

TOWN COUNCIL MEETING NO. 684 DECEMBER 14, 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 G. Comstock, Driscoll and Toben, and Mayor Davis
Absent: Councilmember Merk
Others: Town Administrator Howard, Town Attorney Sloan, Planning Manager Lambert, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Bill Henderson, Brookside Dr., said the recent election verified that a significant number of people had some discontent about the governance of the Town. The Council and its supporters were intent on building a new Town Center and had already spent a significant amount of money in that effort. The Council claimed the new Town Center would be built with donated private money. Recently, the Council pledged not to use any of the utility tax money for the building of the Town Center. He said building the Town Center project—regardless of the private donations—was just plain wrong without direct taxpayer approval. Many citizens did not want the Council's vision of the future. The Town Center project was not about money but more about the impact this project would have on the future of the community; it might also be about values.

Councilmember Comstock referred to an article in the *Palo Alto Weekly* by Debbie Mytels about Proposition 13. Reading from the article, he said before Proposition 13, industrial and commercial properties in the State paid about 75% of the property taxes, while residents paid about 25%. In the years since Proposition 13 was enacted, homeowners now paid about three-fourths of the property tax bill. The effects of this could be seen in terms of taxes on the school system and the difficulties that counties and towns had with such limited resources. He distributed copies of the article. As Ms. Mytels recommended, he thought the article should be presented at the League of California Cities convention and the cities challenged to take a stand on rectifying the imbalances created by Proposition 13.

APPROVAL OF MINUTES

(1) Minutes of Town Council Meeting on November 9, 2005

Councilmember Toben submitted a change to the minutes of the 11/9/05 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

(2) Minutes of Special Town Council Meeting on November 21, 2005

By motion and second, the minutes of the 11/21/05 meeting were approved as submitted by a vote of 3-0, with Councilmember Comstock abstaining.

(3) Certification of November 8, 2005 Election

Ms. Howard reviewed the staff report on the November 2005 general municipal election.

Councilmember Comstock moved adoption of Resolution No. 2221-2005 Declaring Canvass of Returns and Results of General Municipal Election Held on November 8, 2005. Councilmember Toben seconded, and the motion carried 4-0.

REORGANIZATION OF TOWN COUNCIL

(a) Installation of Councilmembers

Ms. Howard administered the oath of office to Maryann Moise Derwin and Councilmember Driscoll.

(b) Election of Mayor and Vice Mayor

By motion of Councilmember Driscoll, seconded by Councilmember Davis, Councilmember Toben was nominated and elected Mayor.

Mayor Toben expressed his appreciation of all those who had come before in this position. He said this was a special community blessed by committed and selfless public servants. It was humbling for him to stand in the shoes of those who had done such a great job to make this community what it was. He discussed his priorities for the coming year which included: 1) engaging residents who were skeptical about the course of action that the Council had been on in various domains; 2) improving communication between the Town and residents; 3) finalizing the design and securing the funding for the Town Center project; 4) furthering emergency preparedness efforts; and 5) furthering the Town's leadership on environmental policy.

By motion of Councilmember Davis, seconded by Councilmember Derwin, Councilmember Driscoll was nominated and elected Vice Mayor.

Bill Lane, Westridge, congratulated Councilmember Derwin on her election to the Council and Councilmembers Driscoll and Merk on their re-election. He noted that in over 40 years, there were less than thirty members of the Council with many re-elected every four years. It showed the confidence of the public's view of how the Town was being operated. A lot of credit should be given to a dedicated staff and the consulting firms the Town used. He said the recent election showed universal support for open space, trails, and the educational system. Additionally, he said a move to a new Town Center was essential. There had been a lot of study on the issue, and there had been countless gatherings. There were differing opinions, but there was great unanimity on what the Town stood for and the governance of the Town.

