

SPECIAL TOWN COUNCIL MEETING NO. 674, JUNE 22, 2005

ROLL CALL

Mayor Davis called the meeting to order at 7:39 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

Marilyn Walter, Coyote Hill, suggested the Town use a public address system in the Schoolhouse to help those who had difficulty hearing.

Mayor Davis introduced Liz Sweeney, Co-chair of the Community Events Committee. On behalf of the Town, he thanked Ms. Sweeney and the Committee for their work on the Town picnic. Ms. Sweeney thanked various individuals for their efforts. Mayor Davis added his thanks to the Rec Facilities Coordinator, Brad Peyton.

(1) Presentation: Schematic Design of New Town Center Master Plan

Introduction by Mayor Davis to the Schematic Design Presentation.....June 22, 2005.

"Last November Council reviewed the Conceptual Master Plan for our new Town Center. We liked what we saw and authorized our architects to undertake more detailed schematic designs in order to further define the project and especially the costs involved. We also hired TBI Construction to review the cost estimates. Back in November we set today, June 22 as the day to present firm cost estimates and the schematic designs.

I believe you will agree with me when you see the results that an excellent design has been improved. It is even more Portola Valley like with buildings that have smaller total floor areas, are lower, have less visual mass, and are located in such a way as to enhance the views and spaces around them.

In November we had estimated this project to be somewhere between \$15 and \$20 million – determined to a large extent by the construction phasing. Today it looks like the total project cost will be at the higher end of that earlier estimate. There are two reasons:

- First, we now have a better understanding of the project – especially the area called "soft costs" that are now fully included.
- Secondly, any of you who have had some home construction during the past six months would have observed, there has been an unprecedented escalation in construction costs. This construction cost escalation is now included in the project's cost estimate.

We will first hear a presentation by our architects describing the Schematic design and project cost estimate. This will be followed by the introduction of and a presentation by the Portola Valley Community Fund.

The Community Fund is a group of residents who are enthusiastic about raising money to support our new Town Center. They are convinced that they can raise enough money that, together with Town funds already on hand, there will be sufficient money to build the entire project at once rather than phasing

construction over many years. Clearly, a single project approach is superior for it not only saves millions, but also greatly reduces the disruption and provides many Town services earlier.”

Suzi Marzuola introduced David Cobb (Davis Langdon) who prepared the construction cost estimates and Rick Leisinger (TBI) who prepared the soft cost estimates. Using overheads, she discussed: 1) changes to the estimate done in June 2004; 2) a comparison of the master plan to the most recent schematic design plan; and 3) the schematic design budget for construction and soft costs, as shown on the budget summary dated 6/17/05 and soft cost line item summary.

Larry Strain (Siegel and Strain) reviewed his memo of 6/17/05 and used overheads to illustrate changes made to the plan since it was last presented in April. He discussed: 4) landscaping; 5) athletic facilities; 6) lawn areas; 7) playground; 8) access and parking; 9) paths, trails and fences; 10) library; 11) town hall building; 12) activity building; 13) community hall; 14) maintenance building; 15) sustainable site strategies and building efficiency measures; and 16) interior and exterior materials.

Jim Goring (Goring & Straja) conducted a virtual tour of the site.

Responding to Allan Brown, Goya Rd., Ms. Marzuola provided square footages for the library (6,100), town hall offices (3,600), EOC center (610), town hall storage/loft (1,000), community hall (5,260), activity building (2,200), and maintenance building, public restroom and emergency supply storage area (1,400).

Linda Weil, Tynan Way, thanked the architecture team for their fine work and the presentation. Responding to Ms. Weil, Mr. Goring said all of the buildings had shrunk since the renderings were done. Also, the scale was somewhat misleading in the renderings. He said the tallest point of the community hall was 24 feet, the Town Hall was now 20' and the library was 22 feet. With respect to exterior spaces, Ms. Marzuola described two retaining walls that were of bench height; outside furniture had also been included in the cost estimate. Mayor Davis noted that the cost estimate sheets were on the Website.

Responding to Sheldon Breiner, Buckeye, Ms. Marzuola said demolition costs were included in infrastructure costs. Mr. Strain confirmed that a hazmat study would be done for all of the buildings; that was included in the soft costs. The re-usability of some of the material would also be assessed, and partial salvage was included in the cost estimate.

