

SPECIAL TOWN COUNCIL MEETING NO. 671, MAY 11, 2005

ROLL CALL

Mayor Davis called the meeting to order at 7:35 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, Dep. Town Planner Vlastic, Town Administrator Howard, Asst. Town Attorney Siegel, Public Works Director Young, Asst. Town Administrator Powell, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Kirke Comstock, Coalmine View, said he was very pleased with the design and everyone involved in the plan for the new Town Center project should be very proud of themselves. *[Applause.]*

(1) PRESENTATION: Portola Valley School District

Anne Campbell, Superintendent--Portola Valley School District, introduced Board members and principals at Corte Madera and Ormondale Schools. Using overheads, she discussed the schools, enrollment, employees, academic performance index (API) scores and blue ribbon awards, curriculum, and governing Board members. Ray Villareal, Board member, described community support of the School District, state of the art activities/technologies, the special parcel tax, quality of teachers and administration, relationship with the Town, the library, opportunities at the new Town Center for students, and special programs at the schools.

Using overheads, Ms. Campbell, Linda Vlastic (Ormondale), Shane Cucksey (Corte Madera), and students discussed the Service Learning Projects at Ormondale and Corte Madera Schools including: 1) community service; 2) Pets In Need programs/donations; 3) seniors' biography project; 4) book collection program; 5) native plant outreach; 6) school-wide recycling; 7) books for the blind; 8) food for the homeless; 9) frog pond restoration; and 10) the school garden. Ms. Campbell invited Councilmembers to visit the schools and the website.

Responding to Councilmember Comstock, Ms. Campbell said affordable housing for employees of public school districts was a huge issue. The District was unique in that there was a housing assistance loan program made possible by the Lanes to help teachers find housing.

Bill Lane talked about the new Town Center and the opportunity for the school community to get behind the project and participate in one way or another.

Mayor Davis thanked the School District for its service to the community. He invited representatives and students to come more often.

(2) PRESENTATION: Sheriff's Office on Recent Criminal Activities in Town

Lt. Ken Jones described the recent thefts, which started in the Westridge area. There had been 13 break-ins within a brief period of time. Patrols had been increased, and public safety notices had been sent out. A lot of people had provided information about suspicious vehicles, etc. A suspicious driver had been stopped, but he escaped on foot. He was released from the Santa Clara County jail about three days

before and had a history of this kind of crime; there was a \$50,000 bond out for his arrest. Additionally, some other suspects had been identified through use of stolen credit cards. Another suspect had been picked up from a break-in who was being interviewed. Two full-time detectives had been assigned, and other leads were being pursued. He said there was no need to panic, and no one was entering locked houses or cars, etc; it was primarily unlocked cars in driveways or open garages. He noted that there had been no break-ins since last Saturday, and some of the stolen property had been recovered.

Sgt. Dallimonti said he was assigned to nighttime patrols. During these thefts from vehicles, extra patrol cars had been brought in. He said the residents were aware of what was going on and had provided helpful leads. Responding to Councilmember Merk, he said residents should dial 911 if something suspicious was going on. Deputies were happy to come out and find out what was going on. Lt. Jones said residents could also call (650)-363-4911. He noted that the Sheriff's office took this very seriously and would do its best to solve it.

Responding to Councilmember Driscoll, Lt. Jones described the area covered by the rural crime unit. Responding to Kirke Comstock, he said things that could be done to minimize crime included locking vehicle car doors and windows, installing motion detectors, and letting neighbors know when you were going to be away to keep an eye on the house and pick up mail. Responding to Councilmember Driscoll, he said a call to 911 on a cell phone went to the CHP. There would be a delay, and, if convenient, it was best to use a landline, which would go right to the Sheriff's office.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Comstock, 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 Special Town Council Meeting on April 20, 2005.
- (4) Minutes of the Town Council Meeting on April 27, 2005, with Councilmember Driscoll abstaining.
- (5) Warrant List of May 11, 2005, in the amount of \$1,711,489.76.

