farmers market. Mr. Lane felt the Town should look at a lower level of participation and just for the community. He did not want to let Portola Valley be a site that attracted people from a larger area. He noted that there was a farmers market for local gardeners in East Palo Alto.

(i) The Sequoias

Mayor Derwin said she and Councilmember Wengert attended a meeting on August 19. One issue that was raised was that power had been out at The Sequoias for some time. Their transformer was down. They and the Fire Department called PG&E. PG&E did not come until that night and felt it was The Sequoias issue. Responding to Mr. Lane, Mayor Derwin confirmed that they had a backup generator, but it did not operate everything.

(k) Library JPA

Mayor Derwin said the Atherton library project had been discussed. They had been given the go ahead with a number of conditions. The new JPA library director was Martin Gomez, and he would be starting November 1. The Town's library also had a new librarian. The Town's new library was discussed.

(l) Planning Commission

Ms. Howard said there was one applicant for the vacancy. The interview would be held on 9/24/08. The Council could appoint the applicant or open up the process again.

WRITTEN COMMUNICATIONS

(14) Town Council 8/15/08 Weekly Digest

(a) Buckeye Trees on Westridge

Referring to the letter from Suzanne Culley dated 8/4/08, Ms. Howard said Ms. Lambert telephoned Ms. Culley and explained that the trees were not dead.

(b) Removal of Dead Trees

Councilmember Driscoll referred to Ulrich Aldag's letter of 8/6/08 about dead trees on Town property. Ms. Howard said a SOD tree on Town property or in the Town's right-of-way was taken care of. Smaller trees were cut up and left at the site. She said Mr. Young indicated that once a year, the trees in the public right-of-way were inspected and taken down if they were dead. Mayor Derwin suggested that be communicated to Ulrich Aldag.

(c) Live Oak Tree at Ford Field

Councilmembers discussed the letter dated 8/8/08 from Mayne Tree Expert Company on the tree at Ford Field.

(15) Town Council 8/22/08 Weekly Digest

(a) Goodstein Property

Referring to Ms. Sloan's memo of 8/19/08 on the use of the Goodstein parcels 3 and 4, Ms. Howard asked the Council to provide some direction to the Parks and Rec Committee before they decided what should be done with the parcels when the Town took control on November 1. Councilmembers agreed it was premature for the Committee to place the item on their agenda. Mayor Derwin noted that Parks and Rec was considering a dog park and a community garden. Councilmember Merk said he understood a playing field was also being discussed. Councilmember Wengert said there were uses other than recreational uses that should be considered. Councilmember Merk said the Town Attorney's memo offered some clarification of what the uses could be. This should be thought about in terms of the renewal of the UUT for open space in one year. The Town might have to define open space a little more clearly because some people might not consider an artificial turf field as open space.

Ms. Howard said she would notify Parks and Rec that the Council would discuss the issue prior to referring it to the Committee for a recommendation.

(b) Dead Trees/Brush on Trails at Portola Valley Ranch

Councilmember Merk referred to Michael Hannon's letter of 7/22/08 on the Town's policy of leaving cut branches/trees at the side of trails to decompose and the fire hazard that presented. Having to dispose of the dead wood and brush would have a significant impact on staff. Councilmember Driscoll said on Toyon Trail a couple of fairly large trees had fallen in the last couple of years. While the trails were clear, debris fields were present. He suggested leaving smaller pieces of wood in place and scattering it further away from the trails. He suggested Mr. Young meet with the Ranch and work out a management program. He offered to participate. Referring to Mr. Hannon's letter, Councilmember Driscoll said he was not in favor of adding a lot of signage about fire hazard, etc. Councilmember Merk said on the no dog signs, some language could be added about no smoking, fire hazards, etc. Councilmember Driscoll questioned whether that would have any impact.

(16) Town Council 8/29/08 Weekly Digest

(a) Fire Insurance

Referring to Kathy Feldman's letter of 8/29/08 about fire hazards on a neighbor's property, Councilmember Driscoll said the neighbor also had problems with their leachfield which contributed to thick vegetation on the property.

(b) Town's Historian's Concerns About memorial Benches

Referring to Nancy Lund's e-mail of 8/28/08, Councilmember Driscoll said she was concerned about the Jane's Retreat bench. The Town had recently adopted a policy on benches indicating that the preference was for benches of wood material so that they would degrade naturally. The Trails Committee was unanimous in having only benches of biodegradable material and not replacing them when they degraded. They also noted that this particular bench was replaced by a Boy Scout bench in a different location that was more appropriate for a bench. The Trails Committee did not support Ms. Lund's request that the memorial bench for Jane Ames be replaced.

On the replacement of memorial trees suggested by Ms. Lund at Triangle Park, Councilmember Driscoll said if a tree was damaged or died, it should be replaced. He agreed there should be a list of memorials, but did not feel benches should be replaced unless it was damaged or removed before its natural decay life. Councilmembers concurred. Responding to Councilmember Driscoll, Ms. Howard said Ms. Lund was working on a list of memorials.

(c) Library's Green Design Furniture

Councilmembers discussed the Green Design furniture in the new library referenced in the article from *Bay Area Green Updates*.

ADJOURNMENT

The meeting adjourned at 9:26 p.m.

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Mayor

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Town Clerk