

TOWN COUNCIL SPECIAL MEETING NO. 683 NOVEMBER 21, 2005

ROLL CALL

Mayor Davis called the meeting to order at 8:03 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Driscoll, Merk and Toben, and Mayor Davis  
Absent: Councilmember G. Comstock  
Others: Town Administrator Howard, Asst. Town Administrator Powell, Dep. Planner Vlastic, and Town Attorney Sloan

ORAL COMMUNICATIONS

Annaloy Nickum, Brookside Dr., submitted a letter and complained of a constant, low-frequency drone in her neighborhood that started in the latter part of August. She said members of four households had independently tried to locate the source of the noise. The noise appeared to be coming from the boiler room of The Sequoias where machines and fans ran 24 hours/day. It was later discovered that The Sequoias had made some equipment changes during this same time period. There had been many hours of discussion with The Sequoias and experiments with equipment adjustments with the help of Town staff. The noise persisted, and this type of low frequency noise was very insidious; not everyone could hear it, and the noise fluctuated in intensity. The noise also resonated against building materials, and it was often louder inside than outside. No other outside source for this noise had been found—including noise from the pumping station. She was also concerned about additional equipment proposed for The Sequoias and Priors; this would add to the growing industrial hum in a rural environment. She requested: 1) the Town put some pressure on The Sequoias to have the equipment in the boiler room shut down 1-2 hours in the evening from 10:00-12:00 so that the source of the noise could be verified; and 2) a sound engineer be hired by the Town to locate the noise.

Bill Lane, Westridge Dr., said copies of the USGS brochure on earthquakes and earthquake preparedness had been mailed to residents. He thanked Ms. Powell and staff for their assistance. He noted that USGS had given the Town 2,000 copies.

CONSENT AGENDA

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

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

- (1) Warrant List of November 21, 2005, in the amount of \$494,690.61.

REGULAR AGENDA

- (2) Discussion of ASCC Alternative "A" for Town Center Project

Mr. Vlastic reviewed Laura Chase's memo of 11/9/05 on the ASCC's recommendation for alternative plans for the Town Center building cluster. He noted that all Councilmembers were present at the special ASCC meeting on 11/7/05 when the design was discussed; the ASCC review was ongoing. They were looking at it from the perspective of the Town's Design Guidelines and were not trying to second-guess the program.

He reviewed key issues set forth in Ms. Chase's memo (p. 2) related to the Alternative A design. He said the design team felt they could come close to achieving all of the program, but it would require some shared space. The team had been asked to look further into a three-building alternative and the indoor/outdoor relationships and to address "familiarity" relative to the architectural design. The ASCC would hold a special meeting on December 5 and another in mid-January to complete its review. He noted that considerable public input had been received.

Councilmember Toben said he was impressed by: 1) the consensus from the members of the community who heard the presentation on 11/7/05; and 2) the quality of the conversation among ASCC Commissioners who clearly had given this serious consideration. He agreed that Alternative A was the most compelling and supported the ASCC's desire to further elaborate that alternative. He had not, however, concluded that Alternative A was better than the Design Development (DD) plan. There had been a strong reaction from the Parks and Rec Committee about the potential change to the previously approved master plan. That Committee had been actively involved in all of the charrette work over the past 1½ years; a lot of community participation went into arriving at the original master plan. He said Alternative A needed further articulation in order to make an informed judgment, and he wanted to keep DD on the table. Secondly, he said the numbers were very fluid in terms of square footage. He agreed with the ASCC's suggestion to include an additional 800 sf in the combined Community Hall (CH) and one Activity Room (AR). He noted that the Parks and Rec Committee wanted to have a space that would accommodate a large community meeting. Responding to Councilmember Toben, Mr. Vlasic said he would clarify how many people the proposed space(s) could accommodate.

Mayor Davis asked for public comment.

