

TOWN COUNCIL MEETING NO. 737, FEBRUARY 13, 2008

ROLL CALL

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

Present: Councilmembers Driscoll, Merk, Toben and Wengert, and Mayor Derwin  
Absent: None  
Others: Town Administrator Howard, Town Attorney Sloan, Asst. Town Administrator McDougall and Asst. Clerk Hanlon

ORAL COMMUNICATIONS: None.

CONSENT AGENDA

By motion and second, the item listed below was approved by a vote of 5-0.

- (4) Second Reading by Title, Waive further Reading, and Adoption of Ordinance No. 2008-370 Amending Chapter 10.72 [Construction Traffic Road Fees] of Title 10 [Vehicles and Traffic] of the Town of Portola Valley Municipal Code, per Asst. Clerk's memo of 2/4/08.

REGULAR AGENDA

- (1) Minutes of the Town Council Special Meeting of January 24, 2008 (Removed from consent agenda)

Councilmembers Driscoll and Toben submitted changes to the minutes of the 1/24/08 meeting. By motion and second, the minutes were approved as amended by a vote of 5-0.

- (2) Warrant List of February 13, 2008 (Removed from consent agenda)

By motion of Councilmember Driscoll, seconded by Councilmember Toben, the warrant list of 2/13/08 in the amount of \$816,544.64 was approved by the following roll call vote:

Ayes: Councilmembers Driscoll, Toben and Wengert and Mayor Derwin.  
Noes: None  
Abstain: Councilmember Merk

- (3) Agreement with Two Fish West to Provide Web Design and Implementation of Phase 1 (Removed from consent agenda)

Councilmember Toben said the Nature and Science Committee wanted to use the Town's website to post items of interest to the community. Referring to Exhibit A (p. 3) of the agreement with Two Fish West, he suggested that under the "Initial Information Gathering" section, the scope be broadened to include input from the Town committees. He suggested, "...the expectations and needs for the redesigned site be from the perspective of the Portola Valley staff, Town committees and commissions, and the elected officials." Additionally, he said who controlled content and site administration were important issues. There was a reference in the agreement to site administration issues, but he wanted to ensure the consultants understood that content management needed to be addressed. Councilmember Driscoll suggested staff draft a policy statement indicating that there would be oversight of whatever went on the website. Ms.

Howard said that policy was set when the website was first created; she said staff would review the policy. She added that the consultants intended the survey go to all of the committees. It would also be posted on the website and would be a much broader process.

By motion of Councilmember Toben, seconded by Councilmember Driscoll, Council adopted Resolution No. 2377-2008 Approving and Authorizing Execution of an Agreement Between the Town and Two Fish West, as amended, per Asst. Town Administrator's memo of 2/13/08, by a vote of 4-0, with Councilmember Merk abstaining.

(5) Proposed Sausal Creek Daylighting Project at Town Center

Ms. Howard referred to the staff memo of 2/13/08 on the daylighting project at the Town Center. She said at the time the memo was drafted, it was hoped that the Council could discuss the four options set forth in the memo. But to date, staff had not received the 100% design set for phase 1 and had not had an opportunity to review the final plans or final budget information. The plans had not been sent out for plan review, and deadlines had been missed. Staff still felt that the Town Center project schedule could be kept and include some modifications for the creek work. If staff received the 100% plans and new budget information no later than Feb 20, the review process could begin. It was highly unlikely that staff could provide a report for the Feb 27 meeting, and she suggested Council consider a special meeting to discuss the various options available and provide direction to staff. The bid packages could then be brought to the Council at the March 12 meeting. The project was currently ahead of schedule, and staff did not feel that the overall schedule would be impacted. After the presentation by the consultants, staff hoped to receive direction on how to proceed.

Jorgen Blomberg, PWA, said his presentation would include: 1) an overview of the project; 2) functionality and basis of design for the creek project; 3) phase 1 elements being developed within the creek project for integration into the bid package; 4) project elements including headwalls, guardrails, and pedestrian bridge elements; and 5) cost estimates. Using visuals, he discussed: a) schematic plans presented in September and changes made since then; b) plans showing the relationship of the creek within the Town Center site including vegetation massing, geometry of the channel and overall physical and access relationships; c) views looking upstream and from the driveway; d) pedestrian bridge; e) Sausal Creek watershed and creek system; f) technical studies required to develop a reliable project; g) daylighted section and current culvert; h) 100-year flow event and hydrologic performance of Sausal Creek drainage within the Town Center project and downstream as a result of daylighting; i) visual and physical access across the site; j) use of vegetation for bank stabilization; k) comments from Regional Water Quality Control Board and Fish & Game; l) maintenance of vegetation in the creek corridor; m) cross-sections of the model; n) rough grading for the creek; o) re-alignment of the pipe; p) culvert and headwalls; q) avoidance of disruption to Town Center in the future; r) location of utilities; s) initial estimate of \$800,000 to \$1 million in September 07; t) updated cost estimate for phase 1 of \$350,000-\$450,000; u) phase 2 restoration elements (bank stabilization, pedestrian bridge, planting and irrigation) and estimate of \$500,000 to \$650,000; and v) new cumulative estimate of \$850,000 to \$1.2 million. He noted that Mr. Young had provided good input on different approaches for various engineering elements. He also received input from the creek fundraisers for achieving the meadow and planting within the creek corridor in a way that was more cost effective, adaptive and involved the community to get some of the planting done.

Larry Strain, Siegel and Strain, discussed: 1) integration of headwalls; 2) landscaping and views; 3) pre-fabricated pedestrian bridge; 4) railings; 5) views from the road and pedestrian bridge; 6) guardrails; 7) access to creek; 8) location of utilities; 9) placement of trees and plants and transitions; and 10) reduction of performance lawn to increase native planting and reduce water use.

