

TOWN COUNCIL MEETING NO. 672, MAY 25, 2005

ROLL CALL

Mayor Davis called the meeting to order at 8:04 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers G. Comstock, Merk and Toben, and Mayor Davis
Absent: Councilmember Driscoll
Others: Town Administrator Howard, Town Attorney Sloan, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane, Westridge, described the groundbreaking ceremonies for the restoration of the old County courthouse in Redwood City. He discussed the building, plans for restoration, and the attention given to its history. He felt the Town was at a point where history was being made; 10, 20 or 30 years from now, this would be viewed as a great historic period for the Town.

CONSENT AGENDA

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

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

- (1) Minutes of Regular Town Council Meeting on May 11, 2005.
- (2) Minutes of Special Town Council Meeting on May 17, 2005.
- (3) Warrant List of May 25, 2005, in the amount of \$171,639.91.
- (4) Change to Charter of Parks and Rec Committee, per Asst. Town Administrator's memo of 5/17/05.

REGULAR AGENDA

- (5) Agreement Between the Portola Valley School District and Town for Use of District Land for Temporary Library Services

Ms. Howard reviewed her memo of 5/20/05 on the joint use agreement with the School District for the interim library location. Ms. Sloan noted that the revised agreement incorporated the Board's request to add Section 2.4 allowing either party to terminate the Agreement in case of default under Section 14. Tom Hanretty, Asst. Superintendent, said the section was a "worst case scenario" in case something extraordinary happened that was disruptive to the school program.

Councilmember Merk moved adoption of Resolution No. 2173-2005 Approving the Joint Use Agreement Between the Town and the Portola Valley School District Providing for an Interim Location of the Town of Portola Valley Public Library on the Campus of Corte Madera School. Councilmember Toben seconded the motion.

Referring to Section 8 of the Agreement, Councilmember Comstock asked who would decide if modifications to the rooms were "reasonably necessary" for use as a city library. He felt the library staff

might argue that they must have something that could cost \$50,000. Responding, Ms. Sloan said it was ultimately up to the Town to provide a facility for the library. The library staff/JPA could argue that they needed something, but the Town would make the decision. Under the JPA, the cities provided their own facilities, and the library provided the staff. Some facilities were better than others, but the JPA did not indicate that the staff had the right to demand certain facilities. She said the purpose of Section 8 was to let the School District know that the Town would be modifying the space for a library. The library JPA and staff were not parties to this agreement. Responding to Councilmember Comstock, Ms. Howard said the building was on a slab, and there would not be a problem with the stacks. Ms. Sloan pointed out that the provision stated that the Town would pay for the modifications and that the modifications would be reviewed and approved by the District. Before any money was spent, the District would be shown the drawings for approval. If there was something in the drawings or specifications that they didn't approve of, then the agreement wouldn't work. As pointed out, there had been preliminary conversations, and the feeling was that it would work.

Mayor Davis called for a vote, and Resolution 2173-2005 was adopted by a vote of 4-0. Mayor Davis asked that Mr. Hanretty express the Town's deep appreciation to the School Board.

(6) Agreement with Airport Community Roundtable

Ms. Howard reviewed the staff memo of 5/17/05 on the continuing operation of the San Francisco International Airport/Community Roundtable. What was before the Council was an updated version of the original 1981 MOU that formed the Roundtable; also incorporated were the two amendments adopted in 1992 and 1997 when the Town joined the Roundtable. She noted that the MOU had been approved by the Roundtable.

Referring to the MOU (Article III, #2), Councilmember Merk said he was disappointed to see that the alternates still had to be elected officials. That had put a burden on the Town. Responding to Councilmember Toben, Ms. Howard said the Town paid dues of \$2,000/yr.

By motion of Councilmember Toben, seconded by Councilmember Merk, Resolution No. 2174-2005 Approving the Memorandum of Understanding (MOU) Providing for the Continuing Operation of the San Francisco International Airport/Community Roundtable was adopted by a vote of 4-0. Councilmember Toben added that the Roundtable staff would like a copy of the signed Resolution and either a copy of the minutes of this meeting describing the Council's action or a copy of the Action Agenda attesting to the vote.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Request for Back-up Emergency Operations Center (EOC)

Councilmember Merk reviewed the memo from the Chair of the Emergency Preparedness Committee dated 5/13/05. He said the Priory was pleased to have a back-up EOC on their campus. Responding to Mayor Davis, he said he understood that members of the Committee and Town staff would have keys to the classroom.