COUNCIL RECOGNITION: George Comstock

Councilmembers and Mayor Toben expressed their thanks to and admiration of Councilmember Comstock. Councilmember Comstock was urged to remain involved with the Town and continue to contribute his expertise on many issues such as affordable housing, green building and the use of solar energy, earthquake danger, and the design of the new Town Center. Jon Silver described Councilmember Comstock's service on the ASCC. With his values for the community and willingness to follow through, he said Councilmember Comstock had been an inspiration.

Councilmember Comstock said he felt he had been the beneficiary of this experience. It had been wonderful to serve the Town. He was pleased about the Town and appreciated being able to contribute. He hoped that a larger percentage of the population would become involved.

CONSENT AGENDA

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

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

- (4) Warrant List of December 14, 2005, in the amount of \$371,305.00.
- (5) Resolution No. 2222-2005 Approving and Authorizing Execution of Amendment No. 5 to the Town Administrator Employment Agreement Between the Town and Angela Howard, per Dep. Clerk Hanlon's memo of 12/9/05.
- (6) Resolution No. 2223-2005 Continuing the Supplemental Law Enforcement Services Fund through Citizens Options for Public Safety Program and Maintaining a Separate Budget Account for 2005-2006 Fiscal Year, per Asst. Town Administrator's memo of 12/5/05.
- (7) Resolution No. 2224-2005 Accepting the Completed 2005/2006 Street Resurfacing Project #PW2006-01 and Authorizing Final Payment to "Valley Slurry Seal Company" Concerning Such Work, and Directing the Town Clerk to File a Notice of Completion, per Public Works Director's memo of 12/6/05.
- (8) Ordinance No. 2005-361 Amending Chapter 6.04 [Animal Control] of the Municipal Code, per Asst. Town Administrator's memo [undated].

REGULAR AGENDA

- (9) Agreement with MuniFinancial for Construction Traffic Impact Fees

Ms. Howard reviewed the staff report on the proposed construction traffic road fee analysis to reassess fees and revise the distribution of fees to include both public and private roads.

Councilmember Driscoll moved approval of Resolution No. 2225-2005 Approving and Authorizing Execution of Agreement for Consultant Services Between the Town and MuniFinancial. Councilmember Davis seconded the motion, and it carried by a vote of 4-0.

- (10) Potential Reduction in the Newly Approved Utility Users' Tax (UUT) Rate

Ms. Howard reviewed the staff report of 12/6/05 on the potential reduction of the UUT rate due to the increase in revenues the Town recently received and will receive in the future from property taxes. She said staff's recommendation was to wait to see exactly how much revenue would be taken in from both revenue streams before taking any action that would modify or reduce the UUT. Responding to Councilmember Driscoll, she said electricity, gas, telephone and water were the only utilities that were taxed. Of that, about 60% came from electricity and gas; of that, probably 60% was gas. Responding to Councilmember Driscoll, she said the latest estimates were for a 26% increase in gas and 6% increase in electricity. To date, she had not seen any big bump in the revenue from the increase. If an increase occurred in December, it would be reflected in utility bills in January. The Town would see that in March. Any increase would not show up until the last 3-4 months of the fiscal year. Councilmember Driscoll said roughly half of the Town's utility taxes would be subject to a significant inflation factor this year—somewhere between 10 and 40%. The Town might see an overall increase of around 20%.

Responding to Mayor Toben, Ms. Howard said by February, what was occurring on residents' bills would be known. In addition to that, staff would be looking at other communities in the County to clarify what additional property tax revenues could be anticipated. Responding to Councilmember Driscoll, she said in March or April, the County sent out their estimate of what the increase in property taxes would be. It had been about 6% the last several years. In addition to that 6%, an additional 3% of the property tax would be returned to the Town. Councilmember Driscoll said a fairly detailed analysis would be needed in spring of all the various revenue streams to see what they would all add up to.