Councilmember Wengert said the drawings were to have been completed last November. It was mid-February and some substantial decisions would have to be made in a very contracted time horizon. She

asked what happened, what the status of the design drawings was and when the Town could expect to receive them. Mr. Blomberg said the first delay occurred in November when he contacted the regulatory agencies. There was a lot of interest and a lot of questions about the project. It was decided to develop enough material to coordinate this meeting with the regulatory agencies. They originally suggested meeting in February—last week. Knowing that it was critical to get approval by the regulatory agencies, he took the team in the direction of preparing the documents for that meeting in December. The documents were presented but there was no formal submittal to the Town or a sit down meeting to review the documents. Various Town committees had been consulted as well as individuals. The Town's input had been part of the documents that were presented to the agencies. At the meeting, there was strong support for the project as well as productive input in terms of what the permitting environment would be for the project if approach A versus approach B was taken. That was critical. If the project could fit into their general permit, it was basically a two-page permit that cost about \$500 and took 3-4 weeks. If the project could not qualify for their general permit, it could take 60-180 days. Knowing that this project was supposed to be in the ground by November, that did not seem like a feasible approach. Having that input and understanding of what the agencies wanted was very important. His mistake was not providing more structure and formal environment for the Town to have received those documents and provide more formal feedback and comment. About a month was lost. Since then, things were back on schedule with the exception of the outstanding items. This project was incredibly complex. The creek project had to be integrated into the Town Center project, which was now well on its way. Understanding all of the subtleties and nuances of how the creek project influenced the Town Center project had been a learning process. That coordination was behind, but his team had been working with the ADT on a fairly consistent level to present the progress drawings and highlight where the overlap of these projects existed and how they influenced one another. On a weekly basis, these elements were being studied to make sure that the project that the Town had asked for was being developed and functioned the way it should. Opportunities for cost reductions were also looked at. For example, he stopped a structural engineer from working three weeks ago because there had been a lot of discussion between the team and Town staff about whether these walls were over-engineered. The structural engineer had a very limited budget on this project and had an opportunity to do this one time. If he was asked to do it twice, that would be a change order and increased cost. There was a delay in terms of his production, and there were no structural drawings to show the Council tonight. They would be available next week. There had been decisions along the way that had cumulatively delayed this project. The biggest mistake on his part had been a lack of communication and coordination with the Town Administrator to help update the schedule and provide a realistic understanding of where things stood and why, where things were going, and what documents would be useful.

Mr. Strain said he was responsible for the other parts of coordination. The site work for the whole 11 acres was going out to bid on March 12 as well. Over the last 3-4 months, there had been a lot of little changes for things like the parking lot that resulted in cost savings. Those changes had been made but were not yet integrated into the site work package. It was his mistake for not getting those things done sooner. Some things had been known for a long time, and some were still being worked out. There were a lot of little things that happened on a project this size that had to be integrated. Another reason for not making the deadline was that the BKF person who was working on this project was in the hospital for a week. He had to do all his work first. His base drawings were given to the landscape architect who then handed them to the irrigation person. The civil engineering work had stopped for a week. The drawings were expected to be completed tonight; they were now expected on February 20. Mr. Blomberg added that when he found out the BKF representative was in the hospital; he should have communicated the situation to the Town. He felt there would be an 88% complete set by next Wednesday. Within that, there would be many elements that would be done completely, and some that were not done completely. The structural engineer work was a little behind. For the civil work, new survey information was just received on Friday, and that information had to be put back into the base information by BKF. He felt the plan set submitted next Wednesday would provide enough articulation for the entire project for a solid review. Some details would be missing for things that required coordination between the structural engineer and civil engineer. There might be some issues with the planting that might not be resolved as a result of the bottleneck with BKF. Those changes were

relatively minor and involved moving the same plant material a foot or two. Mr. Strain said the intent was to put out a totally accurate set of drawings. The bids could go out now, and the prices wouldn't change. But, he preferred to get the changes done. He did not feel that those things that were missing would have any impact on the cost estimates. The changes would be done well before the bid packages and completed by the 27<sup>th</sup>. He felt what would be available on the 20<sup>th</sup> was a set that could be reviewed by Mr. Young and Mr. Hodgson. They already knew about the changes. The things that were delayed were minor and had no major impact on the project. With respect to the creek elements, Mr. Blomberg said the headwalls were behind but by next Wednesday; there would be drawings that articulated the dimensioning, size, height, etc. The rebar details might not be completely developed. The culvert was specified, but the connections with the structural components might not be worked out by next Wednesday; it would be by the 27<sup>th</sup>.

Mr. Strain said when he knew that everything might not be ready by the 20<sup>th</sup>, he notified Mr. Hodgson who would be putting together the bid packages and the costs. He [*Hodgson*] indicated that with what had been completed, it would not be a problem for him. He was not worried about what would be missing from this set, which mostly excluded the creek except for a couple of elements.

Responding to Councilmember Driscoll, Mr. Blomberg said the planting was planned for October or November. By October 15, the bulk of the channel work had to be completed, and the planting would be done subsequent to that. With respect to the pedestrian bridge, Councilmember Driscoll said bridges could be a little bouncy when they were longer than 25 or 30 feet. At 42 feet, he didn't want to introduce an attractive nuisance. Mr. Strain said the manufacturer did not have a bounce factor in their spec. They had a loading factor, which was about 85 lbs per sf dead load. It also could handle a vehicle driving across it. This same truss design was used for 200' bridges. The steel size could be increased, but the quote was based on the dimensions provided. If it was made stiffer, the price would go up. Councilmember Driscoll said the ADT had talked about grading the headwalls a little lower to have a slope up to the paths. Mr. Strain said it had been studied. Using the model, he discussed impacts on the contours and headwalls, which were generally not favorable. Councilmember Driscoll said as a general philosophy, he would rather see earth forms as opposed to concrete walls to make grade changes. Mr. Strain discussed other options looked at to reduce the height of the walls and soften the visibility. Mr. Blomberg added that there was also a basin designed for the outlet of the pipe that would control the potential for scour. A few specimen boulders would be integrated up against the edge of that wall to help diminish the overall vertical impact.

Mr. Strain added that the regulatory meeting had been very important. The Town did not want any willows in this creek. The agencies said they would not support the project if that was the case. The project would then be a landscaping project rather than a creek project and would require 120 days review and cost a lot more money. They said you had to use willows as a bank stabilization. That was why it had been modified to meet what the agencies wanted as well as what the Town wanted.

Councilmember Driscoll said when people drove into the site; they came to a T junction. He thought there should be some kind of bollard or something to prevent someone from driving straight ahead. Mr. Strain said bollards could be added.

Councilmember Toben said the pedestrian bridge paralleled the car/vehicle bridge a few feet to the north. This orientation guided pedestrians to the backside of the library along the parking area. He asked if any consideration had been given to an alternative that would have the bridge carrying pedestrians directly into the heart of the campus and perhaps dropping the bridge a bit down to reduce the visual impacts. Mr. Strain said there was always a walkway there that went through the meadow. If you walked from the schoolhouse to the library, you could take one of two paths. The bridge had been put right where the walkway was. He talked about other options considered. He said Councilmember Toben's suggestion was interesting, but he felt the walkway was still needed.