Councilmember Merk moved to direct staff to prepare a MOU with the Priory for use of Classroom 1 at the Priory as a back-up EOC. Mayor Davis seconded the motion. Responding to Councilmember Comstock, Ms. Howard said the Committee had budgeted for the estimated \$1,500 cost of relocating the equipment, including the possible purchase of a small generator.

Mayor Davis called for a vote, and the motion carried 4-0.

(8) Not-for-Profit Agency Funding Requests

Ms. Howard reviewed the memo of 5/19/05 on the Town's funding of not-for-profit agencies. In addition to the requests included with her memo, she said an additional request had been received from the San Francisquito Watershed Council dated 5/20/05; no specific dollar amount had been requested. Additionally, she said she received an e-mail indicating that the Criminal Justice Council had ceased to exist due to lack of funding.

Mayor Davis said the agencies listed that provided a service to the Town included CERPP, Sustainable San Mateo County, the Peninsula Conflict Resolution Center, and the San Francisquito Watershed Council. Responding to Mayor Davis, Ms. Howard said she felt \$2,000 would be an appropriate amount for the Watershed Council.

Councilmember Merk said CERPP had a new treasurer. If they went ahead with those things that they wanted to accomplish in the next fiscal year, they would draw down their account to minus \$10,000. They were depending on the Town and Woodside to help. He felt they definitely provided a service and supported their request for \$5,000.

Mayor Davis said he supported Sustainable San Mateo County and found their publication(s) very useful. Councilmember Toben agreed and said this was a group that let the towns think beyond the boundaries of their own municipalities.

Councilmember Toben described his experience with the Peninsula Conflict Resolution Center (PCRC). He continued to think this was an under-utilized service. He would be doing a more aggressive job promoting the service to Town residents—particularly those with difficulties with neighbors. He discussed PCRC's role in mediating the Ladera tennis courts lighting issue. Councilmember Comstock noted that there had been agreement on both sides, and the mediation had been effective. Responding to Mayor Davis, Ms. Howard said the requested amount of \$1,288 reflected a 3% cost of living increase over the amount requested for FY 04-05. She added that a contribution was perceived as an agreement that they would provide this service for the entire year. Responding to Councilmember Toben, she said staff had participated in two of their training sessions; most of the training was free or of nominal cost.

Councilmember Merk questioned whether the Town was getting its money's worth from PCRC. There were zero cases actually in Town last year and one the year before that. If a city wasn't a member, the fee was \$50 at intake; if the city was a member, there was no intake fee and a mediation session was \$25 per party. Mayor Davis said the question was whether providing the enablement was worth the price.

As someone who knew the program well, Councilmember Toben said remarkable results could come out of mediation sessions. While the Town had not had those kinds of cases, he felt responsible to assist with marketing this service to Town residents. He noted that the recent ASCC appeal case might have been assisted by skilled mediation. He suggested the Town fund PCRC for another year with the understanding that he would be doing some more active promotion.

With respect to the Watershed Council, Mayor Davis noted that there had been a recent presentation from the group. Councilmember Merk said this group had been very useful to the Town in getting the grant for the creek study. They were looking after plantings, they did weeding, and they had a good volunteer force. He did not think the Town fully realized all that they were doing for the Town. Councilmember Toben said it was a wonderful forum for people with differing perspectives to get together and plant trees, have conversations that were data-focused, etc. It was a wonderful mediating forum, which was consistent with his outlook on how to conduct public business. He thought it was a very valuable enterprise to be associated with.

Councilmember Comstock said an increase in ordinary revenues was anticipated on the order of 5-8% this year. He felt the total amount for not-for-profit funds should be the \$11,000 spent last year plus a 5-8%

increase. He suggested not spending more than \$11,600. Councilmember Merk said he would rather discuss the requests and see what the number turned out to be rather than having a ceiling. Councilmember Toben proposed \$12,000. He felt there were some differences in the merits of some of the others on the list compared with the four already discussed. Ms. Howard noted that funding the four agencies discussed in the amounts requested totaled \$9,788. Councilmember Comstock said he was in favor of funding the four discussed, but not necessarily at the levels requested.

Mayor Davis felt it was important that the groups the Town contributed to provide a totally observable service; otherwise, the groups could go directly to the residents for assistance.

Councilmember Merk said he was not sure that the requested amounts for the four agencies that provided services to the Town were the right amounts. He felt, however, that CERPP really needed the \$5,000 and could use \$6,000.

Mayor Davis said another issue was those who had been funded in the past but had not requested money. Councilmember Toben said the Town had made token donations to these groups. While he had no quarrel with the good work that these organizations did, the Town needed to discipline itself and keep to a budget. There might be donors out there who could come in in a meaningful way, and he was inclined to take those agencies that had not submitted a request off the list.

Of the four other agencies that had submitted requests, Councilmember Merk said he was not impressed with the Peninsula Policy Partnership. He had reviewed the materials, and it appeared to be focused on getting more jobs and more housing. Mayor Davis agreed it had little to do with the Town. Councilmembers Toben and Comstock concurred.

With respect to the Bay Area Recycling Outreach Coalition, Councilmember Merk said it didn't help residents in Town because the Town used GreenWaste. But, they did a lot to help other jurisdictions with AB 939.

For the Shelter Network, Ms. Howard noted that last year the Town's contribution was \$500 as opposed to the requested \$3,000. Councilmember Merk said that was nominal, but it might help a family for a month or so. Considering the way the Town residents lived, he said this was a difficult choice. Councilmember Toben suggested \$500 as a placeholder.

Councilmember Comstock suggested funding the four agencies that provided services as discussed, taking the remaining \$2,500, and splitting it evenly among the rest. Councilmember Toben disagreed. He felt it was incumbent on Councilmembers to apply some form of rationale that took into account the specific merits of the individual agencies being considered. He agreed that those enterprises that provided some kind of service/value to the residents should be funded. He had a more difficult time articulating a nexus between the Town's interests/investments and a \$500 contribution to some of the other groups.

After discussion, Mayor Davis suggested \$9,788 go to four service agencies discussed, \$500 for Jobs for Youth, \$500 for Shelter Network, and \$500 for the Bay Area Outreach Coalition. More could be given later. Councilmembers Merk, Toben, and Comstock agreed. By motion and second, Council agreed by a vote of 4-0 to a total contribution of \$11,288 to the seven not-for profit agencies discussed.

Marge DeStaebler, Conservation Committee, thanked the Council for funding the Watershed Council. She said any funding was very helpful to their program. Responding to Mayor Davis, she said the Watershed Council was uncertain about requesting a specific amount. They received set amounts from the Santa Clara Valley Water District (\$25,000), Palo Alto (\$18,000), Menlo Park (\$15,000) and Stanford (\$5,000). She felt an amount between \$500 and \$5000 was appropriate. Mayor Davis asked Ms. DeStaebler to extend the Town's thanks to the Watershed Council for their programs.

With respect to comments about the PCRC and mediating an issue involving Ladera, Bill Lane said when the Town incorporated, the County planner and manager supported having the Town include Ladera and Los Trancos Woods in the sphere of influence. Within the sphere of interest, the Town had a rightful interest in what went on in those communities.

(9) Status of Town Center Project

Ms. Howard said most of the work being done had to do with the EIR; the Notice of Preparation had been distributed to all the appropriate agencies, and the circulation period was 30 days ending on June 17. The draft EIR would hopefully be ready for comment on June 21; there was a 45-day period for comment. Also, the design team gave a presentation on Monday to the ASCC with favorable remarks; some of the comments would be incorporated into the design. Responding to Councilmember Comstock, Councilmember Merk said no one from the public spoke at the meeting. Ms. Howard said the next presentation would be June 22 before the Council. Staff would try to get as much publicity out as possible.

Responding to SallyAnn Reiss, Councilmember Merk said the ASCC had commented on the roofs, natural lighting, siting, etc. Ms. Reiss said a lot of attention had been given to the library. She was concerned about the Community Hall and wanted to capture the beautiful energy around the redwood grove.

Responding to Councilmember Comstock, Ms. Howard said the black and white sketches were in preparation of the color renderings. Responding to Ms. Reiss, Councilmember Toben said he had requested some specific visual aids of the project for the Town Picnic, including the next generation of renderings.

(10) Reports from Commission and Committee Liaisons

(a) Planning Commission

Councilmember Comstock said the Planning Commission approved the Asborno appeal and referred the Kosling project back to the ASCC for further consideration. He felt that the architect on that project probably never read the Design Guidelines. The Commission also got an update on the Sausal Creek project, and progress was being made. The plan was revolving around what to do with the creek. On the Alpine Hills Tennis and Swim Club, he said the Club wanted to add back in two tennis courts that had been struck out; they indicated they could be used for overflow parking. With respect to the fence regulations, the Commission had pretty much reached agreement with a few corrections.

(b) Conservation Committee

Councilmember Merk said a Los Trancos Woods resident expressed concerns about some possible environmental impacts at Blue Oaks. He felt some kind of memo from the Committee would be forthcoming. Mayor Davis noted it was easier to address specific proposals than generic proposals.

(c) Town Center Outreach Committee

Councilmember Toben said the TCOC met Tuesday. The general sense was that the Committee was not operating at a high level of output and needed to regroup. He said he recruited three new people to assist with the development of communication strategy: Nancy Lund, Sharon Driscoll and MaryAnn Derwin. They would be contributing articles for the Bulletin, etc. He added that there was still a ways to go in developing the events planning function for the Town Center project. One suggestion was to stage some events on the campus; the footprints of the buildings could be marked and tours given to show what it would look like. Revisions to the website were also on going. Describing what information had already been sent out, he said that would be stepped up.

(d) Town Center Fundraising Committee

Councilmember Toben said the fundraising consultant had crafted a first draft of interview questions, which were quite thoughtful; Amb. Lane would be test-driving the questions shortly. Everyone came away from the meeting with the sense that Bob Zimmerman would give the Town a good product. He noted that Ted Driscoll had joined the steering committee. Ms. Reiss added that the Committee was still in the organizational phase and bringing people on board, etc.

Councilmember Toben said he felt the community mood was turning from standoffish/skepticism to getting a sense that the project was really going to happen.

(e) Parks and Rec Committee

Councilmember Toben said the Committee was trying to build information that would inform a public conversation about a ball field at Corte Madera School. This was last before the Council two years ago. It was a challenging issue for the neighbors around Corte Madera; people were very sensitive about the use of open space, noise, traffic, etc. The timing was now because of the loss of the field at the current Town Center as early as the summer of 2006. What was currently being proposed was a \$10,000 allocation in the 2005-06 budget that would pay for the development of a bare-boned, minimalist design for a ball field to serve Little League girls softball and adult softball. Responding to Councilmember Comstock, he said there would likely be some encroachment on Town land. He noted that he would be meeting with the neighbors on June 1.

(f) Library

Councilmember Toben said he met with the Friends last night. The estimate for outfitting the space and relocating the library to the Corte Madera campus was at least \$100,000. It was a significant hit on the budget that was not planned for. He said Mr. Lane had indicated that even though his gift to the Town was earmarked for specific capital purposes, he [*Lane*] would allow the interest on the gift to be applied to the refurbishment and outfitting of the library on the condition that the Friends match the contribution. The number discussed with the Friends was \$25,000. He [*Toben*] had argued that this was an extraordinary circumstance, and there was never a time when the Friends could rise to a call to service more like this. They had not made a decision, but he hoped very much that the Friends would see this as a real opportunity to help and advance their own profile in the community.

Given the good work of Town staff and the cooperation of the School District, Mr. Lane said he hoped that the Friends would rise to the occasion. He noted that other people had also made contributions to the library over the years.

(g) ASCC

Councilmember Comstock discussed a request from AT&T [*Singular*] to put an antenna on the power pole just this side of the Valley Presbyterian Church. He said it would raise the height of the pole substantially, and he had suggested at the preliminary hearing before the Planning Commission that they put the antenna behind the Woodside Patrol office. Councilmember Merk said the request was approved by the ASCC. A Singular representative argued that the other locations didn't reach several areas of Town. They were also members of a JPA for utility poles, and there had to be a certain number of feet of spacing between the different utilities. The ASCC felt people wouldn't notice the wires—partly because they were so high up and near redwood trees. The equipment would be brown colored and similar to that across the street. He added that he felt the Singular representative had not provided enough evidence supporting the proposed location.

WRITTEN COMMUNICATIONS

(11) Town Council 5/13/05 Weekly Digest

(a) Cable Service to Hayfields

Referring to the letter from Comcast of 5/9/05 on cable service to the Hayfields, Councilmember Comstock said the Cable Committee wanted to take Comcast to the mat. The Committee needed the backing of the Council. Responding, Ms. Sloan explained that Ms. Howard and Councilmember Driscoll met with Kathi Noe, and there was some suggestion by Comcast of a compromise. Discussions were on going.

(12) Town Council 5/20/05 Weekly Digest: None

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Mayor

Town Clerk