Councilmember Derwin thanked the staff and Ms. Sloan for pursuing this additional revenue. She agreed that until all of the facts were available, a new UUT rate could not be set. She noted that the increases in gas and electricity would also impact the Town in terms of heating Town buildings. Responding to Councilmember Derwin, Ms. Sloan said she was consulting with a municipal tax expert on the retroactivity/back tax issue and would then meet with other city attorneys on that issue. The County position was that the audit for earlier than two years ago was closed, and no claim could be made on earlier monies. Secondly, the way this money was calculated was being looked at. Essentially, it depended on whether ERAF funds were taken out before the TEA shift or after. TEA shift was always 7% but the ERAF was a much more complicated formula and was around 17%. Responding to Mayor Toben, she said she would report back with what was legally possible in terms of retroactivity. Responding to Councilmember Davis, she said all cities felt the effect of the ERAF funds shift; it was a matter of the timing.

With respect to the \$915,000 from back taxes, Councilmember Derwin asked if those funds would be absorbed into the UUT reduction or put toward something else. If it was put toward something else, she suggested having an emergency fund reserve for earthquakes, road washouts, etc. Some money might also be set aside for communication, which was a key topic during the election. She suggested a bi-monthly newsletter of 1-2 pages that would be factual and have highlights about what the Council had discussed, payments made for road improvements, etc., so people knew what was going on and how the money was being spent.

Councilmember Davis said the questions were: 1) whether the tax rebate should be treated as a separate fund and where should it be applied; and 2) should it be used for some form of reduction of the UUT. He felt setting up an emergency fund or communication fund was a perfectly appropriate utilization for these tax monies. Trying to add another balancing act on the UUT in the short term would be awkward and improper. The UUT rate setting should be a perpetuating activity. He would like to lower it considerably but would not want to have to raise it later. What the cash flows were would need to be determined for many years in the future. He preferred to set aside the returned tax funds for rainy day type activities or dedicated activities such as communication. Mayor Toben concurred.

Councilmember Driscoll said what the UUT rate should be and the unanticipated returned funds were two separate issues. He agreed that the windfall funds should be used for some action that was not part of the operating situation. He was also confident that the UUT should be lowered. It was very unusual that the Town had more funds than expected. He felt it deserved a public hearing where the citizenry would have an opportunity to comment on what the funds should be used for. This was an opportunity to reach out and get some advice.

Mayor Toben agreed. How the \$915,000 should be spent might also be referred to the Finance Committee for input in advance of the hearing. Councilmember Davis said how the Town applied the funds was not generally what the Committee looked at. It would, however, be appropriate for the Finance Committee to address what the UUT should be. After discussion, Council agreed to: 1) receive public input first on the property tax refund and then have staff develop some recommendations for input from the Finance Committee; and 2) sever the fate of the \$915,000 from the future UUT rate and reallocation of the property tax.

Bill Lane said Senator Campbell proposed the TEA legislation in 1985. If the annual 7% allocation of property taxes had been coming in every year, it would have been put into a general fund and allowed to accumulate without creating a special fund. The Council had the ability to use the funds as it saw best. Now, the Town was being given one big chunk, and he questioned whether there should be any change from getting it in increments over many years.

Jon Silver hoped the Council would consider using the rebate as well as a portion of the increment of funds going forward for open space preservation.

Ed Wells, Naranja Way, said initially, the UUT was created by the legislature to provide funds to replace monies that were taken out of property tax for schools and other purposes. In effect, the newfound money was eligible to serve directly as a replacement for the UUT. He did not feel the issues should be separated because they were related. He assumed the \$915,000 was in the general fund where property taxes normally went. He thought that the expectation that the County would continue this was pretty real, but the County had withheld this money before and they received a 27% raise in their salaries. It was all a question of long-term financial planning, and the issues could not be separated. The history also needed to be looked at. He discussed Ordinance 1985-207 that gave the Town the power to levy the UUT.

George Comstock, Alamos, said four years ago, Gary Nielson had spoken to the Council about establishing an emergency reserve. That was a very important consideration in terms of the disposition of the \$915,000. Secondly, it would be shortsighted to use the funds for operating purposes without having any confidence that when it was exhausted there would be tax revenues available for those things that needed to continue.