Councilmember Wengert asked why the cost estimate increased in such a short period of time. The

fundraisers had worked very hard to raise money from the community, and the new numbers were significantly above anything anticipated at the time they undertook this challenge. Mr. Blomberg said when you segregated out the various elements of the creek project, the components involved in restoring the creek (grading, stabilization, vegetation) were on the order \$500,000 or more. The big costs were for the headwalls and the structures. When the initial estimates were made, nothing had been done other than pencil sketches. The initial cost estimates were lower than they should have been, based on the scale of the structural elements and the civil elements that were now required to make this project work. He had discussed with Councilmember Driscoll whether the creek should be designed for a 25-year storm event instead of a 100-year storm event. The flow line of the creek was where it was. It was the Town's desire to have an accessible, shallow-sloped creek channel geometry. The vertical depth of the creek was where it was. To get back up to the grade of the Town Center project required moving a certain amount of soil. You could reduce the capacity to reduce the overall excavation. You could also reduce the capacity and tighten up the geometry of that channel. But, that would result in a body of water that would move through the site much more quickly and require more armoring. It would also not be accessible. As you started looking at manipulating the creek to be less than what it was naturally, you needed more engineering, and it was less complimentary to the overall site. He added that the estimate was for construction and design. The estimate for the construction was below \$900,000 with a 20% contingency. The initial estimate was not based on enough thinking about all of the various components that would be impacted by this creek project—utilities, septic sewer relocation, etc.

Responding to Mayor Derwin, Mr. Blomberg said written communication supporting the project had been received. The permits would need to be pursued from the Water Quality Control Board as well as Fish and Game. Both agencies and the Army Corps of Engineers had communicated their desire to help expedite the project.

Bernie Bayuk, Paloma, said the creek required special landscaping and special maintenance, and he asked if lifetime costs had been looked at. It was never pointed out to the donors for the new Town Center that an opening of the culvert would entail major additional costs for maintenance. Mr. Strain said that had been considered. Whatever was going to be there would require maintenance by the Town. If it was a lawn, it would get mowed, fertilized, etc. If it went to a native meadow, that also required maintenance. This was exactly like a native meadow. The additional maintenance was keeping the willow trees clipped down, which happened once a year. He did not feel the additional maintenance of the landscaping was significant at all. The creek had been in the pipe for 50 years and had done very well. At some point, that pipe would fail. When the pipe failed, the cost of that would be much greater. Opening up creeks generally cost less than leaving them in the ground in the long run. Mr. Blomberg added that the maintenance of the creek bank vegetation was something that many communities in the Bay Area took on themselves. The Friends of Sausal Creek in Oakland and the Urban Creeks Council maintained some 13 different creeks in the east bay free of charge to the municipalities. He thought an interested and committed group of community members could do the annual maintenance on the willows. There were also potentially other projects and contractors who needed young willow sprouts for their restoration projects. There were other creative ways to think about how this maintenance could occur and how it would play out on a financial level relative to the overall Town Center maintenance.

Steve Dunne, Ramona, said he was personally impressed by the fundraising support for the Town Center. People were excited about the Town Center and were willing to support it and pay for it. The people that he spoke to about the creek were very enthusiastic about the creek for one primary reason. A lot of people were concerned about the amount of "orderliness" in construction at Town Center. Daylighting the creek emphasized the natural feel of the area. It would bring balance to the construction that was underway. From being involved with the fundraising, he thought people were very excited about the creek project. It was a challenge but worth it.

Responding to Danna Breen, Alpine Rd., Mr. Blomberg said some analysis had been done to see where the

overlap with the Town Center project was in terms of what elements were being pulled out. In terms of the landscaping, the initial proposal was for lawn and meadow. Credits ranged from \$30,000 to \$130,000 in terms of redundancy. Mr. Hodgson had obtained some numbers for his analysis of the redundant elements. He was often able to get lower numbers when he advertised jobs. He anticipated getting lower numbers than the estimates once this project was bid competitively. Responding to Ms. Breen, he said eliminating the pedestrian bridge had been looked at. He discussed changes that would have to be made to the culvert in order to maintain some circulation if the pedestrian bridge was eliminated. The estimate was that it would only result in \$20,000 cost savings. Mr. Strain said the bridge was about \$30,000 not installed; installed, it might be \$50,000 with the footings, etc. Adding 6' to the culvert would be \$20,000-\$30,000.

To Councilmember Toben's suggestion about moving the pedestrian bridge upstream, Ms. Breen noted that there would be other mechanisms for crossing the stream such as rocks, etc. Mr. Blomberg added that there was one formal crossing point in the creek in many flow conditions. The rest would be informal but passable.

Jon Silver, Portola Rd., said he initially didn't think that restoring the creek was advisable. But now, it was much more desirable than having to repair the culvert. There was still more money to raise, which would not be easy. But, he hoped the Council would support the project.

Councilmember Driscoll said the bid packages going out in March for phase 1 would have an option. Contractors would be bidding both with and without phase one of the creek project. It was a little bit dangerous to obsess on the design costs. If the bids came in ridiculously higher than expected, the Town did not have to do the project. Responding to Councilmember Wengert, he said the goal was to get the elements that would be disruptive to the project done now. If those numbers were too high, the Council could go back to the original Town Center project and confront this creek at some future date. What the Council was talking about tonight was giving the staff direction to continue pursuing these two alternatives in the bid packages. The actual bid numbers could be looked at in order to make the final decision. The question was to seek A and B bids.

SallyAnn Reiss, Golden Oak, said if the Town did not do the creek project, a lot of money was wasted. The Council was being cautious, but she felt the Town would end up doing it. Councilmember Toben said it was a question of when. When the Town had the money in hand and was confident that it could be paid for without taxing the general fund, it could be done.

Alex Von Feldt, co-chair of Friends of Sausal Creek, reviewed her memo of 2/5/08 on the fundraising status. She discussed: 1) formation and activities completed by the group; 2) goals of the Friends; 3) current donations; 4) funds expended on fundraising; 5) support from organizations; 6) applications for grants; 7) near-term activities; 8) public grant climate and timeframes; 9) grant writing services; 10) options going forward; 11) Town's financial commitment to the project; and 12) enthusiasm for the creek project from the community.