REGULAR AGENDA

- (6) Acceptance of Goodstein Property (Removed from Consent Agenda)

Referring to the Town Attorney's memo of 5/11/05, Councilmember Comstock said since a corrective grant deed was being recorded for Parcel 3, this might be an appropriate time to get an okay to move the Woodchopper's House on to one of those parcels. Responding, Ms. Howard noted that these agreements had been signed five years ago and could not be re-negotiated. Mr. Siegel added that the correction was clerical.

By motion of Councilmember Merk, seconded by Councilmember Comstock, Resolution No. 2165-2005 Accepting Grant Deed from Stanley L. Goodstein and Carol J. Goodstein for Parcel 3 of the Lands of S&C Trust was adopted by a vote of 5-0.

By motion of Councilmember Merk, seconded by Councilmember Comstock, Resolution No. 2166-2005 Accepting Grant Deed from Stanley L. Goodstein and Carol J. Goodstein for Parcel 4 of the Lands of S&C Trust was adopted by a vote of 5-0.

(7) PUBLIC HEARING: Open Space Easement Modification for Lopez Property, 16 Buck Meadow Drive, Blue Oaks

Mr. Vlasic reviewed the staff report of May 3, 2005, on the open space easement modification for the subject Blue Oaks property. The public hearing was opened and closed without comment.

Councilmember Driscoll moved approval of Resolution No. 2167-2005 to Abandon a Portion of the Open Space/Conservation Easement on Lands of Lopez. Councilmember Toben seconded, and the motion carried 4-1 (Merk).

Councilmember Driscoll moved approval of Resolution No. 2168-2005 Accepting Grant of Open Space/Conservation Easement on Lands of Lopez. Councilmember Toben seconded, and the motion carried 4-0, with Councilmember Merk abstaining.

(8) Discussion of Local Hazard Mitigation Plan (LHMP) Annex

Ms. Powell reviewed the staff report of May 5, 2005, and discussed ABAG's Multi-jurisdictional Hazard Mitigation Plan, the Town's LHMP Annex, and the Mitigation Strategies Matrices. Responding to Councilmember Merk, she said Council's action would be to agree to use ABAG's regional "Taming Natural Disasters" as the framework document. The LHMP Annex (Attachment B) and matrices (Attachment C) pertained to the Town. Councilmember Merk said he found some of the language in ABAG's document pertaining to goals objectionable, and some of the commitments listed were irrelevant to the Town. Ms. Powell said the Annex adapted ABAG's plan to relate to the Town. Councilmember Merk noted that the Emergency Services Council had been discussing this for a long time. He felt ABAG had done the cities/towns a favor; a huge amount of work had gone into this.

Referring to the LHMP Annex, Introduction (p. 1), Councilmember Merk said the Town did not contract with the Woodside Fire Protection District. He suggested "...and is within the Woodside Fire Protection District..." Referring to the Mitigation Strategies Matrices, Infrastructure (a), #6 (p. 1 of 8), he asked if the \$10,000 to \$50,000 shown as the estimated cost committed the Town to anything. Responding, Ms. Powell said if something was listed as a high priority, some dollar figure had to be included as a placeholder. But, this was relevant only if the Town chose to apply for grant funding for any given mitigation strategy. Responding to Councilmember Merk, she said the Cable Committee was currently pursuing undergrounding (mitigation strategy #12) (p. 2). Councilmember Merk noted that the Town had requirements for undergrounding, which was not mentioned. Ms. Powell suggested checking "existing program" and adding "New development requires undergrounding" in the comments section. Councilmember Merk suggested adding that undergrounding was done when other opportunities presented themselves.

Responding to Councilmember Comstock's question about dams in Town (item #13, p. 2), Ms. Powell said she would get a clarification from ABAG on the definition of "dams." If the dams in Town qualified, she said she would change the matrix.