Laura Chase, ASCC Chair, said the ASCC's review process was a lot more involved than originally anticipated. The ASCC was trying to balance all of the input. She concurred with Councilmember Toben's comment about not forgetting about all of the input that went into the original DD scheme. The modifications being considered were in response to the design issues that had come up. Smaller buildings meant less impact, and the architects were trying to winnow away some of the spaces that were originally part of the program. The ASCC wanted the flexibility to entertain an alternative that was different from what had been forwarded for review. Responding to Mayor Davis, she reviewed Alternative A's adjustments to overall floor areas set forth in her memo of 11/9/05 (p. 2).

Councilmember Driscoll said throughout the process, there had been advocates for one use, advocates for another use, and advocates for yet another use. Putting them all together wasn't necessarily the right answer. He thought the program that had been developed might be too complete/deluxe. The message from the recent electoral vote was that the Town needed to be careful not to overdo it and make sure the Town Center project was in scale. He thought it was appropriate at this time to be looking hard at the initial program and consider whether it was bigger than the capabilities. He felt the amount the ASCC was interested in scaling the project back was reasonable. He supported giving the ASCC some flexibility of program in some of those areas where the uses were amenities and not necessities. He felt the CH and ARs were more amenities. Additionally, when the Town Center was built, if it was determined that something was missing, it could be added. That was a lot easier than taking something down that wasn't necessary.

Councilmember Merk supported having the ASCC consider options. He would not object to the ASCC considering other options in addition to those already considered. He thought there were still some changes that could be made that should be looked at. Without community consensus, it would be very difficult to make the project work. More information should be obtained from the citizens--even though the Town had tried very hard for a long period of time to do that. He also felt that each of the uses proposed should be compared to actual costs. That should be presented to the people in Town so that they had an opportunity to weigh the benefits and costs. In particular, he was concerned about changes to the use, layout and size

of the administration building. People tended not to appreciate as much as they should the work the Town staff did for them and the importance of the staff to the people of the Town. The building needed: 1) to comfortably house the staff; 2) plus the ability to absorb potential additional staff. The ASCC and architects needed to understand that the administration building was the most important building for the Town in order to function on a day-to-day basis now and in the future. He felt sharing of use and the total amount of program had to be looked at carefully. That was being done in Alternatives A, B and C. However, no changes were being proposed for the biggest building—the library. The same considerations should be given to the library that were being given to all the other programs on the site. He had raised questions about the 60,000 visitors/year when it was first brought up, and he thought a realistic number was probably half of that. He wanted a nice library, but he felt it could be smaller and open more hours. There were no significant lines in the library, and people could always find a place to sit down. More space was nice, but there might be some alternative use of space in this building to help absorb moving some of the program out of the other buildings in order to achieve fewer buildings, less bulk, and less impact on the site. With respect to “familiarity” of the buildings, he felt that was very important and needed to be addressed. Additionally, he said the first “r” in green building was “reduce.” If the Town wanted to build a green building, it should make the buildings smaller. Nothing would save more materials now and more energy in the future than a smaller footprint/building with less bulk; it would also mean a smaller bill.

Councilmember Toben said he also supported re-visiting the program in a way that might work well with a smaller footprint. It was entirely possible that the Town could create a very cozy and functional space for the current uses and future uses. Alternative A provided a solution of a combined space. With respect to the library, he said the Friends of the Library felt the study done by the County supported the originally proposed size, which was 7,000 sf; the current proposal was 6,100 sf and represented some very careful work done to shrink down the staff room area and make the building essentially all directed toward the functions for the library patrons. When the library report was presented to the Council, Councilmembers had been very impressed by the rigor of the analysis and the justification for a library scaled to the community. It might be appropriate to re-visit that analysis, but a rationale had been presented at that time that related the size of the community, usage figures, and functions, including a tutoring center, archives room, etc., which the residents indicated they strongly desired in that facility.

Mayor Davis said based on comments, the Council was willing to have the ASCC consider a broader view in its desire to scale the project with regard to the functions. Councilmember Driscoll added that the ASCC was being asked to exercise the same flexibility they exercised when a homeowner came in with an empty lot and a plan. Sometimes the size of the house could be reduced. That was reasonable. Mayor Davis said members of the community were encouraged to use the ASCC forum to find solutions to whatever problems they felt were caused by the current or potential designs. Ms. Chase said she hoped the word would go out about the December 5 meeting during which the issue of “familiarity” of the buildings would be addressed. The architects were currently looking at refinements to options that reduced the program.