Danna Breen, co-chair of Friends, said the Friends wanted to involve the schools and children and wanted to make the fundraising educational as well. Additionally, the Council gave the fundraisers a directive to come up with a certain amount of money in a certain timeframe, and that was done. There should be confidence in what the Friends had accomplished. She noted that there were people encountered in the fundraising who did not intend to give to the Town Center project. Through the creek fundraising, they also donated to the Town Center project. It had been a win win for both situations. She felt that should be recognized.

Councilmember Toben said the fundraisers had done remarkably well on very little money. The typical fundraising campaign assigned 10% of the total target to fundraising costs. The PVCF was extraordinary in that that team only spent about .75% or less, which was a phenomenal success story. He felt that the goal

needed to be at least \$1 million. If that was the number, then the fundraisers should have \$10,000 at a minimum for grant writing costs, supporting materials, etc. He had no problem with that and could authorize that tonight out of the proceeds already earned. He asked if the momentum since September had continued to build. He also wanted to know about the major donors' targets and strategy. Responding, Ms. Von Feldt said there had been two significant donations totaling about \$250,000 to start off. The party was held, and the Friends received donations ranging from \$50 to \$5,000. That was received up until the end of the year. Since January, there had been a lull. With all of the concern about cost and schedule, it was hard to keep pushing it. That was why the Friends were asking for direction and confidence so that the next push could get started. Responding to Councilmember Toben, she said the Friends spoke with people in the street. She followed up with everyone on the committee of 18-20; they had varying levels of involvement and comfort. With respect to a major donor strategy, she felt she fell short. Ms. Breen added that there really was no strategy. The Friends also didn't know where they were financially. Up until a week ago, they thought the project would cost \$800,000. There hadn't been enough direction.

Councilmember Wengert said the projected cost was now 40% more than originally anticipated. She asked if it would help, if it was a smaller project. Ms. Von Feldt said it was a great project. Ms. Breen said she was devastated by the cost, but felt it could be done. She wanted to see the project go forward. There was a collective vision, and she thought it would be wonderful for the community. It should go forward, and a way would be found. Ms. Von Feldt said the Calabasas project was similar to the Town's and had about the same cost. The part that was really different for the Town was that the public grants weren't there. She felt that if the project was not done now, it would not happen for 10-15 years. That motivated her to keep trying. She wanted this to succeed and asked the Council for help and guidance. Ms. Breen added that donors expected to see the creek; it needed to go forward. With respect to the fundraising momentum, Mr. Dunne said this time period was a dry spell for Town events, softball, the Town picnic, etc. In the spring, the Friends could get back out in front of people and get conversations going. Secondly, there was an article in the *San Francisco Chronicle* about how kids were losing touch with nature in general. He recalled his days playing in the creeks. Being able to internalize the cycle of seasons when you were a little kid and seeing that creeks got dry and wet had a lot of life messages.

Bernie Bayuk said the real cost was at least \$1.2 million. You needed to include the technical side of the costs. Not everyone in Town saw a babbling brook as a creek. It didn't babble for six months of the year. It was an open ditch, heavily landscaped for six months of the year. He did not agree with Ms. Reiss that the Town was committed to the project. Money had been spent, but now the general fund had to be looked at. He thought there would be a lot of objection if general fund money was used for such a purpose. Six months ago, the Council gave some kind of a loan to the committee on which it had been working. He didn't know the status of that interest free loan or whether it would ever be repaid. Considering the cost for a trickle six months a year, he felt the project had a serious impact on the new Town Center. The fact needed to be faced that the funds necessary would not be accumulated and that the general fund was not available to be used for such purposes. Reality should be faced now.

Ms. Howard said to date; the Council had authorized \$383,000 worth of design work. She had received \$382,000 in actual cash donations. So far, about \$90,000 had been paid for the design work with about \$20,000 yet to be invoiced. The Town had more in its coffers than had been paid out.

SallyAnn Reiss wanted the project to happen because she thought it would be a great place for kids. She was also a practical person and felt it was important to have the money. She hoped the fundraisers would focus on major donors. She also felt they should bring in a consultant. It was money well spent. A major donor consultant helped form strategy, and PVCF had been very lucky to have that. Another option was to look to people to do some of the underwriting.

Jon Silver said he enjoyed the dry creek beds in the summer growing up, and that it was a beautiful thing. If this was done right, it would be wonderful for the Town Center. He was impressed by what Ms. Breen and

Ms. Von Feldt had done in a few months on a shoestring budget. It was daunting that they now needed to raise another \$600,000 or so, but he thought that could be done.

Responding to Mayor Derwin, Ms. Howard said she did not think she could get drawings on February 27 and have them turned around to issue bid packages on the 12<sup>th</sup>. The engineering elements had to go out for plan checking, which took a certain amount of time. The other issue was the timing of the funding. There was money in the general fund—a little over \$3 million—and the Council could authorize the expenditure with the expectation that the fundraising would raise the money. Right now, the issue was how to proceed with phase 1 as far as timing. Also, if the Town did proceed, any possibility of receiving either one of the two grants that appeared to be viable disappeared. The grants being looked at through the State were not reimbursements. Councilmember Driscoll said he understood that phase 1 would have to be paid for, but phase 2 would be eligible for grants. Responding to Mayor Derwin, Ms. Howard said the Council needed to approve the bid packages. The latest that could be done was March 12 without postponing the Town Center. Prior to that, the Council would have to approve this project and a budget for it. She could not bring that information to the Council until she had the actual drawings. If the Council wanted to keep on schedule, there would have to be a special meeting sometime between the 12<sup>th</sup> and a week after she received the material. Staff had been pushing for the 20<sup>th</sup> so the Council could hold a meeting the week of the 24<sup>th</sup>. If the Council approved the project, the bid packages could be put together for the 12<sup>th</sup>. Responding to Mayor Derwin, Mr. Strain confirmed that there were some drawings that would not be done by the 20<sup>th</sup>. Ms. Howard said she understood that there would not be 100% drawings until the 27<sup>th</sup>.

Responding to Councilmember Driscoll, Ms. Howard said Mr. Hodgson felt all the bid packages had to be synchronized. Once he received the final designs, he broke it up into different components and bid packages. Almost every bid package issued would have another component of the creek in it. Once they were finalized, the different bid packages could conceivably be timed. That was not the ideal way. The big issue for Mr. Hodgson and Mr. Young was trying to coordinate how this could be done. At some point, it could no longer be done.