Referring to Infrastructure (d) – Flooding, item #5 (p. 5), Councilmember Merk noted that the "not applicable" column was checked. He felt something like the retention basin at the Priory was an example of the types of things the Town required. Ms. Powell said this would be for the pursuit of funding for the Town to construct those kinds of facilities or undertake projects like channel widening. Responding to Councilmember Merk, she said the strategies addressed current conditions and what the Town might need in the future. This funding was for disaster mitigation. She added that the Town was obligated to revisit this document from time to time. If a situation arose that was not identified in the current matrices, the plan would be revised and funding could be sought.

Referring to Infrastructure (g) – Public Education, item #4 (p. 8), Councilmember Merk said WestBay

Sanitary District should be added as a responsible agency. Referring to Housing Mitigation Strategies (a), item #1 (p. 1 of 11), Councilmember Merk said realtors and title companies had extensive materials about the requirements for disclosure, notification of hazardous materials, etc. "Not Yet Considered" did not seem appropriate even though it was not a Town program. Ms. Powell noted that these strategies pertained to what the Town was doing. Under Housing (h), item #3 (p. 8 of 11), Councilmember Merk said the Town often required a subdivider or developer to do off-site improvements to storm drainage systems; he thought it should be shown as a Town program that was in place. Referring to Housing (k), item #2 and item #6 (p. 10), he said CERPP and the Woodside Fire Protection District should be added as responsible agencies. Referring to Economy Mitigation Strategies (c) (p. 2 of 9), he said in another place in the document, it said the Town had no masonry buildings and "not applicable" was checked. Item #1 indicated that the Town had an existing program to deal with masonry buildings and would be considering items #2 and #3; that was inconsistent. Referring to ECON (f), item #3 (p. 5 of 9), he said the Town had an existing program as previously indicated. Under ECON (j), item #2 (p. 8 of 9), he said the Woodside Fire Protection District should be listed. Responding to Councilmember Merk, Ms. Powell said item #3 was more applicable to larger cities. She agreed "Not applicable" should be checked. Referring to item #5, Councilmember Merk said the Woodside Fire Protection District and CERPP should be listed as responsible agencies. Referring to item #13, (p. 9 of 9), he noted that the responsible agency section ended with an "&." On Government (b), item #4 (p. 2 of 6), he said Woodside Fire Protection District, CERPP and perhaps the Red Cross should be added as responsible agencies. In item #5 (p. 3 of 6), he said it was checked as a high priority for the Town, but Woodside Fire and the Sheriff provided the services listed. Additionally, the Fire District was not on contract. In item #7, he wanted the Emergency Preparedness Committee and CERPP to be added. In #8, he said the County had an existing program and recently upgraded the microwave system. On GOVT (c), item #3 (p. 5 of 6), he said the creek JPA also used a multi-agency approach to flooding. On item #8, he felt Public Works was involved. Under Education (c), items #3, 4, 5, 6, and 7 (p. 3 of 3) should all be Portola Valley School District and should be "Not applicable." The Town and the School District were two different entities. Referring to Environment (a), item #6, (p. 2 of 3), he said that should be "Not applicable." On item #13, he said the Conservation Committee should be added.

Responding to Councilmember Toben, Ms. Powell said the comments from the Town Planner and Town Geologist had been incorporated in the document. The matrices had been changed to reflect the Town Planner's comments. Both the Town Planner and Town Geologist had been concerned about the original language in the Annex that accepted the language from ABAG without question. She had added "according to this data source" in questionable areas.

Town Planner Mader said this was a very comprehensive mitigation strategy. The maps that were referred to that had been developed by ABAG that showed how much land was exposed to different hazards had not been checked. Basically, the Town shouldn't agree that these were hazards without knowing so. His biggest concern was the suggestion that this might be an annex to the General Plan. The State law said a Safety Element consisted of certain things, and the guidelines indicated what else needed to be done. If mitigation strategies were developed for the General Plan, they needed to grow out from the General Plan and not from some other source. This document could be adopted by the Council as a statement of things that the Town was interested in doing, but it should in no way amend the General Plan until it was determined which of these strategies belonged in the General Plan. Responding to Mayor Davis, he said this annex and matrices would only get into the General Plan if the Council amended the General Plan to include them. There had been comments made earlier that these might be included as an annex to the General Plan.