Responding to Councilmember Merk, Mr. Cobb said estimates for abatement of hazmat were based on the cost of buildings that had been demolished that were similar to the Town Center buildings. Responding to Mayor Davis, he confirmed that it was anticipated that hazmat would be found in some of the tile, insulation, etc.

Responding to Karl Bizjak, Saddleback, Mr. Strain said the timeframe for a single-phase project was 16-18 months. Mayor Davis added that there was a phased plan as well.

Art Graham, Westridge, suggested compiling a list of all the county, State and federal agencies that would have to review this and give their approval, the cost of obtaining those permits, and the time it would take. Responding, Ms. Sloan said except for connecting to utilities, this project did not need any permits from any federal, State or other agency.

Carol Graham said she was surprised to learn of the plans to use radiant heat right on top of an earthquake fault. Responding, Mr. Strain said the new tubing that was used was called Pecks tubing, and it had incredible elasticity to it. It had been used for about 20 years, and there had been no failures. If it was a major break, there would be a lot of other problems.

Responding to SallyAnn Reiss, Mr. Strain described different types of metal roofs that increased the performance of the roof; he discussed a sample. He felt it could look very nice in a rural setting. A standing

seam roof worked well because solar panels could be clipped on to it. It was also very durable. The runoff that came off was also completely clean. It was more money, but it was an investment. Councilmember Driscoll noted that Corte Madera School had installed a similar roof. Ms. Marzuola described a facility in Hillsborough that used a similar roof. Responding to Mayor Davis, Mr. Strain described the latest solar panels. They were more expensive but more efficient; fewer panels were required to produce the same amount of power. The efficiency started to drop off around 35 years, and the panels were being improved all of the time.

Responding to Pierre Fischer, Valley Oak, Mr. Strain said \$300,000 would be saved by not using redwood siding. Ms. Marzuola noted that the proposed siding was relatively new. Mayor Davis added that the same material had been used on the Los Altos Hills town center. Mr. Cobb said any cement fiber product would be about the same price. Mr. Strain discussed framing costs for board and batten as well as staining and installation.

Laura Chase, Stonegate, said the design team did a nice job of preserving the natural beauty of the site as illustrated by the virtual tour.

Responding to Ms. Reiss, Mr. Strain said the first line of green building was durability to make it last longer. Things that would take some maintenance included the wood screens. Additionally, if the Town could afford to use cork throughout the library instead of carpet, it would be much more durable. Mr. Goring added that any increase in softscape/landscape would also require more maintenance.

Responding to Mr. Breiner, Mr. Strain said additional things could be done to make the buildings more green, but it depended on the budget. Adding more photovoltaics, for example, could be done later. The first thing that would be done in design development would be to look at all of the decisions regarding energy performance of the buildings and how they could be made better. Councilmember Merk discussed the amount of electricity that could be produced. Producing electricity on site also meant you were not paying the cost and environmental cost of transporting the electricity to the site. Every kilowatt hour generated on this site would save 1.6 kilowatt hours coming in over the grid. Every kilowatt hour sent out would help reduce the huge heat waste from the wires, bringing power to the site.

Mr. Strain said every building being designed today would become a post-petroleum building; there wouldn't be oil to heat buildings in 50 years.

Responding to Councilmember Comstock, Mr. Strain said a real daylight study had not been done, although daylight had been built into the basic design. Models would be built to scale and put on a heliodon to measure the light coming in. Getting the daylight to work greatly reduced the energy load and watts per sf. Thermal and energy modeling had been done; daylight would be next.

Councilmember Driscoll asked if there was a way to avoid connecting to the sewer given the cost to hook up. Responding, Mr. Young said the pump station down the street was just completed, and West Bay Sanitary was assessing the cost and how many people would be hooked up. They assessed the value based on how many residential units the Town Center was worth, which right now was six. That might be reduced. If not, the architect might be asked to look at a leach field. A great septic system could be put in for quite a bit less than what it would cost to connect to the sewer. Councilmember Driscoll asked that that be investigated. Mr. Young pointed out that the Town made people who were remodeling and developing homes hook up to the sewer system if it was available.

Councilmember Merk said he understood that for some of the institutional uses, West Bay based their fees on the amount of water that the institution used. If 90% of the Town Center water was for watering the fields, that needed to be discussed. Mr. Young suggested metering the buildings to see what the use was.

Craig Taylor, Santa Maria, said if there were more people connected to the sewer, the Town got money back. He added that the Highlands was actively looking into what it meant to hook up to that sewer system and pay into that system.

Responding to Councilmember Comstock, Mr. Young said discussions were on going with PG&E about undergrounding the power lines along Portola Road. The fund had about \$300,000, which was not enough to do much more than one pole. He was also looking at setting up a maintenance district and other alternatives.

Councilmember Driscoll noted that the first draft of the EIR associated with this project had been received. Including the review period, the Council would be spending most of the summer going through the legal steps necessary to do a project like this. Ms. Sloan added that the EIR was available at Town Hall and that the comment period lasted from 6/21/05 through 8/4/05. The comments would be responded to by the environmental consultant. At that point, the Council would take official action to approve the project. While the Council was dealing with the CEQA process, Councilmember Driscoll suggested the architects do the schematic design for the activity rooms and community hall. There were some other areas that needed clarification in terms of costs. The hazardous material investigation/abatement could begin immediately. Mayor Davis suggested staff prepare a report on the actions that could take place while the CEQA process was going on. Ms. Howard noted that proposals were currently being received for the geo-technical investigation; the hazmat investigation would also take place during the summer. Mr. Strain said an analysis of the re-use of the existing materials would also be very useful to plug into the design.

Councilmember Driscoll discussed the milestone chart that compared a phased and un-phased project. He felt the goal of a single-phased project was compelling. Ms. Marzuola recommended that the design team move into the next phase of the design work, which was the design development, in order to meet the timeline.

Councilmember Merk said he was very pleased with the way the project was going. He had expressed some concerns in the past about design and layout, but he liked the siting very much and the direction the design team was going. He was, however, concerned about references to a "very tall entry point." High features/entries, etc., were not in keeping with Portola Valley. He encouraged the architects to go in the direction of their own statement: "a little smaller, a little lower, and a little more modest." That was the tweak that this plan needed.

(2) Presentation: Portola Valley Community Fund

SallyAnn Reiss, Chair-Portola Valley Community Fund, said the fund was established to raise money for the new Town Center. She read the position statement and introduced members of the steering committee and advisory board.

Jocelyn Swisher, steering committee, said the goal was to raise enough money to start all phases of the project in September 2006. She described the 3-pronged approach that included a major donor campaign, community participation, and obtaining grant money. She added that all volunteers who wanted to help were welcome. Ms. Reiss added that there was a press release about the fund; the contact was: thepvcommunityfund@sbcglobal.net.

Councilmember Driscoll noted that the Peninsula Community Foundation (PCF) would act as a holding body for money collected, which would be dispersed to the Town, as the construction projects needed it. All contributions would be to a 501(c)3 charity and tax deductible. Mayor Davis noted that the PCF was completely independent of the Town.

Councilmember Merk said the Town had expended a considerable amount of money for a consultant to help

with a feasibility study. He asked if the feasibility study was for the Town or this committee. Ms. Sloan said the feasibility study was for the Town to decide if the Town wanted to hire a fund-raising consultant. When the feasibility consultant was hired, this committee had been formed. As previously indicated in a memo, if two councilmembers were on the steering committee and the fund received any resources from the Town, the committee would be bound by the Brown Act. Councilmembers Driscoll and Toben, who thought they would be on the steering committee, had decided that the committee should have more autonomy. They would attend some of the meetings and act as liaison to the Council.

Ron Walter, advisory committee, said this was great opportunity to do some things for the Town that he hadn't done before. He described his enjoyment of the Town's assets and said he looked forward to having a focal point for the Town. The fact that the current buildings had to be vacated was a super opportunity to build something everyone would be proud of. He also felt the objectives of the committee could be met with this fund and within the timetable indicated. It would be a tremendous benefit to do this in one phase. He said the committee was very enthusiastic.

Responding to Craig Taylor, Ms. Reiss said the committee felt that raising \$13-14 million dollars was doable. There was also the opportunity of public financing. Mayor Davis added that the Town had about \$4.5 million dedicated to this project. Councilmember Driscoll said he was very proud that the Town would be trying to do this project with contributions as opposed to taxing people. It was the "Portola Valley way" of approaching this project.

CONSENT AGENDA

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

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

- (3) Minutes of Regular Town Council Meeting on June 8, 2005, as amended by Councilmember Merk, with Councilmember Comstock abstaining.
- (4) Warrant List of June 22, 2005, in the amount of \$346,844.17.
- (5) Change to Cable & Utilities Undergrounding Committee Charter, per Chair's memo of 6/14/05.
- (6a) Resolution No. 2185-2005 Approving and Authorizing Execution of the First Amendment to the Lease Agreement Between the Town and Adele Seltzer, per Asst. Town Administrator's memo of 6/9/05.
- (6b) Resolution No. 2186-2005 Approving and Authorizing Execution of the First Amendment to the Lease Agreement Between the Town and Stephen Browning, per Asst. Town Administrator's memo of 6/9/05.
- (6c) Resolution No. 2187-2005 Approving and Authorizing Execution of the First Amendment to the Lease Agreement Between the Town and Kalani Engles, per Asst. Town Administrator's memo of 6/9/05.
- (7a) Resolution No. 2188-2005 Approving and Authorizing Execution of the Fifth Amendment to Consulting Agreement Between the Town and Cotton, Shires & Associates, Inc., per Asst. Town Administrator's memo of 6/9/05.

- (7b) Resolution No. 2189-2005 Approving and Authorizing Execution of the Fifth Amendment to Consulting Agreement Between the Town and Kutzmann and Associates, Inc. (plan review services), per Asst. Town Administrator's memo of 6/9/05.

REGULAR AGENDA

- (8) Discussion of Donation of Open Space/Kersten Property

Ms. Sloan reviewed her memo of 5/16/05 on the donation of the Kersten/Heckmann 12-acre property.

Mr. Young said according to the Fire Marshal, a fire/emergency vehicle access lane would not help because the road into Upenuf Lane was only 10' wide and base rock. There was also no source of water. Apparently, the insurance policies of neighbors might not be renewed due to the fuel that was there. If the Town acquired this land, the Town would be responsible for fuel management. Responding to Councilmember Toben, he said managing fuel loads could be a huge initial cost and potentially thousands of dollars every year to create a 100' buffer between the homes at the perimeter of this lot.

Responding to Councilmember Merk, Ms. Sloan said if there was a fire on this property or it spread through this property, the Town would have more liability. In the Arastradero fire, the fire started in a Los Altos Hills residence, but it went to the Arastradero preserve and on to destroy other homes. The City of Palo Alto ended up contributing quite a bit of money; there was also the allegation that Palo Alto hadn't done the fuel management well. She said Ms. Howard had spoken to ABAG, and they didn't seem to be concerned. But, if there was a fire, the Town could be sued and would be somewhat responsible depending on the facts and circumstances. She added that it was the Fire Marshal's point of view that 100' should be cleared away from every house. She did not know if it was true that homeowners could not get good homeowners' insurance if they didn't have a 100' clearing from their house.

Responding to Councilmember Toben, Ms. Sloan said she thought it would be appropriate for a public agency to enter into an agreement with the adjacent landowners whereby the public agency permitted the private property owners adjacent to the land to come onto the land to deal with the fuel load issue themselves.

Montgomery Kersten, donor, said there was no house within 100' of his border. This should not cause concern for the Town. There were other public agencies that were interested. He was trying to be a donor and benefactor. If this was a burden on the Town, no further discussion was necessary.

In looking at Attachment A, Councilmember Driscoll noted that two of the adjoining properties were the Hayfields Open Space and the El Mirador Ranch property. He did not think that the Town would bear a significant percentage of the responsibility for a fire in this area.

Byron Shaw, Wayside, said the corner of his house was approximately 35' from the border of the property. The border that bordered his property was unfortunately the worst in terms of brush. His homeowner's insurance had been cancelled twice--by Allstate and State Farm. He had cut the brush at his expense over the past four years as much as possible. It was 90% broom and poison oak and very flammable. He would complain if he had a channel to complain to.

Councilmember Toben said the landowners would have an enormous boon because this property would be retained in open space in perpetuity. They ought to be: 1) very comfortable with access to clear when necessary; and 2) be willing to sign waivers of liability.

Gil Draper, Orchard Hill, Woodside, said his property was adjacent to Mr. Kersten's property. He said he had no problem getting insurance. But, when his former wife had an accident, State Farm dropped him. He got his insurance through an agent who placed it for him. He did not recommend State Farm.

Mr. Shaw re-iterated that the specific reason for his insurance being cancelled was the abundance of fuel within 100' of the property. He added that there were 150,000 gallons of water closer to his house than the property line. There was also a hydrant within 50' of his house.

William Hindson, Orchard Hill, Woodside, said Mr. Kersten's parcel was essentially the same as the Hayfield parcel in terms of terrain, geology, liability, etc. That was something that the Town had already accepted and the neighborhood felt comfortable with. A resident pointed out that the Hayfields Open Space was privately held. Mr. Hindson said the upper region of the Kersten property was all very well cleared and flat and provided lots of access in from the top. There was plenty of access from the high side which was where the fires would be going.

Councilmember Merk said he felt this was a wonderful, potential addition to the Town. Additionally, people should remember that the Woodside Fire Protection District was a residential fire protection district. If there was a wildland fire in this area, CDF trucks would respond and go in there with tankers and bulldozers. The District served the Town well, but they were not outfitted to fight fires through this kind of an area. CDF was right at the top of the hill. Also, there was an access road right up to the Cal Water tank.

Deleted: tanks

A resident said Mrs. Kimler was out of Town but her son indicated that they would give access to anyone who needed to go in there in an emergency; that would go right up to the property and into it.

Councilmember Driscoll said any property took on a small amount of liability. In this case, he felt the benefits associated with dedicated open space forever far outweighed the potential risks associated with it. He was not prepared to mitigate the risks the way the experts wanted them mitigated because it would destroy the property.

Councilmember Toben said his preference was to examine the possibility of an agreement that encompassed a right of access in situations where neighbors felt the fuels were excessive; they would bear the responsibility for taking care of that. He also felt there should be a waiver of liability. Mr. Shaw said he did not think he should have to bear responsibility for that any more than he bore responsibility for either neighbor on either side with whom he discussed fuel management on a regular basis.

Councilmember Toben said the circumstances here were very distinctive. There was heavily wooded slope with rapid fire transmission. There was also the opening up of this area for public use unlike the current situation where there wasn't supposed to be anyone there except for the Woodside Trail riders. The intension here was to let the general public come in—including people who smoked cigarettes carelessly. He felt there were circumstances that created a high degree of risk. The Town also had very limited resources that could be used to conduct appropriate fuel management activities. Hacking out all of the broom and poison oak was labor intensive and would have to be done on a regular basis; the Town did not have the budget for that. He fully supported the concept of the commitment to open space but was mindful of the Town's long-term exposure.

Councilmember Driscoll suggested asking the Conservation Committee and Emergency Preparedness Committee to give some recommendations on how the Town should be dealing with fuel load management on public land. Councilmember Merk noted that the Conservation Committee was in the process of analyzing each parcel that the Town owned for maintenance.

Mr. Shaw said the Moreshead property was adjacent to his property. There was a horse trail as well as a trail in front of his house. If someone on a horse smoked a cigarette and started a fire, he asked if he should sue. He said people were not out here to sue each other; people were here to get along with each other and have a nice piece of open space. There was a risk every time you got in your car or took a shower.

Councilmember Driscoll said 100-200 years ago, fire regularly moved through these woods. That was no longer allowed to happen, and the ecology of the woods had been changed. He felt people should be looking at ways to restore a little balance. Otherwise, it was fire waiting to happen. He thought some

guidelines should be provided to the large landowners so that they could look at the options for fuel management.

Mayor Davis said this parcel was high on the list of potential fire problems. It had poor accessibility, steep slopes, was overgrown, no source of water, etc. Given all that, he questioned whether the Town should accept it. Councilmember Driscoll said he could think of at least 3-4 properties that were much worse. He did not want to hang this particular donation of open space up, but felt that the Town needed to come up with some systematic approaches to this problem. Responding to Mayor Davis, he said he felt this was a real problem throughout the Town.

Councilmember Comstock said since he moved into Portola Valley, he had received instructions from firemen about trimming out away from his house. He felt it was a fairly well understood principle in Town that homeowners were responsible for a protection area around their property. On that basis, he strongly supported Councilmember Toben's suggestions for accepting the donation.

Ms. Sloan said she and Mr. Kersten had been working on a donation agreement that would outline the framework of what would need to happen. Everything would need to happen at once. The lawsuits that were going on would need to be dismissed. There would need to be a grant deed to the Town with certain conditions about open space only use, etc. With respect to the waiver of liability, she said the possibility of that was restricted to the Woodside neighbors who were involved in the litigation.

Councilmember Toben said Mr. Shaw supported the concept of a dedication in perpetuity of this land to open space. In consideration of that prospect, he felt he might be willing to enter into an agreement that would essentially accept responsibility for coming on to Town land and doing the clearing. Ms. Sloan said giving him permission to come on the land was appropriate. Councilmember Toben said it should also be made explicit that the Town had no intention of controlling fuel loads on the perimeter of the property.

Mr. Shaw said if that was a consistent policy that was applied to all residents with property adjacent to Town property, he would be amenable to that. Councilmember Driscoll pointed out that in most cases, adjacent neighbors weren't given any access to remedy the situation. Responding to Councilmember Toben, Mr. Young said 10' street right-of-way clearing was done throughout Town. The Town did not do fuel management on the parcels it owned. Councilmember Merk noted that these were mostly very small parcels.

Responding to Councilmember Comstock, Councilmember Toben said there would need to be a fuel reduction plan submitted by the neighbor that the Town agreed to. Councilmember Driscoll agreed there should be some oversight process. A speaker *[unidentified]* said it should be based on the Fire District's recommendations—not just a resident's random feeling of what clearing needed to be done.

Ms. Sloan verified with Councilmembers that the Council wanted to move ahead with the donation agreement. Separate from that, she said she would draft a letter that would be sent to all neighboring properties in Woodside and Portola Valley explaining that if they wanted a right to come onto the property, there were some requirements like: a) obtaining recommendations from the Fire Department; b) coming up with a plan; and c) having the plan approved by the Public Works Director. Councilmember Driscoll preferred the letter be sent only to Town residents. Mayor Davis suggested sending a separate letter to all of the adjacent residents encouraging them to come to the Town with a proposal for clearing if they felt threatened by the fuel.

With respect to waivers, Councilmember Driscoll said with the Town quitclaiming any interest in the access off Openup Lane, that was a benefit to the Woodside residents. As a quid pro quo, he felt they should waive any claim against the Town for any wildfire. Two Woodside residents *[unidentified]* agreed. A resident *[unidentified]* noted that the Fire Protection District was holding meetings with residents in various areas.

Mitigations were discussed with the possibility of developing a fire response plan in the event of a fire in the Hayfields area coming up. That could be part of the local CERPP. That was a sensible approach and very close to what was being proposed here. Clearly, this was in the interest of everyone. It just needed some leadership, and the Town was starting to provide that. Ms. Sloan confirmed with the owners involved in the lawsuit with Mr. Kersten that they agreed to a waiver.

Ms. Sloan added that one of Mr. Kersten's conditions was that dogs be allowed on the property. After discussion, Councilmembers agreed dogs should be allowed on-leash.

Mr. Shaw said his family had been challenged on more than one occasion by dog owners with dogs off-leash not on the trail but in his yard. Referring to the proposed improvement/extension of some of the trails, he said there were two areas where the trail more or less abutted his property. He asked that the switchbacks be turned in the opposing direction to keep the trail a distance of 100' from his property to discourage people from wandering off the main trail into the yard. He did not think the cost would be noticeable and would be within the money already budgeted for that. Mayor Davis suggested the Trails Committee and Public Works Director look at the request.

In terms of the donation, Ms. Sloan said there would be costs associated with the escrow, title policy for the Town, and her legal fees. Mr. Kersten had indicated he did not want to pay the legal fees. Councilmember Comstock suggested the fees be paid from the open space fund. Councilmember Toben said he felt that was justifiable. Ms. Sloan said her fees would be under \$5,000.

Responding to Councilmember Merk, Ms. Sloan said there would be a donation agreement. The contract would say that the Town agreed to immediately and concurrently quitclaim the access. Responding to Councilmember Toben, she said the waiver of liability could be recorded along with the quitclaim deed so that it ran with the land. To a resident, she confirmed that the waiver would waive the right to sue the Town for any fire that originated or traveled through the Town property.

Craig Taylor thanked Mr. Kersten for the donation personally and on behalf of the Open Space Committee. A resident suggested that the parcel be called the Kersten/Heckmann Open Space in honor of this very generous donation. Mr. Kersten added that he wanted all of the neighbors to be comfortable. He also wanted to be sure that the trail did not interfere with Mr. Shaw's property.

(9) Public Hearing: Adoption of Fiscal Year 2005-2006 Budget

Ms. Howard said the Town had received a note from Carol and Art Graham asking the Council to support the Woodside Fire District's request to budget \$7,000 for the wood chipping program. She noted that staff had tried but was unable to obtain a copy of the Fire District's budget; \$7,000 was included in the budget as a separate line item under Town Clean Up Events (p. 53). Additionally, the Town Planner revised the requested increase for the retainer for the ASCC from \$27,118 to \$24,430 as set forth in his memo of 6/13/05. That was reflected in the budget. There was an additional memo from the Town Planner dated 6/21/05 that requested \$25,000 be added to the ASCC budget for a study of completed residential developments; that was not reflected in the budget.

Referring to the budget for the Capital Improvement Program (p. 57), Ms. Howard said \$179,900 had been added to Fund 60 (Measure A) which reduced the expense from the general fund from \$200,000 to \$20,000. Additionally, \$50,000 had been moved from the public works budget to capital improvements; each of the new storm drains would cost \$10,000, and that qualified as a capital improvement. The total budgeted for Town Center Improvements for next year was \$661,000. Of that, \$470,000 was transferred from the reserves for the Town Center; the rest would come out of the general operating fund. She discussed the additional information included in the budget based on Council's request at the last meeting. With respect to the pie charts depicting property tax distribution, she noted that there were 22 different assessment districts in Portola Valley.

With respect to the \$7,000 for the Fire District's wood chipping program, Mayor Davis said the Fire District received four times as much property tax money as the Town. Councilmember Driscoll suggested having a meeting with the Fire District. Councilmember Toben suggested shifting the separate line item (p. 53) to contingencies. He was also troubled by the disparity in what the District received and what the Town received. He agreed a meeting with the District would be appropriate. Responding to Ms. Howard, Mayor Davis suggested contingencies be increased from \$25,000 to \$32,000. .

Town Planner Mader described the proposed ASCC study of completed residential development as set forth in his memo of 6/21/05 and Mr. Vlastic's memo/proposal of 5/10/05. He said the Planning Commission recommended that the study be budgeted for this coming fiscal year at \$25,000. Councilmember Merk said in some areas, there was real concern about the size of the buildings that were being built—particularly in the more dense neighborhoods. He felt the study would be worthwhile. Whether it should happen in the next fiscal year was hard to say. Councilmember Driscoll said he also felt it would be a useful and thought it should be included in the budget. While ASCC processes were followed year after year, there had been no follow-up for over a decade when the Design Guidelines were last revised. Councilmembers Toben and Comstock supported the study.

Town Planner Mader noted that the Planner's retainer for services to the Planning Commission and Council had only increased by the CPI. Referring to the increase in the retainer for the ASCC, he reviewed the rationale as set forth in his memo of 6/13/05. Because there were overages in the cost of planning services to the ASCC, Councilmember Toben questioned if the fee structure was appropriate. Of the services listed in the 6/13/05 memo that were not charged to applicants, he thought that some of these could be folded into the cost of processing the permits. Town Planner Mader said as much as possible was charged to the applicant but there was always slippage for things like arranging meetings, working on agendas with multiple things covering a number of things in one phone call, etc. The fees collected covered the administration for the Town and the deposit. The Planner's office charged against the deposit, which covered the Planners' cost, the Town Geologist, Town Engineer, and legal costs. He noted that the Planners' time was charged to .1 hour, and there was always a long list of things during the day.

Responding to Councilmember Merk, Ms. Howard said donations from the Portola Valley Community Fund would go to the Peninsula Community Foundation. Her understanding was that they would not be dispersed until there were construction expenses. Responding to Councilmember Merk, Councilmember Driscoll said he and Councilmember Toben would act as liaison so that the Council would know exactly how much was in the PV fund. Ms. Howard said \$100,000 had been budgeted for those who would donate directly to the Town.

By motion of Councilmember Comstock, seconded by Councilmember Driscoll, Council approved Resolution No. 2190-2005 Adopting the Operating and Capital Budgets for Fiscal Year 2005-2006, as amended, by a vote of 5-0.

(10) Setting of Salary Schedule

Ms. Howard reviewed her memo of 6/15/05 on the salary range adjustments, noting that Exhibit A had been revised to correct part-time classification hourly rates.

By motion of Councilmember Toben, seconded by Mayor Davis, Resolution No. 2191-2005 Modifying the Salary Schedule for Fiscal Year 2005-2006 was approved by a vote of 4-0, with Councilmember Merk abstaining.

(11) NPDES Assessments

Ms. Howard reviewed Mr. Young's memo of 6/22/05 on the 2005/2006 Countywide National Pollution Discharge Elimination System (NPDES) General Program. Responding to Mayor Davis, she said Brisbane, Daily City, the City of San Mateo and Portola Valley were the only jurisdictions that did not authorized the

County to collect the additional annual charges as a part of residents' tax bills. Mayor Davis said he would prefer the County be authorized to collect the additional annual charges along with the basic annual charge. Councilmember Driscoll agreed. He said residents should be able to see both basic and additional charges for the NPDES program on their tax bills. Councilmembers agreed. By motion and second, Council adopted Resolution No. 2192-2005, as amended, to authorize the collection of both charges by a vote of 4-1 (Merk).

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(12) Reports from Commission and Committee Liaisons

(a) Cable and Utilities Undergrounding Committee

Councilmember Driscoll said the Committee continued to work out a solution with the cable company on the Hayfields issue. With respect to the franchise agreement he said one option being considered was for the Town to align with Woodside on an agreement that had already been negotiated. The Committee and staff would like to accelerate the approval of the process in return for working out a solution on the Hayfields. Ms. Sloan said at the next meeting she would be recommending that the Town hire an outside attorney to work on this negotiation because it was specialized. Councilmember Driscoll felt it should be fairly minimal because the contract had been negotiated and needed only to be tailored to the Town.

(b) Planning Commission

Councilmember Comstock said the most challenging topic at the last Planning Commission meeting was the proposed fencing ordinance, which was very complicated.

(c) Airport Roundtable

Councilmember Toben said the issue of the over flights had been discussed at a meeting yesterday. His intention to present a resolution to the Roundtable had been deflected. Instead, they wanted to build this issue into the 05/06 work program. They would be using some significant staff resources to compile data, work with FAA, etc., to get this resolved.

(d) PV Community Fund

Councilmember Toben said the Council had approved an agreement with Bob Zimmerman to do the feasibility study. The original purpose of that was to determine whether the Town could successfully carry off a big capital campaign. As indicated by the presentation this evening, the Town was well past that determination. There was a strong sense that Mr. Zimmerman could add greater value to this process by technical support and coaching as well as some cultivation. In the next couple of weeks, a revision to his contract would be proposed. Councilmembers discussed the scope of Mr. Zimmerman's services to the Town.

WRITTEN COMMUNICATIONS

(13) Town Council 6/10/05 Weekly Digest

(a) CA Integrated Waste Management Board

Ms. Howard referred to the e-mail from Keir Furey dated 6/6/05 that indicated the Town's preliminary 2003 diversion rate had been set at 64%. She said it had taken considerable time and staff effort to get to this diversion rate.

Councilmember Driscoll said he had been frequenting some of the businesses in Town that served lunch and noticed that very little attempt was being made to recycle the food containers at the Superette and John's market. He suggested staff write letters urging that they consciously put out containers for recyclables. Councilmember Merk noted that this had been previously discussed with the businesses and they indicated they would try to help. Councilmember Driscoll suggested it might be made a part of the business license.

(14) Town Council 6/17/05 Weekly Digest: None.

ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Mayor

Town Clerk