Responding to Councilmember Merk, Mr. Strain said there was concrete work that still needed to be done at the Town Center. All the concrete needed to be put in one package. Responding to Councilmember Merk, Ms. Howard said the budget for the creek project kept shifting as more information was made available. Using the numbers received on the 6<sup>th</sup>, Mr. Hodgson's estimate for phase 1 was \$385,000, and there would be a 20% contingency. For phase 2, there had been a lot of conversation about what the real figure was. It was at least \$500,000. In addition to that, there was somewhere between \$50,000 and \$75,000 for the creek work that had to be done on the church side, which was not included in the budget figures. Mr. Blomberg said it was included in the aggregate cost for the creek in the second phase. Councilmember Merk said if the Town decided to put off phase 2 in terms of construction to get the grants, it was the bigger of the two pies. Mr. Blomberg said the estimate for the phase 2 work before contingency was \$450,000. With the 20% contingency, it was \$530,000.

Councilmember Toben said he had great reservations about financing this project since last September when he voted against the original appropriation of \$385,000 because it was coming out of the general fund. The fundraisers had generated \$430,000+. That was money the Town could count on. The scenario he floated by Mr. Young was to take that \$430,000 and look at what had actually been spent on design costs so far which was \$90,000. There was still a substantial amount of money unspent. Money could be taken out of the design allocation and commit it to pay the costs solely for the construction of the headwalls and crossing [?], which were critical. Mr. Young's view was that that was about a \$200,000 item. The pipe realignment could be added to that. If you took \$90,000 plus \$200,000 and didn't do any of the preparatory grading work and many of the elements described in Option 2, that would only commit the cash the Town already had. Everything else could proceed on schedule.

Ms. Howard said the Town could move forward with the bid packages on the 12<sup>th</sup>, but only construct the



realignment of the pipe, only grade what normally had to be done, not dig the trench, and go ahead with the infrastructure. In the event the creek project did move forward, there would not be the disruption. Mr. Young felt this was about \$200,000. That would give the Town some time. Councilmember Toben said all of the additional design work and permitting that the funds had been committed to but hadn't been spent yet could be put on ice. Some significant design work would have to be done to prepare the headwalls. The cost might not be under \$430,000, but it was a lot closer than proceeding with Option 2.

Councilmember Driscoll said if this thinking had been used for the Town Center, the project would not be where it was today. The money had been raised after construction began. He was struck by this sudden burst of conservatism when the thinking was liberal two years ago when the whole project started.

Councilmember Toben said there were significant differences. First, there was a very handsome head start on the funding when the major work was committed to. Secondly, more than two years ago, as a result of considerable community consternation about having put general fund money into the Town Center project, the Council publicly committed not to expend general fund dollars on the Town Center. If he was 100% confident that the income could be generated within 60 days and the general fund could be paid back, he would be proposing a different scenario. But, his confidence had been shaken a lot by what he had heard with respect to fundraising and grants. There was no certainty that the fundraising could generate \$1 million or \$1.2 million. The commitment to the community two years ago was that no more general fund money would be put at risk on the amenities that the community said it wanted but needed to pay for. Having experienced the community sense, he felt the Council needed to be very careful about this project and how it was budgeted for. This was a luxury and not a necessity.

Councilmember Driscoll said he didn't disagree with conservatism and was not interested in spending the Town's general funds for this project. He wanted this privately or grant funded. But, to a certain extent, the Council might be forcing a decision before it needed to. What the Council was trying to decide tonight was whether the scope of this project and the general parameters were the ones the Town wanted to go to bid with as an option along with going to bid with a "no project" and just a flat meadow option. At some point, the Town would receive these bids in late March or early April. Then, the Council would have to decide whether to go out on that limb or not. Tonight, all the Council was saying was to get the 100% bid package and put it to bid. Responding to Councilmember Wengert, he said the bids would go out to the contractors/subcontractors in two ways. The Council did not have to decide creek or no creek until the bids were received and could see the amounts that were there. Councilmember Toben said Mr. Hodgson indicated that the cost would be at least \$500,000. That was a big number. Councilmember Driscoll said if a decision was made without going to bid, it would be a mistake. He wanted to see what the costs actually were—not what the textbook numbers were. Responding to Councilmember Toben, he said the Council could choose the \$200,000 scenario in April when the bids were received.

Responding to Councilmember Wengert, Councilmember Driscoll said he would rather keep the pressure on the design team to get Ms. Howard the 100% drawings she needed so that this could be put to bid. When the bids came in in April, the Council could then decide whether to do nothing, part, or all of phase 1 of the Creek. Responding to Councilmember Wengert, Ms. Howard reiterated that if she could not get the 100% drawings until the 27<sup>th</sup>, the bid packages could not possibly be ready to go out by the 12<sup>th</sup>. They had to be sent out for structural review. Councilmember Driscoll suggested going out for bid on March 20 or whatever it had to be. The point was to get the bid packages out as soon as possible. When the bids were received, that was when the decision would need to be made: option A or option B. More would be known about the fundraising as well. Deciding tonight with \$430,000 committed and \$90,000 spent was backing off prematurely.

Mr. Davis felt the Town should commit now to move forward with the infrastructure that needed to be done to avoid future disruption—build the culvert, put the pipe in, make sure the utilities didn't run across it, etc. The only difference was to not do the big ditch at this point. When the fundraising was in place, the rest of

the project could be done. Councilmember Driscoll said Mr. Hodgson indicated that building the big ditch was about \$30,000. Mr. Davis said having a ditch there was disruptive unless it was completed; you would have to put materials in it, do temporary planting, etc. Councilmember Driscoll said not doing it meant you would have to mobilize people to grade the site and then mobilize them to come back and re-grade when the Town decided to do the project. He understood that the grading was the least expensive part of the project. He did not feel that taking that out would be a big savings.

Councilmember Toben said he was much more comfortable with the \$200,000 scenario that he suggested. Mr. Strain said he felt the \$200,000 figure was just for putting in the culvert where the road went and the utilities—no grading, headwalls, etc. Councilmember Toben said Mr. Young's e-mail indicated it included the pipe re-alignment but not the upstream headwall. Mr. Strain said the schedule was the biggest issue. If the Council wanted to create another bid package that showed a culvert and no grading, that would require another drawing. There was no way that could be done before the 20<sup>th</sup>.