Mr. Vlasic asked what direction should be given to the design team in terms of the library. Councilmember Merk said he thought the library had given up the least, gotten the most of what they wanted, and bucked the hardest when someone suggested something different. The Town had acquiesced in almost every one of their requests. He felt that space was as up for grabs as any other program space on the site. He felt it should be looked at comprehensively.

Councilmember Driscoll favored giving the ASCC flexibility. He was not necessarily in favor of reducing the size of the library at this point. He recognized that the library constituency ranged from professional staff to consultants who had done the study, to the Friends, etc. He thought the ASCC should have flexibility. Mayor Davis noted that an agreement had been reached with the library some time back.

Councilmember Driscoll said the Town was trying to design a Town Center that was appropriate for the next 100 years. It was very hard to understand what uses an activity room would be put to in the year 2075. The

Town needed to develop spaces that benefited the community and were flexible for uses in the future in areas that were unforeseeable. He thought the library was like an activity room. It was a study-oriented activity as opposed to an artist expression or athletic activity. While he didn't think a smaller library was needed, he suggested thinking about a more flexible allocation of activities in the future. There should be a suite of activity spaces that were valuable to the Town and enriched experiences. The library was part of that suite and was not separate and isolated.

Councilmember Toben said asking the architect to re-consider the library would be more costly. Secondly, he would be satisfied with a statement from the architect that the space could accommodate other uses. He preferred that they concentrate on those elements that were truly in play—especially the CH and ARs. He did not see any compatibility between tae kwon do and an adult reading room. There were certain limits. He was not enthusiastic about giving carte blanche to the architects to put the library back in play.

Councilmember Driscoll said in many communities, libraries had associated activity rooms within them that were managed by the library.

Councilmember Merk said he was not ruling out the library being smaller. Spending more money now to reshuffle the deck was a lot cheaper than paying for a lost bet at the end of a poker game.

Mayor Davis said he wanted some assurance that the functions that needed to be performed 50 years from now could be performed. That might be only partially a library function. Or, the library function might continually increase over time as it picked up the communication/movie properties, etc. He preferred a flexible space but would like to keep the library footprint approximately the same and library function the same. He didn't want to see yet another instability in the process. He wanted assurance from the architects that the library space had the same nature and flexibility and that it had the proper size and scope for the facility.

Bernie Bayuk, Paloma Rd., asked that when information was published on size and possible costs of the different buildings, the changes from what had existed for the last 50 years also be shown for comparison. For example, if the library was larger, give the square footage and what the size of the library had been; likewise for the MUR. That was the only basis most residents had to imagine what the project was. Additionally, if there wasn't enough money, he suggested asking the architects to design a library that had 100% DVDs and no books. Mayor Davis said it was very difficult to predict the future of what libraries would be. Libraries had gained in size as the technologies had improved. He added that the square footage for the new Town Center was smaller than the current. The only structure that was much bigger was the library.

Susan Thomas, Cervantes, agreed with Councilmember Driscoll's comment about the election. Right now, there were no people in the room yelling and screaming, but when it came to floating bonds and spending money, that would change. The Town needed to explore more of the buildings existing in Town and how they could be used so that not as much would need to be built. The community had two wonderful MURs and two schools. Woodside used their school for almost everything. She thought the MURs could be used to handle some of the Town's overload. Those were terrific and usable rooms. She asked the Council to consider using some of the other places in the valley.

(3) Review of 2004-2005 Annual Audit

Ms. Howard reviewed the staff memo of 11/17/05 on the 2004-2005 Audit and Financial Statements. Ms. Nerdahl introduced the auditors from Maze & Associates, Cory Biggs and Mark Wong. She gave a PowerPoint presentation and provided highlights of the financial statements. She discussed: 1) Town Fund types and designated funds; 2) highlights from Management's Discussion and Analysis (pp. i thru vii); 3) Notes to Basic Financial Statements (pp. 13 thru 25); and 4) Memorandum on Internal Control Structure.