Responding to Mayor Davis, Ms. Powell said when it was time to update the Safety Element, this document could be looked at to decide whether there were specific mitigation strategies that could be appended to the Safety Element as an Implementation Appendix. Responding to Town Planner Mader, she said she did not know if FEMA required that any part of this document be adopted as a part of the General Plan. Mayor Davis said he did not think that FEMA would ever require jurisdictions to adopt these documents into

general plans. If there was any hint that these documents were related to the General Plan, what was adopted would need to be very carefully looked at. His understanding was that that was not the case.

Referring to the "Taming Natural Disasters" document, Scope of Mitigation Strategies (p. 5), Councilmember Merk noted that there was some language indicating that these strategies could be applied to land use planning, which was similar to General Plan terminology. Ms. Powell said some of the language used was very strategic in order to get through the federal bureaucracy. There was no way these documents would be put into the General Plan; it would be an annex if the Town decided it should be an annex. Town Planner Mader noted that the General Plan structure did not necessarily encompass annexes. He wanted to be very certain that the Town was not in any way doing anything that would force the Town into doing something it didn't want to do when General Plan work was undertaken. A lot of these strategies would need to be looked at very carefully to see if they should be included in the General Plan. Mr. Siegel added that there was nothing that he was aware of that had any impact on the General Plan. This was a funding mechanism.

Councilmember Merk said the biggest red flag had been highlighted in the final paragraph of the Town Planner's memo of 4/7/05 that discussed the possibility of superseding the Town's maps. Mayor Davis noted that the Town Geologist had the same concern. Ms. Powell pointed out the language added to the Annex that indicated the Town's maps were more detailed and current than those shown on the ABAG website; that language had been added to address the concern.

Responding to Town Planner Mader, Ms. Powell said she would follow-up to ensure that there was no requirement by ABAG or anyone else that the Town adopt any part of these documents as a part of the General Plan.

Responding to Councilmember Comstock, Councilmember Driscoll said ABAG had maps that predicted shaking potential for large areas; they did not have any maps that showed rupture potential. Councilmember Comstock suggested adding some language to the Annex's list of hazard exposure of critical facilities that addressed the fact that the current Town Center buildings were known to be in potential rupture areas.

Ms. Powell said she would incorporate revisions and bring the documents back. Ms. Howard commended Ms. Powell for her work on the documents. Town Planner Mader agreed, noting that this was a very comprehensive list and a big job of trying to put it together.

(9) Agreement with Nichols Consulting Engineers, Chtd.

Mr. Young reviewed his memo of May 5, 2005, recommending the Town enter into an agreement with Nichols Consulting Engineers for pavement design services on an as-needed basis.

By motion of Councilmember Merk, seconded by Councilmember Toben, Resolution No. 2169-2005 Approving and Authorizing Execution of an Agreement Between the Town and Nichols Consulting Engineers, Chtd., was approved by a vote of 5-0.

(10) FY 2005-2006 Design of Westridge Resurfacing Project

Mr. Young reviewed the staff report dated 5/2/05 on next year's street resurfacing program. A list of streets that would be treated would be presented to the Council when the engineering design was complete. By motion and second, Resolution 2170-2005 Approving and Authorizing Letter Agreement Dated April 27, 2005, Between the Town and Nichols Consulting, Chtd., for FY 2005-2006 Street Resurfacing Design was adopted by a vote of 5-0.