Councilmember Wengert said it was a tradeoff between the delay and the overall project. To follow Councilmember Driscoll's suggestion would mean a delay in order to have the two projects come back together timing-wise. Councilmember Toben was suggesting going forward with a certain amount of work that corresponded with the amount of funds available.

Councilmember Driscoll said he felt the delay had already happened. Even if the Town told PWA to stop work and told Mr. Strain to go with the original project, he would still have to do drawings. The 100% drawings would not be available tomorrow either way. Mr. Strain confirmed that some changes had been made to the parking lot, etc., which had not been picked up yet. Councilmember Driscoll felt the Town would be a couple of weeks behind schedule anyway. Mr. Hodgson felt he could absorb a couple of weeks. Ms. Howard said that would be March 12.

Councilmember Driscoll said when he talked to Mr. Hodgson, he indicated that the submittal on the 20<sup>th</sup>—even if there were a few items that weren't done—would be acceptable because they were not big items. Mr. Strain had talked to all of the consultants, and a few indicated that they would not be 100%. That is what he told the Town. A drawing set could be put out on the 20<sup>th</sup> for plan check and Mr. Hodgson's review with a few items missing; those would be completed before it went to bid. Mr. Young indicated that Kutzman needed 1 week for review. If the drawings were submitted on February 20, that was three weeks before March 12. If the rest were submitted on February 27, Kutzman would have two weeks to do it. Mr. Hodgson would just have to add a few things between the 20<sup>th</sup> and 27<sup>th</sup>. That was well before it went out to bid. He would guarantee it would be done two weeks before the bid packages went out. It was mostly an issue of the headwalls and a part of the grading that would not be done by the 20<sup>th</sup>. He was confident that what was submitted on the 20<sup>th</sup> was enough for Mr. Hodgson to do his review and put together the bid packages. The final thing that Kutzman needed was the final structural details on the headwalls; that would be done by the 27<sup>th</sup>. Responding to Mayor Derwin, he said if the ditch was dug as proposed for phase 1, it could be hydro seeded for erosion control. It would take about 6 weeks for the grass to come up. There would also have to be a temporary drain put in.

Councilmember Driscoll said he did not want to let go of the creek project. Things were a couple of weeks behind, and he wanted to keep the pressure on to get the drawings as quickly as possible. The fact that there was a creek on the property in a pipe was a travesty, and it should be fixed. Councilmember Toben reiterated that he wanted a slimmed down phase 1 for inclusion in the bid packages. He did not support the full phase 1 as described in Option 2.

Councilmember Merk said he agreed with Councilmember Driscoll. The creek was the crown jewel of the entire project. It exemplified the Town's long held goals. A few months ago, the \$385,000 had been put up with the promise to do this project with the trust that the community would come up with the funds. They had done that in terms of the \$385,000. If necessary, that risk should be taken again. The community had

been, was and would be behind this. He was concerned about a slimmed down project because it would end up being another project. He would rather have an extra Council meeting at the end of February to tighten this up. If Mr. Hodgson felt a week or two was okay in the overall project, he trusted his judgment. He was hopeful about the two-option bid. The Council would get the information that would help with the decisions and timing of the rest of this project. He also felt the Council had dropped the ball in terms of supporting the Friends of Sausal Creek committee. One of the first things the Town did with PVCF was to select and pay for a consultant to help them with the fundraising. Some of those materials might be of help to the committee immediately rather than going out and reinventing the wheel. On the other hand, it wasn't the same kind of project and there were different ways of approaching it. It was incumbent upon the Town to help the Friends of the Creek more in their endeavor. He would also like to keep the pressure on to get the drawings, accept Mr. Hodgson's judgment that this could be pulled off in terms of timing, and move ahead—at least with phase 1 now. When the bids came back and more was known about the fundraising, the Council could decide whether to do the whole project in one year or spread it out over two years.

Councilmember Wengert said she shared a lot of Councilmember Toben's concerns from the fiscal standpoint. That said, she was incredibly impressed with how well the Friends had done on the fundraising. Even if the numbers moved into the higher dimensions, she had a lot of confidence that the fundraising would be successful. She also felt resources should be allocated to the Friends that would be appropriate to the revised targets, which were more substantial than anybody thought. She still had some concerns about the timing. One thing she liked about the more phased approach suggested by Councilmember Toben was that it could be started and that the funds were available to do that. She had every confidence that the Town would have the funds raised one way or another. She also thought that there would be ways to save money to some degree along the way. She was willing to take the chance that they would deliver according to the schedule set for them now. It was a very firm deadline. While Mr. Strain said he had been reluctant to submit something that he felt was incomplete, the Town was relying entirely on the ability to meet that schedule in order to make the "yes or no" decision. She could support that based on the representation the Council heard tonight that they would be willing to meet those deadlines.

Mr. Strain said he did not know if he could make the 20<sup>th</sup> deadline to prepare a bid package for half of phase 1, which was just the culvert. It sounded like it was easy, but it was a separate drawing. The culvert had been re-graded, and now those grades would have to be tied into the existing grades on the old Town Center. You couldn't just take two sets and merge them. The civil engineer would have to focus on that option as well as the full phase 1. People had been working on phase 1 very hard for a long time, and now it was switching to something simpler to build. But, that design hadn't been started.

Mayor Derwin said she was a creek supporter. Having worked closely with Ms. Breen and Ms. Von Feldt on the fundraising, she felt there was a lot of community spirit. She was very nervous about the finances and shifting the deadlines. At the end of the day, she agreed with Councilmember Driscoll and Councilmember Merk and supported a phase 1 approach.

Responding to Councilmember Driscoll, Ms. Howard said the County's line of credit of \$4 million was solely for the construction of the Town Center. The Town would have to go back to the County for the creek project. She noted that there were \$3 million in reserves.

With respect to a budget for the Friends, Councilmember Toben reiterated that his confidence had been shaken by the new numbers. He felt the new target for the Friends should be \$1.2 million. If that was the number, \$10,000 was a reasonable number for the Friends, and he could support \$20,000. He agreed with Councilmember Merk that the Friends might not necessarily need to hire a new major donor consultant. A tremendous amount of advice had come from two different consultants for the PVCF that he did not think had been utilized by the Friends. There was a lot of generic information about how you developed and cultivated major donors. This was not so very different from the cause that had been advocated for the past three years.