Mayor Toben continued the discussion to the January 25 meeting.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(11) Residents' Concerns Regarding Re-occurring Noise

Ms. Lambert reviewed the staff report of 12/7/05 on the intermittent, low frequency noise that had been noticed by a number of residents. She noted that Ray Mix, The Sequoias, was present and had participated in a number of site inspections to try to locate the source of the noise. She said Larry Bradley, an underground utility consultant, had voluntarily gone out with testing equipment and had subsequently indicated that he was not equipped to help solve the problem. Her recommendation was to hire an acoustical engineer to assist in locating the source of the noise. If The Sequoias was found to be the source, they were more than happy to resolve the problem.

Referring to her letter to the Town, Annaloy Nickum said the noise was heard whenever she was at home. It was all night, and she had to sleep with the fan on to mask the drone. She felt it was coming from The Sequoias. She said Larry Bradley had come to her house and had eliminated sewer lines as the problem. Mr. Bradley thought it might be vibrational noise which was why it was not heard as much outside. He also thought a tunnel of noise might explain why four residents heard the noise but the neighbors did not. She supported hiring an acoustical engineer. The problem could become larger as The Sequoias and The Priory completed their construction. In addition to an acoustical engineer to pin down the source of the noise, she also thought the Town should be looking at the Noise Element and how these kinds of situations would be dealt with.

Steve Dunne, Canyon Dr., reviewed his e-mail of 11/17/05 about the noise. He said there were many nights where he could only get 2-3 hours sleep. He said the noise was not unlike the continuous sound of a laundry dryer. Once people noticed it, it was insidious, and earplugs didn't work. He had spoken with Charles Salter who indicated that the sound could get into the frame of a house. Windows could also pick up the noise. He invited anyone to come to his house after about 10:30 at night. He said he did not hear it as much during the day. He felt a professional should be hired to look into this problem. The noise had to be tracked from the source and the equipment needed to be set up and run simultaneously. An analysis could then be done of the patterns. He added that at The Sequoias, there were at least two systems that could not be shut down to see if they were the source.

Responding to Danna Breen, Alpine Rd., Councilmember Driscoll said he did not think the noise was due to Kirk Neely's winemaking equipment.

Bill Lane, Westridge, recommended hiring a professional consultant. He said there had been a number of meetings at which residents had spoken about this subject; all of them had been very fair and considerate and complimentary about the attitude of The Sequoias. Additionally, he pointed out that over the years, the members of The Sequoias had been very supportive of the Town; their good will should not be tarnished.

Bernie Bayuk, Paloma Rd., questioned why all of the residents should have to pay to solve a problem experienced by four residents. Responding, Mayor Toben said this problem might indicate something of large importance about incremental increase of industrial noise pollution in the community. On that basis, he felt there was an argument for proceeding—particularly if the expense was relatively modest. Ms. Lambert confirmed that the estimate was from \$1,500-\$2,000.

Councilmember Driscoll said it had been very difficult for him to confirm the noise at Mr. Dunne's house last evening. There had been a lot of airplane and ambient noise. Secondly, he noted that he didn't experience absolute silence very often. He agreed that a layman was not equipped to analyze this problem. This was a problem for scientific investigation.

Councilmember Derwin said if this was looked at in the larger context of the Noise Element and Ordinance, it made more sense to direct staff to spend money on the problem. The Town Planner was planning on looking at the Noise Element in January/February. She felt someone should be hired to track the noise. Assuming he was successful, whatever data he came back with would be helpful in the review of the Element.

Councilmember Davis noted that the noise was not heard continuously. He agreed that the expense was modest and that the data would provide a reference point.

Ms. Howard said staff would proceed with hiring a consultant for a maximum of \$2,000.

(12) Consideration of Policy to Address the Request from the Portola Valley Community Fund (PVCF) Regarding Procedure for Paying Operational Costs

Mayor Toben reviewed his memo of 12/6/05 on the PVCF, the cost of fundraising for the Town Center project, and the proposed procedure for approval and disbursement of the PVCF operating expenses. He introduced Jocelyn Swisher and SallyAnn Reiss, co-chairs of the steering committee, and Beth Rabuczewski, treasurer and primary liaison to the Peninsula Community Foundation (PCF).

Beth Rabuczewski said when the steering committee first started to look at raising this kind of money in this kind of timeframe, all kinds of different processes and structures had been evaluated. There were two major criteria that needed to be satisfied: 1) keep the cost structure very low; and 2) make a structure that was very amenable to potential donors. As potential donors were contacted, primary concerns included: a) privacy in terms of public records; b) access and control of the funds; and c) assurance that the money would be used for the intent of the Town Center. What was proposed was the best balance between making donors comfortable with donating the money and a cost structure that made sense for a volunteer community like Portola Valley.

SallyAnn Reiss clarified that the money that would pay for the operating expenses was not taxpayers' money. Over \$40,000 had been donated by people on the steering committee to pay for operating expenses. Mayor Toben added that not one penny would come out of the Town's coffers for this. It would be a pass through from the PCF from donations for the operating expenses. The Town would operate as a check-writing review.

Referring to the process, item #5, Ms. Howard said after discussing this with the auditors, it was recommended that these transactions not be included on the Town's general ledger. Instead, an agency

fund would be created that was similar to funds set up for Wayside Road and the Woodside Highlands where the Town acted as a banker. It would not show up on the Town's general ledger or financial statements. She suggested rewording item #5 to read "...shall be recorded with their own accounting code(s) and as a separate agency fund in the Town's general ledger.

Councilmember Driscoll noted that in order for people to give donations to the Town and get a charitable deduction on their taxes, they must give it through a 501(c) 3 charity. The 501(c) 3 charity that the Town was using had a policy of not making disbursements to third parties; they only made payments to a beneficiary. This was simply a way of allowing the group to pay for its own operating expenses through donations as opposed to other sources.

Councilmember Derwin thanked the steering committee for shouldering this enormous burden. She realized that it was a huge amount of work. She understood that it took money to make money, and people had to be reimbursed. However, she had some concerns about this approach for several reasons. First, the intertwining of the public/private entities—particularly when the subject was the Town Center—made her very uncomfortable. She was concerned that there was an autonomous Town body, the PVCF, that was not subject to the same rules and regulations as the other committees. They had to funnel the funds through the Town in order to pay their operating expenses. The Committee didn't have to abide by the Brown Act but still had the resources of the Town—unlike the other Town Committees—in terms of having Town staff pay the bills and keep records. If the Town decided to go through with the proposal, she assumed that Councilmembers would be looking at the budget. It was laudable that the group wanted to keep expenses at 1% and \$157,000 against \$16 million was less than 1%. But, the percentage would be significantly higher if only \$8 million was raised. A lot of the budget items were fixed costs, and that 1% might not hold. She also questioned whether the PCF fee was included. In a perfect world, she preferred it stayed private. She would feel better about this unusual arrangement if the PVCF agreed to abide by the same rules and regulations as all other Town committees in terms of noticing meetings and abiding by the Brown Act.

Mayor Toben said the PVCF was not analogous to, for example, the Parks and Rec Committee which was obliged to comply with the Brown Act as it conducted the Town's business in matters that related to recreational policy. A better analogy was to the PV Schools Foundation which was a private, non-profit organization, just as the PVCF is housed and embedded in the PCF—a private charitable organization. The PV Schools Foundation existed for the purpose of serving a public institution, which was exactly the same analogy. PVCF existed for the sole purpose of raising money—not engineering policy—for the Town Center. Similarly, the Friends of the PV Library was a private, charitable organization which was not subject to the Brown Act with a sole function of raising money and supporting the donation of books to the library. They were not a public agency. It was important that there be understanding about what was going on inside the PVCF, and the procedures that had been drafted were extraordinary in their rigor and transparency. What was proposed for this body was far more extensive in terms of public accountability than anything he had seen with other Town committees.

Responding to Councilmember Derwin, Ms. Howard said the Schoolhouse Challenge had been run by a Town committee.

Ms. Rabuczewski said if PVCF was a Town committee, it would open up privacy issues for major donors and might discourage donations. The Schoolhouse was a \$1 million campaign. This was a \$16 million campaign. Many solutions had been looked at, and there had been outside legal counsel. She liked the solution because it gave donors anonymity. On the revenue side, the public would see an aggregate, but they couldn't see individual donors. It gave public scrutiny to the cost side which was where the public scrutiny should be. Everyone in Town didn't need to know how much she donated, but they did need to understand the cost side.

Bill Lane said anonymity was very valid with many donors—and not just major donors. People would rather remain anonymous.

With respect to Councilmember Derwin's comment about intertwining private and public entities, SallyAnn Reiss said she saw it as cooperation with everyone working toward a common goal. To concerns about the Brown Act, she said the PVCF had one goal which was to raise \$16 million. It was not to influence design, etc. In terms of openness, she said two Councilmembers had attended all the meetings and were fully part of the team. Anyone could come, and the group welcomed more volunteers. Everyone needed to keep in mind that the volunteers on this committee were here to help the Town to end up with a great facility. She added that she had already spent an enormous amount of her own money, and group members should be reimbursed. There also needed to be a way she could write the donation off.

To Councilmember Derwin's comment about the potential of not raising as much as anticipated and thereby increasing the percent reserved for fundraising expenses above 1%, Councilmember Toben said some of the donors had agreed that all of their six figure gifts could be applied to operating expenses if necessary. That took a lot of pressure off of that 1%. Additionally, he said the PCF fee would come out of the modest amount of interest that was being earned on the funds as they sat in the account. The Town would actually earn income beyond what was projected to be the fee for the management of the funds.

Councilmember Driscoll said he supported what was proposed. Councilmember Davis agreed, noting that he initially had some concerns. He supported the proposal for two reasons. First, he agreed that privacy was very important in fundraising. The Council needed to focus on where the money was being spent, being certain it was being properly spent, and having a structure that tracked what was going on—before, during, and after the fact. Secondly, the alternative of going totally private would be very expensive. More of the donation money would be absorbed if a real corporation was formed. This organization had found a very efficient way of having tax-free characteristics and openness with regard to what they were doing and how the money was being spent.

By motion of Councilmember Davis, seconded by Councilmember Driscoll, the proposed operating expenses of the PVCF were approved by a vote of 3-0, with Councilmember Derwin abstaining.

By motion of Councilmember Driscoll, seconded by Councilmember Davis, the procedure for approval and disbursement of the PVCF operating expenses was approved, as modified, by a vote of 3-0, with Councilmember Derwin abstaining.

(13) Status of Town Center Project

Ms. Howard said the fundraising efforts were going well. The ASCC discussed the design on 11/5/05 and approved the 3-building plan and design form. The next ASCC meeting on the project would be 1/23/05 where the focus would be on the site plan. She hoped to bring it back to the Council in February.

Councilmember Driscoll said the fundraisers had requested that the architects be asked how funds would be dispersed over the life of the construction project. They were seeking pledges with certain dates associated with that.

Mayor Toben said it was getting close to the need for setting time lines. The steering committee needed to know with greater specificity what the milestones would be. He suggested there be some discussion at the first meeting in January. Ms. Howard noted that the Council still needed to make some decisions about the new configuration of the buildings and the design. Councilmember Driscoll said the Council could discuss what the trip points would be as policy and how much success the fundraisers had to have before the project could move on to working drawings. He thought milestone charts could probably be discussed in March.

Bill Lane said he felt more and more people were accepting the fact that there was no alternative but to build a New Town Center. It was incredible to think that the Town had to operate out of trailers. That was not the image that reflected the value of the properties and what the Town represented in terms of the amenities. This was not a gated community, and numerous people from outside the Town played on these athletic fields or tennis courts.

Steve Dunne said he had been skeptical of the Town Center from the very beginning. There had been a lot of effort on the part of the Council and committees to try to communicate to a much greater degree what was going on. He thought people were moving out of fearfulness. Circumstantially, things had also happened like the buildings being reduced. He highly recommended the Council continue that grassroots effort to educate people on what was going on. Also, there was a lot of chatter going on in Town about the Town Center. That feedback should be coming back to the Council. He agreed there was a feeling that something had to be done. Some people had also started to understand that the Council was trying to open up this area.

SallyAnn Reiss agreed there was a new level of understanding, and people were talking about the design. She felt people would like some more clarity on the decision-making process the Council would go through about the financing. This was not a Finance Committee function. She suggested there be a finance strategy group that could think about that decision-making tree structure and communicate that to the public.

(14) Reports from Commission and Committee Liaisons

(a) Cable Committee

Councilmember Driscoll said the Committee sent out a questionnaire, and 195 responses had been received. There was a broad range of understanding on the subject of cable television. He said a summary would be prepared. Additionally, he said Comcast apparently needed the Town's permission to service Woodside addresses that were off of Portola Valley wires. On the franchise contract, he said negotiations had begun. He added that SBC--soon to be called AT&T--was entering the cable business. They would be adding a high-speed, video package to their DSL service. It was unclear whether they were subject to franchise agreements. AT&T came to the Committee and asked for the Cable Committee's help in securing approvals quickly. A large number of people in Town had potentially better access to SBC lines than to Comcast lines. After discussion, Ms. Sloan said the issue was quite complicated and a lot more information would be needed. She suggested AT&T work with staff.

(b) Woodchoppers' Cottage

Councilmember Driscoll said the Whites had decided not to use the Woodchoppers' Cottage as their office and were back at the point where they wanted to know when the Town would take the building off their hands. Nancy Lund was working with the Whites to get a \$1,000 grant from the County to weatherize the building so that it didn't further deteriorate. It was his impression that the Town was not in the position right now to take the Woodchoppers' Cottage. Council concurred.

(c) Trails

Councilmember Driscoll said Stanford had proposed a financial solution to the Santa Clara County Board of Supervisors on the trail issue without consulting the Town. It was his understanding that it passed by a vote of 4-1, and Stanford was obligated to pay \$2.8 million to upgrade/improve the part of the trail that was in Town and \$8 million to the County for the trail in the unincorporated area. Councilmember Davis said Stanford would be sending a letter to the Town describing what was proposed. They would like to have the Town build the trail but were willing to build the trail to whatever specification was desired. What was not

spent by the towns involved with the trail would go back to Santa Clara County.

(d) Town Center Outreach Committee

Mayor Toben said TCOC would be distributing the second issue of the Town Center newsletter in early January. The content would focus on the geology issue and why the new complex of buildings would be much safer from an engineering standpoint.

(e) Airport Community Roundtable

Mayor Toben said there would be a January 19 workshop in the Schoolhouse at 7 p.m. to show what was currently going on, what the future portended in terms of traffic, improvements in jet noise/emission technology, and demystify the routing of traffic into SFO and Oakland. His committee would be making a recommendation to the full Roundtable on the altitude standard.

(f) Liaisons

Mayor Toben asked Councilmembers to indicate preferences for liaison assignments.

WRITTEN COMMUNICATIONS

(15) Town Council 11/23/05 Weekly Digest: None.

(16) Town Council 12/2/05 Weekly Digest: None.

(17) Town Council 12/9/05 Weekly Digest

(a) Kersten Property Donation

Ms. Howard said the Kersten property donation closed, and the Kersten's would be present for a proclamation at the January 11, 2006, meeting.

(b) Artists Studios

Referring to correspondence regarding the termination of Steven Browning's lease of one of the classrooms, Ms. Howard confirmed for Councilmember Driscoll that it would not be rented to someone else.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Mayor

Town Clerk