(11) Consultant Agreement with Zimmerman Lehman for Town's Fundraising Feasibility Study

SallyAnn Reiss reviewed the memo of May 6, 2005, on the fundraising feasibility consultant selection process followed by the steering committee of the PV Community Fund (PVCF). She said the recommendation was to hire Zimmerman Lehman to perform the fundraising feasibility study. Responding to Councilmember Comstock, she said the study would be followed by the fundraising campaign. The Committee had not yet discussed who would run the campaign. How much could be done without hiring a campaign director was not yet known. She reviewed what would come out of the feasibility study as discussed in the "Fundraising Consultant: Search and Development" memo. She added that her research indicated that fundraising campaigns, in general, spent about 10% of their total fundraising dollars on consultants. She discussed the fundraising campaign for the City of San Mateo library.

Bill Lane said it was important to identify green opportunities for the Town Center project. Grants from both the State and federal government could be significant. The architects needed to be up to speed on the latest technology, which was rapidly emerging.

Responding to Councilmember Driscoll, Ms. Reiss said Mr. Zimmerman was familiar with potential grant opportunities. As part of the package, he would be identifying grant areas. He also felt very strongly that a lot of this type of information would come from internal sources—the library staff, the Public Works Director, etc.

Councilmember Merk said he attended the interviews. He said it was a good process and a learning curve for the Committee. There were two series of interviews, and everyone felt a good product would have been received from each of the three finalists. He thanked the Committee for their work.

Councilmember Toben moved adoption of Resolution No. 2171-2005 Approving and Authorizing Execution of an Agreement Between the Town and Zimmerman Lehman for consulting services regarding the feasibility of the fundraising campaign. Councilmember Merk seconded, and the motion carried 5-0.

(12) First Amendment to Consulting Agreement with David J. Powers and Associates, Inc.

Ms. Howard reviewed the Town Planner's memo of 5/3/05 on the amendment to the David J. Powers and Associates agreement to prepare a focused EIR for the Town Center project. Responding to Councilmember Driscoll, she said the work agreed to with the design team would continue. It was now projected that the EIR would be completed at the end of September; the Council would not be able to take action on that until probably the first meeting in October. At that time, the Council could adopt the work that had been done by the design team. During that period, some design and development work could move forward. Mr. Siegel said feedback would be permissible during that period; some concrete steps might have to wait for the EIR.

Responding to Councilmember Comstock, Mayor Davis said the EIR was necessary because it had been determined that some of the existing Town buildings could be of historic significance. Responding to Councilmember Comstock, Ms. Howard said no one was suggesting that the buildings be put on the historic register. Further analysis was required, and some mitigation might be necessary. Mayor Davis discussed the criteria used to determine whether a structure was historic. Mr. Siegel said the EIR would provide the information so that the Council could determine the disposition of the buildings. Responding to Councilmember Comstock, he said the EIR was required by law. If it was not done, there could be a lawsuit, which would stop the project for a significant period of time. The fact that the buildings were dangerous was not relevant. Responding to Councilmember Comstock, Town Planner Mader said the historic consultant had been given all of the background on geology, condition of the structures, etc.; his assignment was to determine if these buildings qualified for the historic register. If they might, then an EIR was required, and there was no way to get around it.

By motion of Councilmember Toben, seconded by Councilmember Driscoll, Resolution No. 2172-2005 Approving and Authorizing Execution of First Amendment to Agreement Between the Town and David J. Powers & Associates, Inc., was adopted by a vote of 4-1 (Comstock).

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(13) Library Services Task Force

Councilmember Toben said the School District had approved in concept the use of two classrooms on the Corte Madera School campus for the library. Conversations were underway on exactly what was required to clean out the gear, what would be required to outfit the space, etc. There would be some reduced access to the collections because of the square footage, but the present assumption was that all of the essential functions of the library would be preserved and carried out in this space. Cost estimates and how long it would take were being developed.

Ms. Howard said the MOU should be approved by both parties during the week of May 23. This week, bids from various contractors were being received. As soon as the MOU was adopted, the refurbishing would start. Opening day would be, hopefully, before August 1. Councilmember Toben said Mr. Lane had offered to permit the Town to use the income from the first installment of his donation towards the cost of the library relocation--provided that the Friends made a contribution.

Responding to Councilmember Driscoll, Ms. Howard said arrangements had already been made to store the school records that were currently located in the interim library space.

Karen Fischer, Co-president of the Friends, thanked all of the parties that brought this agreement together—particularly the School Board, Council and citizens like Bill Lane. It was thrilling to watch how this came about. Responding to Ms. Fischer, Ms. Howard said if 40 hours of library service were not provided, the money would be kept in an account for the Town. But, the library felt that the time during which the library was closed would be used to coordinate all of the things that had to be done to prepare for and conduct the move. Ms. Fischer said the Friends were working very hard to determine what the contribution would be. Everything was being looked at from mobilizing volunteers to a financial contribution.

(14) Status of Town Center Project

Other than the EIR and furthering the design, Ms. Howard said most of the work in the last two weeks had been spent on doing the pricing. There would be a field trip on May 17 at 11:00 a.m. to see the Los Altos Hills town hall. It would be noticed as a public meeting.

(15) Reports from Commission and Committee Liaisons

(a) Cable Committee

Councilmember Driscoll said Comcast provided the Town with a summary of outages, trouble reports, subscriptions, etc. They considered the document to be highly confidential and competitive information. He informed them that if the information was provided to the Town, it was part of the public record.

Councilmember Driscoll said the Committee continued to discuss what they considered to be a contractual violation for failing to provide service to the Hayfields Road area, which consisted of 9 homes on .58 miles of road. The contract said that Comcast was obligated to provide cable service whenever the density was over 10 homes per cable mile. They had written a letter saying they disagreed they were in violation. At this point, a formal violation letter needed to be drafted. He discussed the required response time to such a letter noting that at some point, a fine kicked in which was in the neighborhood of \$300/day. The estimate

for putting in cable in the Hayfields was \$80,000. The residents were asking for the Council's help in getting service. He noted that the contract came up for renewal approximately a year from now. Responding to Mayor Davis, he said the broadband service was the same as the TV service. Comcast indicated that if you had cable, you had the potential for broadband once all of the right connections were set up.

(b) Trails Committee

Councilmember Driscoll said the Committee was spending a lot of time on the issue of group use of trails. He had encouraged the Committee to give the Council as much guidance as possible in terms of what trails were appropriate for these types of uses, fees, maximum number of users, etc.

(c) Chilean Woodchoppers' House

Councilmember Driscoll said the Whites' architect had told them it was not feasible to use the existing materials and put them in the exact same location on a new building of the same size. He met with them at the site and explained that the Town wanted to see if some of the exterior materials could be used on a building of approximately the same size, shape and appearance. They were currently discussing that with their architect. Mayor Davis discussed restoration versus reconstruction. Councilmember Driscoll noted that at the last Planning Commission meeting, language had been inserted in the CUP amendment for the property that indicated the Chilean Woodchoppers' House was still under discussion, and the rest of the project could move forward.

(d) Planning Commission

Councilmember Comstock said the Commission was dealing with an appeal of an ASCC decision. Responding to Mayor Davis, Ms. Howard said there had been a field trip with the ASCC to the site.

WRITTEN COMMUNICATIONS

(16) Town Council 4/29/05 Weekly Digest: None

(17) Town Council 5/6/05 Weekly Digest

(a) Woodside Fire Signage/Banner

Referring to Ms. Lambert's memo on the request by the Woodside Fire Protection District to display two banners in strategic locations in the neighborhoods where vegetation chipping would occur, Councilmember Merk said he preferred to stay with the Town's policy of only allowing roadside signs/banners at the entrance to Town Center, Ford Field and, if it was a Town-sponsored event, at the Alpine and Portola Roads intersection.

Ms. Howard suggested the District be allowed to post a banner at the fire station while the chipping was occurring. Councilmembers agreed.

ADJOURNMENT

The meeting adjourned at 10:20 p.m.

Mayor

Town Clerk