Ms. Von Feldt said she had concerns about a target of \$1.2 million. In communicating with the community, \$800,000 had been the figure. Jumping to \$1.2 could seriously hamper the fundraising. Councilmember Driscoll noted that the original project 4 years ago was supposed to be 12 million. As the project became clearer, it ended up being \$20 million. Councilmember Merk said he was concerned about using the worst-case figure for the creek fundraising.

Ms. Breen noted that the Town gave \$100,000 to the Shady Trail. She asked if the Council would consider a donation to the creek. Councilmember Driscoll said he thought the Town should make a contribution in good faith. It had shown leadership on the green issue, and leadership should also be shown on this. Councilmember Toben re-iterated that the Council told the community 2½ years ago that no more general fund dollars would be spent on the amenities of the Town Center project. He would not vote to cancel that agreement.

Councilmember Wengert said she very much supported the creek; the only issue she ever had was the financial one and how it would be paid for. The question was whether it was responsible to use general fund dollars to pay for it. The costs had gone up significantly. Before she would consider using any funds from the Town, she would much prefer to try to value engineer some part of it on the cost side and then look at ways to support the fundraising. Councilmember Driscoll said he thought that was what would happen. As the project moved forward, there would be in kind donations—people would help landscape and help dig the holes for the redwoods. Councilmember Wengert said she thought that would help tremendously in getting a realistic number.

Bernie Bayuk said if the creek wasn't opened, many of the donors would expect their donations to be returned. That meant that the Town Council would not get all of the money raised. The Council was going to have to bite the bullet tonight or in April. There was serious doubt in his mind that the money could be raised. Therefore, the Council should bite the bullet tonight. Councilmember Driscoll said when he gave money to open space and the Town didn't buy open space, he did not expect his money back. It went into a designated fund where the money was only to be used for open space. If the Town completely walked away from the creek project right now, he thought that the \$400,000+ would go into a designated fund for the creek. The end result was that with that money, the plans had been purchased to open the creek. Some time ago, the plans to build the community hall were purchased to build it later. Even if those plans were stuck on a shelf, there was value in them when the project finally was done. Tonight, the Town was not committing any of the Town's money—just moving forward to the next step. He did not believe anybody would want their money back.

After discussion, Councilmember Toben moved that the Council authorize up to \$20,000 from the total raised to date for administrative expenses for further fundraising on this project. Councilmember Driscoll seconded, and the motion carried 5-0. Councilmember Toben noted that the PVCF had been put through a very rigorous process for their budget. They had to submit in advance what they were going to do. He felt the same oversight of the budget should be required of the Friends. Council agreed.

Responding to Ms. Howard, Councilmember Driscoll said the question was whether Council believed this physical design was acceptable independent of schedule and cost. Councilmember Merk said there were only 2-3 items that were negotiable. The creek had to go from A to B and the hydrology required that it had this bend and that bend. Councilmember Driscoll agreed and said he believed that the Council felt this design was appropriate. Whether the Town had the money and time to do it remained an open question. That would depend on the completed drawings and what the bids were.

Councilmember Driscoll reiterated that he would like the bid packages to include two options: 1) to stay with the original Town Center drawings without the creek; and 2) do phase 1 of the creek project. He moved to approve Option 2 with the understanding that the bid packages would have the original work as the basic

bid, with an addendum to include the additional work for the creek. Councilmember Merk seconded, and the motion carried 4-1 (Toben).

After discussion, Council agreed to hold a special meeting on March 4 at 7:30 p.m. to review the final project.

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

##### (6) Proposed Workshop on Green Design Standards

Councilmember Toben reviewed his memo of 2/7/08 on the proposed public workshop on green design standards. He said the workshop was scheduled for 4/5/08 from 9:00 a.m. to 12:00 p.m. at Corte Madera School. The San Mateo County Supervisors endorsed mandatory green design standards yesterday, so there was clearly more momentum. Additionally, he contacted five architects/designers in Town, and Clay Baker had confirmed his willingness to participate pro bono in the event to help small groups of residents get familiar with GreenPoint rating systems. There was also a donor who was prepared to fund most of the incidental costs for the event.

Councilmember Driscoll said one of the questions raised in the memo was whether the Town should take a more aggressive stance than some of the surrounding communities and the County. Personally, he was very proud that the Town had led on slope density, earthquake standards, etc. He would be happy to have a set of higher standards for the Town.

SallyAnn Reiss said there were a lot of standards out there, and they were not small. Before deciding what the standards should be, she felt the Council should get a Town-wide opinion on that. People were interested, but it should not be forced down their throats. Councilmember Toben said this was largely driven by the line in the sand the Town had drawn for itself. Stefan Unnasch would be giving a presentation on what steps would be necessary incrementally to actually achieve the AB 32 goals.

Ed Davis said there was often a knee-jerk reaction to big houses in terms of energy savings. PG&E said size of family was first, age of house was second, and size of house was seventh. The Yates house, for example, was a big house, but it was the sort of house the Town would endorse. He preferred an analytic approach--not a simplistic approach.

Councilmember Toben said another important element was the concept of choice. There was a very extensive menu of options that any homeowner could pick from in order to achieve the goals. It fostered creativity, synergies among the different items selected, etc. The possibilities were very exciting.

Responding to Councilmember Merk, Councilmember Toben confirmed that this would be a workshop similar to the charrettes with a goal of information and education. Councilmember Driscoll noted that the Planning Commission and ASCC would be taking this up as a policy matter. Councilmember Merk said the workshop would be an opportunity for them to get feedback ahead of time.

##### (7) Request for Placement of Bench on Old Spanish Trail

In addition to the staff report of 2/13/08, Mayor Derwin noted that Lynne Davis from the Trails Committee had submitted a memo (dated 2/10/08) as had Councilmember Toben (memo dated 2/11/08). Councilmember Merk noted that the Trails Committee endorsed Ms. Davis's memo.

Ms. Howard said the latest request for an honorary bench had been made by Bobbe Jordan, who was present. She noted that the Council had previously decided to consider requests for benches on a case-by-case basis.