Mark Wong, audit director, said the audit went well with no disagreement with staff on anything. There were no difficulties, no unreasonable delays, and information was provided when needed. He described minor adjustments, noting that for a first-year client, the audit went especially well. Cory Biggs said quite a bit of time was spent understanding the systems/procedures the Town used. He described things that would be handled differently next year. He said staff had been extremely accurate in their responses.

Mayor Davis asked for comment, and there was none.

Responding to Councilmember Merk, Ms. Howard confirmed that the Measure A Program report was not optional and had to be filed with the County in order to get the funds. Mr. Biggs added that SamTrans relied on this report.

By motion of Councilmember Merk, seconded by Councilmember Driscoll, Council accepted the General Purpose Financial Statements and Measure A Fund Financial Statements by a vote of 4-0. Council thanked Ms. Nerdahl for her efforts.

(4) Lot Line Adjustment Agreement with Christ Church

Ms. Sloan reviewed her memo of 11/10/05 on the lot line adjustment with Christ Church. She said the phase 1 work was estimated at \$17,000, and phase 2 was around \$20,000. The legal fees for the Church were \$9,000, and her fees were closer to \$5,000. Responding to Councilmember Toben, she said when the MOU was done, the Church did not have a lawyer. The MOU, which was not legally binding, estimated the Church's lawyer's cost at \$5,000. As the actual agreement was negotiated, the Church informed the Town that their attorney had already spent \$9,000. The Church asked that the Town pay that bill.

Councilmember Driscoll moved approval of Resolution No. 2220-2005 Approving and Authorizing Execution of an Agreement Between the Town and Christ Episcopal Church in Portola Valley. Councilmember Toben seconded the motion. Councilmember Merk said the Trails Committee had been concerned about the narrowness of the space between the parking lot and the road. Ms. Sloan confirmed that it would extend somewhat into the right of way, but Mr. Young did not think it would extend the full 3'. Councilmember Driscoll noted that these parking spaces would be rarely occupied; cars would not be nosing out into the trail. Mayor Davis called for a vote on Resolution 2220-2005, and it passed by a vote of 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(5) Reports from Commission and Committee Liaisons

(a) Town Center Outreach Committee

Councilmember Toben said the second issue of the Town Center Newsletter would be out in early December.

(b) Trails Committee

Councilmember Driscoll said the Trails Committee had drafted a policy to address the problem of pets on trails. The Sheriff's office had reviewed it and suggested that oral versus written warnings would be provided. He said the policy would be distributed in the digest.

(c) Cable Committee

Councilmember Driscoll noted that once again there was no representative from Comcast at the last Cable Committee meeting.

WRITTEN COMMUNICATIONS

(6) Town Council 11/11/05 Weekly Digest: None

(7) Town Council 11/18/05 Weekly Digest

(a) Small Lots and Density

Councilmember Driscoll referred to his e-mail of 11/13/05 on small lots and density. He said there were about 100 homes that had smaller lot sizes and higher densities than the Sausal Creek project.

(b) Noise

Referring to Stephen Dunne's e-mail of 11/17/05, Mayor Davis said the Town was being asked to investigate the noise that appeared to be coming from The Sequoias. Councilmember Merk said he could hear the noise when no other noise was occurring but was not affected as much as Annaloy Nickum. Responding to Councilmember Merk, Councilmember Driscoll said it was his understanding that The Sequoias had turned off the equipment that could be easily turned off in an attempt to verify where the noise was coming from. But, some equipment that was associated with more complex systems could not be shut off easily. After discussion, Councilmembers agreed the issue should be agendized. Councilmember Driscoll said he would pursue the issue with residents in the Town who had acoustical expertise.

(c) Election Certification

Referring to the County Filing Officer's e-mail of 11/15/05, Ms. Howard said the County would not be certifying the election until the week after Thanksgiving. The Council could certify the vote at the 12/14/05 meeting.

ADJOURNMENT

The meeting adjourned at 9:42 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk