

TOWN COUNCIL MEETING NO. 680 OCTOBER 12, 2005

ROLL CALL

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

Present: Councilmembers G. Comstock, Driscoll, Merk and Toben, and Mayor Davis  
Absent: None  
Others: Town Planner Mader, Town Administrator Howard, Town Attorney Sloan, Public Works Director Young, and Deputy Clerk Hanlon.

ORAL COMMUNICATIONS

SallyAnn Reiss, Golden Oak Dr., said the Council should think about sending out some facts about the utility users' tax. There was a lot of misinformation in the community.

Jon Silver, Portola Rd., distributed copies and read a proposed policy for the Town Center project that he and a number of residents had put together. First, he said no tax money should be spent on the new Town Center, other than what had already been set aside for that purpose, without a vote of the people. Second, if private donations were not forthcoming in an amount adequate to fund the currently envisioned Town Center project, the project would either be scaled back so that funds on hand were sufficient, and/or an appropriate funding mechanism—probably a bond issue—would be placed before the Town voters for their decision. Third, detailed planning would not be undertaken on portions of the project if reasonable and realistic funding sources had not been identified. Fourth, in no case would the Town begin construction on a portion of the project until funds were on hand to complete all of what constituted a complete project or a complete phase of the project. Fifth, whatever Town Center project was eventually built, it would be in harmony with the Town's understated rural ambience and would incorporate the principle that less is more—particularly when public projects were concerned. He said he felt these were things the Town government would do in any case if funds were not available. But, people should know what the thinking was. He suggested the Council hold a special meeting on the funding issue and adopt the policy.

(1) PRESENTATION: Sand Hill Road Hotel and Office Development

Bill Phillips, Stanford Management Co., introduced John Hill of Hill Glazier Architects. Using overheads, he discussed: 1) the location and size of the site; 2) zoning; 3) objectives in developing the site; 4) previous proposal; 5) proposed office space (100,000 sf); 6) hotel (165,000 sf) with restaurant, fitness center and spa, meeting/banquet facilities, and 5 extended-stay villas; and 7) status of the EIR. With respect to traffic, he said projections indicated there would be an additional 2,300 daily trips on Sand Hill Road, which presently carried about 35,000 trips/day. This would be an addition of about 6%; if it was developed as all office, it would generate about 2,500 trips a day. The earlier 1980's proposal would generate 4,100 trips. If it was all residential with condominiums, it would generate 2,600 trips/day. He said the peak hour trip count was also lower than all office or all hotel; it would not be lower than all residential. But, all residential would not bring in a significant financial benefit to the City of Menlo Park. He discussed Rosewood Hotel and Resorts (partner) and the quality of their hotels.

John Hill, architect, used overheads and discussed: a) the integrated complex and functions; b) location and size of buildings; c) courtyards and public spaces; d) grades; e) views; f) computer rendering; g) one- and two-story buildings; h) access to the site and circulation; i) hotel, pool and fitness facility; j) office complex and courtyards; k) underground parking; l) character of the project and architectural style; m) materials; and n) landscaping.

Responding to Councilmember Driscoll, Mr. Phillips confirmed that Stanford was the developer. It would be owned by Stanford and operated by Rosewood. Responding to Councilmember Comstock, he said sustainable features were being looked at, but it was too soon for the details on, for example, photovoltaics. Responding to Mayor Davis, he said LEED certification was generally not sought, but some of LEED's aspects would be incorporated into the project.

Councilmember Toben said this was a large-impact project. Some of the impact could be softened by seriously considering LEED certification for the project at the silver if not gold level. He discussed early efforts by Tom Ford to adopt energy efficient practices in the development along Sand Hill Road. He noted that the Hewlett Foundation building at 2121 Sand Hill Road was the first building in California to receive gold certification. He felt LEED certification was entirely consistent with Stanford's capabilities and responsibilities to this region. Responding, Mr. Phillips said Stanford had looked at some of the things included in the Hewlett Foundation building. Stanford would also be proposing a program which included a significant shuttle aspect. The thinking was that it would serve others along the Sand Hill corridor as well—in particular, the surrounding buildings.

Responding to SallyAnn Reiss, Mr. Phillips said he thought similar businesses that existed along Sand Hill Road would move into the office space. The floor plates were 10,000 sf, so the tenancies would be relatively small.

Responding to Paul Collacchi, former Menlo Park councilmember, Mr. Phillips said it was thought that the combination of the share of property tax revenue along with the Transient Occupancy Tax could represent something on the order of \$1.4-\$1.5 million and hopefully more than that if it was very successful. A complete and thorough fiscal analysis of the project would be done along with the EIR. Responding to Mr. Collacchi, Mr. Hill said the plan was to sink the two-story buildings down at the lower point of the site. It would be extremely well landscaped to lessen visual impacts and the visibility of the improvements and structures. It was also being designed so that the hotel guests would have a glorious experience.

Responding to Linda Elkind, Hawkview Drive, Mr. Phillips said .25 was currently allowed by the zoning; the project was .28. Stanford would be seeking C-4 zoning which was a specialized zoning that allowed for the proposed uses. There would also be some building heights slightly in excess of 35', which was the current height limit, and in excess of the 30' height limit under C-4. Responding to Ms. Elkind, he said the fiscal impact study would look at employment generated by the project and indirect employment. There was no specific housing project in Stanford's program in the next five years that would be directly related to this project. Stanford had done an enormous amount of housing recently in the area and had an obligation to do another 2,100 units of housing in connection with the general use permit.

Responding to a resident, Mr. Phillips said what was proposed was not a change in direction from what a green or sustainable project would be. The architecture itself was the first element of trying to establish a green building. The orientation and extensive and lengthy eaves were things that were rarely seen because it represented a significant amount of cost but it contributed a lot to keeping the buildings cooler and utilized the sun for heat in winter. It was too early to describe exactly what features would be in every building to make it a sustainable building according to LEED standards. It was something building owners wanted to do as an investment in the future, and it was also something that was important to the people who would be leasing the buildings and to people who would be guests of the hotel. People wanted to see those commitments from the developer, and Stanford was prepared to pay if those features cost more. There was no incentive these days to stray away from those kinds of things. As far as the operation of the hotel and its employees, that would be conducted by Rosewood. Nothing had been done at this point to say that only local people would be hired. It was, however, one of the reasons why the shuttle was being proposed.

Councilmember Driscoll urged Stanford to consider seeking LEED gold certification. The only reason people were hesitant to seek certification was because of the additional cost associated with it. The only

way to lower that cost was to make a large majority of the buildings certifiable. He hoped Stanford would show some leadership in this area. Mr. Phillips said he had not seen a LEED certified building that was a multi-tenant building. In order to get to gold, you had to do things that required the buildings to be single-user buildings. Jumping to gold was a big step, but Stanford would be working hard at sustainable aspects. Councilmember Driscoll suggested this could be another opportunity for Stanford to be the first and best.

Sharon Refvem, Northern California Chapter of Green Building Council, said there was a LEED certification for multi-tenant projects called Core and Shell. Likewise, the tenants could go for LEED CI, which stood for Commercial Interior. Mr. Phillips said he also understood that retailers were working with LEED so that the same type of store could be built in different locations without having to go for individual certifications for each location.

Town Planner Mader said he was pleased to learn that there would be no new intersection. He said this was a big project that would have major impact on I-280, which had won awards as an outstanding example of a freeway. He was concerned about views of the project from other places, including I-280, and felt the landscaping would be critical. Referring to one of the renderings, he said it showed a lot of vertical trees, which were not native to the site. The selection of the plant materials needed to take into account the surrounding area. Mr. Hill confirmed that a foothill pallet was proposed with coast oaks, etc., on the exterior. Most of the non-native materials would be inside the project and not on the perimeter. Town Planner Mader said it was not uncommon in big projects to have some affordable housing built. Apparently that was not being considered, and he hoped Menlo Park would think about that.

Jon Silver, Portola Road, said he did not support hiring only employees who lived within 5 miles of the project. Providing affordable housing on the project would solve the problem of commutes without hiring only people who had enough money to work there. Despite all the planning that would go into this, it was still a massive development that would have a real impact. He thought it should have a somewhat lower intensity use in order to provide more of a transition with the surrounding areas—especially the undeveloped areas.

#### CONSENT AGENDA

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

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

(2) Warrant List of October 12, 2005, in the amount of \$179,675.14.

#### REGULAR AGENDA

(3) Minutes of Town Council Meeting of September 28, 2005 (Removed from Consent Agenda)

Councilmembers Merk and Toben submitted changes to the minutes of the 9/28/05 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

(4) PUBLIC HEARING: Zoning Ordinance Amendments Regarding Fences

Lisa Tehrani, associate planner, reviewed the staff report of 9/21/05 on the amendments and design guidelines for fences. Responding to Mayor Davis, she said “required yard” was the area between the property line and the building envelope. Councilmember Merk recommended the definition of “required yard” be included in the definitions set forth in Section 18.04 of the zoning ordinance.

Responding to Councilmember Merk's question about "minor" fences, Ms. Tehrani read Section 18.43.080.B (Attachment 1, p. 6) which defined minor fences, noting that they were exempt from permits. Town Planner Mader added that that had been included to address landscaping features such as small retaining walls. Referring to Section 18.43.080.A on permits and administration, Councilmember Merk said there was no reference to fees. Also, there was no timeframe for noticing adjoining property owners of a request for a fence permit. The person applying for the permit needed to know how many days he had to wait in order for people to respond. People who wanted to respond also needed to have a legitimate opportunity to do so. In terms of the fee, Ms. Tehrani confirmed that Town staff was assessing proper permit fees. Responding to Councilmember Merk's question on Section 18.43.080.D, Town Planner Mader confirmed that if 25% of the total fence around the property was damaged, it had to be reconstructed to the new standards. If it was less than 25%, you could put it back the way it was. If there were multiple types of fencing, it was still 25% of the total fencing within required yards. Responding to Councilmember Merk, he said if there were complications, it could be referred to the ASCC. He noted that this was a very difficult section and had been worked on at great length. He felt it would handle most of the cases.

Mayor Davis said in most of the ordinances, 50% seemed to be the number that was used. Town Planner Mader said 25% had been arrived at through a lot of discussion. It was a question of when was it significant enough that it should adhere to the new standards. You could put any number in, but the consensus had been 25%. The intent was to gradually get things in conformance. Responding to Mayor Davis, he said normal maintenance would be replacing some boards as opposed to total reconstruction. The intent of this provision was that when fences had to be replaced, they would be replaced according to the new standards.

Councilmember Comstock said he grew up in Massachusetts and traveled extensively in Vermont, New Hampshire and Maine. The rural atmosphere of those states was still supported by stone walls. This ordinance prohibited stone walls. Councilmember Driscoll said the tradition was not stone walls or picket fences here.

Referring to Section 18.43.080.C.2, Councilmember Merk said a lot of fences were common fences that were owned by two property owners. If it was on the property line, he questioned whose fence it was. Responding, Town Planner Mader said if it was truly split, the ASCC couldn't command that the adjoining property owner participate or give his permission for modifications in order to bring it into conformity. However, many fences weren't on the property line. The neighbor might also agree to bring the fence into conformity if the other neighbor would pay for it.

Responding to Bill Lane, Ms. Lambert confirmed that the Westridge committee had reviewed the proposed regulations and guidelines and were fully supportive. Town Planner Mader added that fences in Westridge had been looked at and measured to see if they seemed to be consistent with what was proposed.

SallyAnn Reiss said the Town should think about how this would be communicated to the community. A lot of people in Town were very possessive about their fencing. It was a question of how they would be told about the regulations. Ms. Tehrani said outreach material had been discussed that would explain the regulations. Ms. Lambert added that an effort would be made to get the word out about the regulations. Staff was in contact with all the realtors, architects, landscapers, etc. There was also a notice on the website.

Yvonne Tryce, Joaquin Rd., suggested that there be some escape hatches for deer in those areas with perimeter fencing; deer were trapped in the roadway. Town Planner Mader said he did not think deer would have a problem with a 4' fence.

Responding to Councilmember Driscoll, Town Planner Mader said the fences that stood out as non-conforming were the solid board fences. Those would be permitted in the small lots. There had not been an attempt to go out and see how many violations there would be. Responding to Councilmember Driscoll,

he said the regulations were more for guidance for the future.

Responding to Councilmember Toben, Ms. Sloan said the definition of “domestic fence” was in Section 18.04.129. Ms. Tehrani confirmed for Councilmember Toben that in those districts where something other than a horse fence was permitted, you could have a cyclone fence if it was the right height and opacity. Councilmember Toben said this was a particularly challenging set of regulations to assemble. He commended all those involved.

Responding to Councilmember Comstock, Town Planner Mader said a dense hedge would not fall under the definition of a fence. He added that the guidelines addressed vegetation.

Responding to Mayor Davis, Ms. Lambert suggested there be a 7-day timeframe for noticing. That was the current requirement for notification of architectural review, although staff had extended that to ten days or more.

Councilmember Merk said he had been approached by a neighbor who was concerned about opacity limits in less than 1-acre zoning. She was on an extremely narrow private street. She had little children whose bedrooms were in the front of the house, and they played mostly in the front yard. She was concerned about a 4’ fence having to be 50% open. In districts like Woodside Highlands, Wayside, and Corte Madera, some people did not have a lot of yard. This made it very hard to have any privacy. He liked the idea of openness but was glad to have a solid fence across the front of his yard to block the view of an old car parked across the street that hadn’t moved in five years. He was not comfortable with 50% opacity in the smaller districts where houses were a lot closer together. Responding, Town Planner Mader said if you wanted privacy, you needed a 6’ fence. If it was an issue of containment, 50% opacity would be adequate. He did not think a 4’ solid fence would do a better job than a 4’ fence that met the 50% standard in terms of privacy. Ms. Tehrani said if it was a case of hardship, the ASCC could review it.

Ms. Sloan said the definition of “required yard” would be included and the timeframe for noticing added; the ordinance would be brought back for first reading at the next meeting. Councilmember Merk asked that the permit fees also be discussed. Town Planner Mader recommended the ordinance and fees be discussed separately.

(5) TBI Construction – Delivery Method Options for Town Center Project

Tony Miranda, TBI Construction & Construction Management, introduced Rick Leisinger, Project Director. Mr. Miranda gave a Powerpoint presentation on multiple prime contracting, which he recommended for the Town Center project. He discussed: 1) the multi prime contracting process; 2) role of the construction manager and construction coordinator; 3) key features of the approach; 4) stages of the process including the pre-construction phase and bidding, construction and post phase; 5) bid divisions; 6) advantages of the multi prime approach; 7) impact on project budget; 8) examples of public projects using multiple prime contracting; 9) current public projects; and 10) testimonials. Responding to Councilmember Merk, he said the construction management firm had a contract with the owner/agency. The owner/agency basically brought on a consultant that administered the portions that a general contractor typically did. But, he did so with pre-construction efforts and the fact that the scopes were well disseminated into bid divisions that allowed bidders to give complete bids. The construction coordinator coordinated the trade contractors; they controlled the sequence and flow of work. Trade contracts were with the owner but managed by the construction manager.

Responding to Councilmember Toben, Mr. Strain said his firm had not used the multiple prime contracting process. There were things that appealed to him about it such as having the construction manager being involved very early on. It would be advantageous to work with a built-in constructability review of what was being designed. It would be an advantage for a good project for a good price and probably for the green

piece as well. However, he thought what was being described was a good general contractor. Responding to Mr. Strain, Mr. Miranda said if his firm submitted a bid for all of the work that a good general contractor did, they would never be the low bidder; that was the problem with the typical process. The person who got the project was typically the one who had the most mistakes. With this process, the guesswork was taken out of the scopes; the individual trade contractors knew exactly what their scope was. The bid process was purified to get truly competitive bids and a number of them. He suggested Mr. Strain contact Peter Ducksberry, architect, who had worked with TBI for the first time using multiple prime contracting and was a big believer.

Responding to Mr. Strain, Mr. Miranda said technical spec sections were assigned to bid divisions; where there was overlap work, it was also listed. Mr. Strain said in his experience, bid divisions were typically a paragraph and very short. Mr. Miranda confirmed that bid divisions usually ran about four pages. Bid documents were created to get adequate bidding with specialty contractors where necessary. It was a collaborative effort working with the designer to get the pieces together and communicate to the bidders.

Responding to Ms. Refvem, Mr. Miranda said if the project was phased sequentially, the bidding was not typically done by building unless the phasing dictated that. It was generally broken down into as many trades as possible for better control. Responding to Ms. Refvem, he described the change order/request process. In terms of the project budget, changes were generally taken out of the construction contingency budget.

Councilmember Toben said this approach suggested a much larger contract with TBI than envisioned at the outset. Mr. Miranda said a matrix would be created showing responsibilities and the staffing that would be necessary to do the project; hours were assigned to those times the rate. Generally, that work was done equal to or less than a general contractor's fees, but there was also the benefit of the pre-construction services, which the general contractor did not provide. Responding to Councilmember Toben, Ms. Sloan said the Public Contract Code required public agencies to bid out construction. By putting this supervision under the construction manager, the contractor was bypassed and you went straight to the subs. It involved a lot more supervision and management than a normal general contractor did. She would be more anxious about this approach if the Town was the first city to use it. But, it had been in use for 10-20 years and used by many public agencies. If the Council was interested, the Town would need to amend TBI's contract.

Responding to Mr. Strain, Mr. Miranda said the designers would not be reviewing more submittals than in the typical approach. Mr. Strain added that he preferred to work with a better contractor with a higher bid than the lowest, which was often a nightmare. He said he did not see any inherent problems with the approach. He added that his firm had a spec writer who was very sophisticated at writing LEED language; he would want him to write those spec sections. But, if there was a way to write them that made them more biddable, that would be helpful.

Councilmember Comstock was concerned that TBI might be so successful in its own sales act, they might take on far more clients than they were able to handle effectively. The Town's decision to use a firm like TBI to work with the Town in this manner had to be conditioned on more than just a favorable impression of the firm's experience, depth of knowledge, etc. It had to be conditioned on somehow developing a sense of confidence that the firm would really pay attention to the Town's job. Mr. Miranda said the team would be on the job full-time. The field rep would be on the site all day because everything came to him. TBI did not take on a lot of projects; currently there were three on the CM side. He said it took a tremendous amount of work up front; the sooner TBI was brought in the better because the documents needed to be well-coordinated, well-thought out and express the design and what the expectations were so that that could be communicated to the bidders. Responding to Councilmember Comstock, he said on a project of this size, there would be probably two full-time people. One would do the up-front work and then the field rep would be brought in to start doing constructability reviews. That field rep would stay on the project. There might be additional help brought in for the LEED component.

Mr. Young said the presentation was for informational purposes only. TBI could do both project management and construction management either way. Staff had requested a presentation on alternative methods to do this project; no decision had to be made tonight.

Councilmember Merk said with the exception of working early on with the architect, he thought it boiled down to whether the Town got a good contractor. If you were working with a good contractor, all of the advantages of using multiple prime contracting were covered. TBI's presentation was a sales pitch that used the worst-case scenario of working with a general contractor and none of the positives. This approach might just add another layer of bureaucracy. He couldn't tell, but he was skeptical. Responding to Councilmember Merk, Ms. Sloan said it was very difficult to pre-qualify a contractor. There were very specific legal requirements involved, and a whole system needed to be in place which the Town didn't have.

Responding to Town Planner Mader, Mr. Mirenda said if problems arose between the subs, TBI had the ultimate responsibility—similar to a good general contractor. Responding to Town Planner Mader, he said TBI tried to budget in such a way that the project could be done within the price. But, "guaranteeing" a price was difficult. TBI provided a professional service. Just as with an architect, experience and reputation were key. Councilmembers thanked Mr. Mirenda for the presentation.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (6) Appointment to Historic Resources Committee

Mayor Davis referred to Nancy Lund's e-mail recommending appointment of Phyllis Quilter to the Historic Resources Committee. He made the appointment, and Council unanimously concurred.

##### (7) LEED Certification of New Town Center Project (Discussion)

Mr. Strain reviewed his memo of 10/7/05 on the LEED certification process. He recommended the Town Center be a LEED certified project. Mayor Davis noted that he and Councilmember Driscoll, as Council liaisons to the ADT, concurred.

Councilmember Comstock said the cost was \$65,000 - \$85,000. It would be sensible for the Council to say that it hoped for LEED certification provided there was enough money to do everything else and cover the cost of the certification. It was not something that could be decided until the funding question was answered.

Mr. Strain said a lot of the required documentation was already being done in terms of energy modeling, daylighting, etc. The estimate was to do the additional tracking of points. Going for the certification was a way of keeping the project and builders on track. It added an extra level of responsibility to the whole project, and he thought it was a good thing to do. He noted that the certification fee was miniscule; it was tracking all of the points that cost the extra money. The points counted in the current design were about 3 points below gold, with 9 points very probable to get and 11 possible to get with a little extra work. He thought LEED platinum would be difficult to get because of the type of project it was (i.e., rural). He noted that this would have to be coordinated with the general contractor or construction manager very carefully. There was probably some advantage of having that person involved before the project went out to bid; it would be helpful to have his input on structuring all of the specifications, submittal requirements, etc.

Rick Leisinger, TBI, said he thought TBI's cost would be roughly 2.5% or \$35,000-\$40,000. That was based on projects done before. Responding to Mayor Davis, he said projects were more attractive to subcontractors if LEED certification was being pursued. This was something new and people wanted to be involved with green buildings. They wanted to use your project in their portfolio for future green projects. Additionally, the Town was already paying to have the green buildings designed; to not go for certification

might be a mistake. He felt the subcontractor base that was anticipated would be excited about doing this project and having a LEED certification. Mr. Miranda discussed additional training provided to subcontractors on green building features.

Councilmember Driscoll said the Town frequently tried to act as an example for the citizenry. When the Town did retaining walls, they were done in a sensitive way; plantings were done with sensible plants. He felt the Town had a public education and leadership obligation, and this was part of that. By demonstrating a commitment toward LEED and green building, the Town fulfilled a role of leadership for the rest of the Town. While it might seem like the citizenry were landowners with large houses, they were also leaders of companies who managed huge facilities. He felt this was an important public leadership issue.

Mayor Davis said he now had a better understanding of LEED and how you got points, etc. Councilmembers might know the buildings were green, but that was just an assertion. LEED was a system for measuring green that could be universally applied. He also liked the management system it implied—the process started at the bidding/description stage and ran right through the project. He felt that management system alone was worth it.

Sharon Refvem encouraged the Town to go for LEED certification. As an architect who had been interested in green building for a long time, she felt LEED was a good system and would encourage the design team and contractors to meet the mark. In response to Councilmember Comstock's comment, she said the Town could not wait beyond a certain point to see if it had the money for certification. At a point, it became more expensive to do LEED later. It would need to be decided before construction started if not sooner. It would also provide an educational opportunity for some of the people in the community—including children. She thought educational displays, etc., would help people understand what a building did to the environment and what you could do by making the right choices.

Councilmember Merk said Portola Valley didn't need to be pushed toward a green building; it was already being done. If the architect could be trusted to give the Town a green building without going through the extra time and money of tracking for LEED certification, it would save over \$100,000. The architects would say LEED was a good thing because it was a feather in their cap. Actions spoke louder than plaques. If the Town was going to spend \$100,000, he thought it should be spent on more photovoltaics that could produce more energy and reduce the amount of carbon dioxide being put into the air every year. The Town didn't seek certification or publication of its geologic zoning, Resolution 500, or use of floor area ratios for residential zoning. He didn't think the Town needed to spend this kind of money to put a feather in its cap to attract people to come and see LEED buildings in Portola Valley. People in Town would know it was a green building. If the building really did produce electricity, used recycled concrete, etc., LEED certification was completely superfluous.

Councilmember Toben described the Hewlett Foundation building and the education needed to help the Board understand LEED requirements. He said there was a fixed set of standards that were clear and provided benchmarks. Putting aside the plaque, he felt that the mark set by the Hewlett Foundation building had, as a matter of institutional policy, enormous educational reverberations for people who came into the building. He saw a time when every middle schooler in Portola Valley could come and do experiments on these buildings that: 1) referenced LEED standards; 2) did benchmarking against LEED standards; and 3) monitored building performance against LEED standards. As a matter of public policy, he thought it was an appropriate investment of the Town's precious resources, which could be amortized over the life of this project. It was a modest investment considering the benefit over decades and a profoundly important goal, which he believed was captured very explicitly by this set of external standards. He wholeheartedly supported taking this and putting it in the form of the standards that the world recognized as having real significance. He entirely supported setting an example and doing the right thing.

Councilmember Comstock suggested having a donor pay for the certification and putting his name on the



plaque. Councilmember Toben said that was a possibility. Mayor Davis pointed out that it would be expensive to delay the decision on the certification. Councilmember Comstock felt it should be decided before the construction-drawing phase. That provided a timetable in which to raise the \$100,000. Councilmember Driscoll noted that there was no validation/checking at this early stage. As the design team moved toward construction documents, there was a validation component. Ms. Howard said she would like to know whether the certification component should be written into the agreements for the next set of contracts for construction and management. Responding to Councilmember Comstock, Councilmember Driscoll said the Council needed to decide whether it wanted to set out to do LEED certification. Whether it was actually done would be determined whether the money was available.

Councilmember Merk said it was not known when the Town would know if it had the money. If LEED certification was going to be pursued, the tracking needed to start soon. The tracking cost money. The decision would need to be made and money spent before it was known whether the buildings could even be funded.

Councilmember Driscoll agreed that the Town should not go beyond a certain point before identifying where the money was going to come from. But, until the Town could define what it was doing, it was difficult to complete the fundraising/asking aspect. As a consequence, the Town needed to decide what it was going to do, how it would be done, and how much would be done. That would allow more visibility of the number. He was comfortable with not starting construction documents until the money to build was clearly identified. The Town needed to clearly define what it was going to do in order to: 1) get the fundraisers all the tools they needed to raise the money; or 2) sell the project in a bond act to the public. Currently, the design was being iterated through the ASCC. Hopefully, more of Portola Valley was being brought into the design. Gaining more momentum and consensus within the general population would help with the fundraising effort and support of the project altogether. He thought it was reasonable to set goals and standards and try to move the project forward and define what it was. But, he also agreed there was a point after which the project should not advance until the money was there; that was not too far away. He thought the Council should decide now, as a policy matter, whether LEED certification would be sought.

Responding to Councilmember Driscoll, Mr. Strain said between now and start of the construction documents, no money would be spent on LEED. It would add something when the construction documents were started. In response to Councilmember Merk's comments, he said he agreed that the money should go into tangible action rather than demonstration. But, there was a lot of value in demonstration. The first green project he did was an affordable housing project. A complete life-cycle assessment had been done that was funded by an \$80,000 grant that didn't affect the cost of the affordable housing. That was before LEED existed. The project had been documented and a book put out about how it had been done, impacts, lessons learned, etc. In a sense, LEED was how that was done now. The point was past where it was a green building because someone said it was. You could use LEED or some other way as he had done before LEED. There were a lot of projects being called green that he did not consider green. LEED rescued the green movement from a sort of green washing that had happened. Now, if you wanted to be a LEED gold certified building, you had to be a green building. You couldn't fake it. Most good builders could get a LEED certified building. The higher levels meant something. He didn't like the fact that LEED was the only game in Town and it was not perfect, but it worked. Telling people what you did was not to get them to come see your building; it was to advance the whole green building movement and pass it on to other people. A lot of smart people had been thinking about LEED for a long time, and he thought it was something worth supporting. The process needed improving; every time they did a new version, they improved the process. Additionally, he had never seen the money that was saved by not doing the certification go to photovoltaics; it went into some other aspect of the project.

Responding to Councilmember Comstock, Mr. Strain said design development included refining all of your initial sketch ideas. He confirmed for Councilmember Driscoll that no money was being spent on construction documents at this time.

(8) Status of New Town Center Project

Ms. Howard said the TCOC newsletter should be out next week. Councilmember Driscoll noted that the ASCC was discussing some significant changes. He questioned whether the newsletter should go out; that implied that the project was set.

Councilmembers discussed: 1) the content of the newsletter; 2) when the ASCC would be making its recommendation; 3) goals of the newsletter; 4) estimates included in the newsletter; 5) whether it had gone to print; and 6) adding text indicating that what was shown/described was still under review. Councilmember Driscoll suggested that those involved reread the newsletter in the context of the fact that there might be a substantial modifications recommended by the ASCC. He did not want to oversell the completeness of the project. Councilmember Toben said the text could be tweaked. Councilmember Driscoll hoped that it might get people involved again.

Ms. Howard said after the ASCC meeting, the design team was directed to present two sets of modified plans based on ASCC comments. There would be a special meeting on November 7 where these plans would be presented. One set would have design modifications of the buildings themselves and the other set would have more radical changes including potentially eliminating some of the programming or combining some of the programming into one building. Because of that, Council's discussion at the November 9 meeting would be postponed. This work was not part of the agreement, so there would be some additional costs. Additionally, she suggested there be an additional meeting in November in place of the normally cancelled meeting prior to Thanksgiving. After discussion, Council agreed on a special meeting on November 16 or 21.

Mr. Lane distributed copies of a brochure from the USGS on earthquakes and earthquake preparedness. In talking to people in the community, he felt one of the most fundamental needs was to get people to understand that this was a very dangerous area. He described his early concerns about earthquakes and the history of the CA Geological Survey and USGS. He felt the brochure should be in every property owner's hands, and the Town would be receiving enough copies for every homeowner in the valley. The Post Office had offered a very favorable postage rate for the delivery of the brochures. Councilmember Driscoll discussed the passage about Portola Valley in the newly published book about the 1906 earthquake entitled A Crack in the Edge of the World by Simon Winchester. Mr. Lane added that Stanford was sponsoring a series of lectures on the 1906 earthquake centennial next year. Councilmember Merk thanked Mr. Lane and said the brochure would be very important in shaping how people felt about the Town Center. Mr. Lane agreed and said he did not think people understood the seriousness of earthquakes.

Councilmember Comstock said if there was going to be a general mailing of the brochure, it should include something that addressed setbacks from a known fault. He was concerned that the brochure by itself would convey the impression that people had no idea where the ground would split. Something should be included with the brochure that covered the details of how you could be safe within 100' of a fault line in a properly constructed building. After discussion, Councilmember Driscoll said he would ask the Geologic Safety Committee to find an approachable scientific paper that described the repeatability of fault rupture zones. Councilmember Comstock said it should also state that that was the basis for State and local laws relating to setbacks. Ms. Howard suggested the Committee also draft the cover letter. Councilmember Driscoll said he would coordinate with Mr. Lane.

(9) Reports from Commission and Committee Liaisons

(a) Airport Roundtable

Councilmember Toben said he visited TRACON today with the Mayor of Woodside. Progress was being made, and there would be a good workshop in January.

(b) Community Events Committee

Councilmember Merk said the BBQ event raised about \$42,000 from the solicitation letter and expected to net \$50,000. They discussed some problems that occurred and agreed that next year, it would be important to have a volunteer coordinator.

(c) ASCC

Councilmember Merk said the ASCC reviewed the Town Center project at its last meeting. There was a lot of comment that it was not Portola Valley or "familiar." Four members on the ASCC weren't satisfied, and one was. The ASCC realized that if they couldn't bring something together for which there was consensus, the project couldn't go forward. Councilmember Driscoll added that the majority of the speakers had been stimulated by the donation/fundraising group to come and raise their concerns; a whole new group had emerged by asking for money. Mayor Davis added that there were a number of speakers who were new to the process. The creek issue was also discussed at length.

(d) Cable Committee

Councilmember Driscoll said Comcast did not show up at the Committee meeting again. Responding to Ms. Sloan, he confirmed that the Committee understood that they were supposed to be working on a needs assessment for the agreement.

WRITTEN COMMUNICATIONS

URGENCY ITEM

By motion and second, a letter drafted by Councilmember Driscoll on Measure H was added to the agenda as an urgency item by a vote of 5-0.

(10) "Yes on Measure H" Letter

Councilmember Driscoll distributed a copy of a letter he drafted which he suggested be signed by all Councilmembers and the candidates. Referring to item 3, he said it had been suggested that "majority" be changed to "consensus." Referring to line 3, Ms. Sloan suggested deleting the word "mostly."

Responding to Mayor Davis, SallyAnn Reiss, candidate, said she would be willing to sign the letter. Councilmember Driscoll noted that the other candidate, Maryann Derwin had suggested the letter. Referring to the material being put out by those against Measure H, Councilmember Driscoll said these accusations and allegations needed to be stopped.

Councilmember Merk suggested comparing the letter to what Jon Silver submitted during Oral Communications. Ms. Sloan noted that they were not necessarily mutually exclusive. Councilmember Driscoll said he was trying to send a personal document that was endorsed by the Council and candidates to the Yes on Measure H Committee that was outside of the political process. Mr. Silver was interested in adopting a policy. Councilmember Driscoll said he did not want to create a custom policy just before an election. He preferred the Council and candidates state there was no ulterior motive. Mayor Davis said there was congruence in the intent of both the policy and the letter.

Ms. Sloan suggested adding something about the Town Center not meeting ADA requirements. Councilmember Comstock said most people wouldn't understand that. He suggested that the letter drafted by Kirke Comstock dated October 5, 2005, be included in the same mailing. Councilmember Driscoll noted

that the "Yes" Committee was discussing that subject.

Councilmember Merk said the letter didn't indicate that the Council would still have something in reserves if a real rainy day came. Councilmember Driscoll agreed. He said he would contact Ms. Derwin tomorrow. After making the changes and obtaining signatures, he would give the letter to the "Yes" Committee for mailing.

(11) Town Council 9/30/05 Weekly Digest: None

(12) Town Council 10/7/05 Weekly Digest

(a) Annual Holiday Party

Referring to her memo, Ms. Howard said the holiday party would be December 9. She asked for input on volunteers that would receive special recognition. Councilmembers discussed possible nominations.

#### ADJOURNMENT

The meeting adjourned at 12:35 a.m.

\_\_\_\_\_  
Mayor

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