Bobbe Jordan, formerly of 155 Crescent, said a large group of people wanted to dedicate a bench to Nancy Lund and locate it where Toyon Trail came into Old Spanish Trail. She said Mr. Young liked the plan and saw the picture. Responding to Councilmember Driscoll, she said Ms. Lund had contributed a lot to the community. Ms. Lund did not want to be recognized, and she didn't want people sending checks, etc. Ms. Jordon noted that she had accumulated enough checks to pay for the bench and install it. If it was approved, Ms. Lund wanted a small plaque to say "Nancy's Bench."

Councilmember Driscoll said the photo of the proposed bench was quite urban looking for a remote location. He would prefer to see a half log. Mayor Derwin added that Mr. Young had identified a redwood tree that he was taking down that could be turned into a bench.

Councilmember Toben said the Council needed to articulate the criteria for allowing benches. Suggested language was included in his memo. Councilmember Driscoll said the current policy was to evaluate the requests on a case-by-case basis for people who had made a significant contribution to the Town. He was okay with that as a policy.

Councilmember Merk said the policy indicated the person had to be loved, respected and deceased. Councilmember Toben said he was not aware of the policy, which was why he drafted the language in his memo. He felt his draft raised the bar. He agreed that the person honored should be deceased.

Councilmember Merk said the Trails Committee indicated that they had eight requests for benches in this same area. The Town owned 1-2 acres of land there, which was a park that the Ranch dedicated to the Town. The little meadow around the junction of those trails was Town property and was a park. Before this request was acted on, the current policy, recommendation from the Trails Committee and Councilmember Toben's memo all needed to be discussed. Mayor Derwin noted that the Trails Committee had asked for a "no benches" policy last December. Councilmember Wengert said the choice was "no benches" or a modification to the Town's policy similar to that suggested by Councilmember Toben. Councilmember Toben confirmed that his draft required a number of signatures and included some attributes that raised the bar.

Ed Davis said the Trails Committee had a list of people that might be honored—some of which had already been recognized by the Town. They did this to see how many benches could end up on the trails. There was a wide spectrum of individuals on that list. He agreed the policy should be reviewed, noting that the Committee would rather not have to get into this issue. Councilmember Merk added that the Committee felt benches were inappropriate for a "wilderness experience." Councilmember Driscoll said some of the trails in Town were virtually sidewalks. The location chosen for this bench was known for its remoteness.

Council agreed that the current policy should be upgraded before addressing this specific request. Councilmember Merk said he felt the Trails Committee should be involved in the policy. He noted that a number of requests had been received for a bench in the same location. That should also be addressed. It could be that one bench could add additional plaques. Councilmember Driscoll noted that there were natural places on the trails where a bench would be welcome. Ms. Jordan said there were not enough benches on the trails for older people or to have lunch. She described a favorite location where there were two benches where groups could have lunch.

After discussion, Councilmember Toben offered to blend the existing memorial policy into his draft for review by the Council at the next meeting. Responding to Councilmember Driscoll, he said he welcomed suggestions on how to develop the pros and cons on living honors versus posthumous recognition. Councilmembers agreed that after discussing the revised policy, it would be referred to the Trails Committee for a recommendation. Councilmember Driscoll acknowledged that Ms. Lund was a very deserving person, but that this was a policy decision.

(8) Appointment of Members to the Ad Hoc Committee for the Review of the Proposed Basement Ordinance

Councilmember Wengert referred to the list of prospective members and meeting dates for the ad-hoc basement ordinance committee. She said there had been a number of discussions to ensure that the group selected was balanced. She thanked Councilmember Toben for the information on the processes used for the dogs on trails and Sausal Creek issues. She said the committee would look at the history of the ordinance and quickly move to the discussion on what the ordinance should accomplish, etc. She said there was no predetermined outcome, and a report would come back to the Council.

Responding to Councilmember Merk, Mayor Derwin confirmed that the prospective member who used a commercial address was a resident of the Town.

Mayor Derwin appointed the members on the list dated 2/12/08 to the ad-hoc basement review committee. By motion and second, Council unanimously concurred.

Responding to Ms. Howard, Councilmember Wengert said she worked with Ms. Lambert to come up with a budget for the Town Planner of \$5,000 for his work summarizing the history of the ordinance, etc. Town Planner Mader felt the figure would be closer to \$5,800. By motion and second, Council authorized an amount not to exceed \$5,800 by a vote of 5-0.

(9) Status of Town Center Project

Ms. Howard said work on the backstop for the softball field continued; the infield material had been delivered, and the field should be ready for the opening day of the baseball season in April. The playground was closed this week and next for installation of the new boots. The Town Hall was being framed. The roofing and framing was being done on the library. The plumbing was going in and the roof was on the community hall. There had been several meetings with all the different groups, including the Friends of the Library, to select the furnishings for the library.

(10) Reports from Commission and Committee Liaisons

(a) Nature and Science Committee

Councilmember Toben said the Committee had not yet come to terms with the possibility that there would be some limitations on the amount of material they would be able to store. Ms. Tryce had indicated there had been a lot of things donated over the years. While she could not be expected to cart away all of the material she used every day, there needed to be some middle ground so that other users weren't impeded with what they were trying to use the space for.

(b) Parks and Rec Committee

Councilmember Toben said most of the last meeting two weeks ago was devoted to the review of the RFP for assessing the pros and cons of natural/native grass and synthetic surfaces for playing fields. Ms. McDougall added that the RFP would be on the next Council agenda. Councilmember Toben said Neil McKinnon stepped down from being Chair of the Committee. During the last three years, he had done an extraordinary job managing a committee where there were often issues of great importance to members of the community that were often controversial. Councilmember Driscoll said he completely agreed that Mr. McKinnon had done a great job as the Chair.

(c) Airport Roundtable

Councilmember Toben said the Roundtable was supposed to address assessing noise over the VOR, but the NASA representative was unable to attend. Councilmembers discussed increased air traffic.

(d) Trails Committee

Councilmember Merk said the Committee approved a redlined plan for the C-1 trail. There were still a couple of issues, including barbed wire along the fences. The Stanford attorney who had been working on the issue retired or moved, and the new attorney had come back with a number of legal issues. The essence of the trail was pretty well nailed down, and the Committee was happy with it. Additionally, one person on the Committee had picked up about 8 pounds of material left on the trails from Geocaching, a treasure hunting game for GPS users. The Committee also chose new officers. They wanted the Council to reiterate to committees the policy about serving for a limit of two-years as Chair. The members felt it was important that the Chairs rotate so that the experience of being Chair moved from person to person.

Regarding the issues of benches and signage, Councilmember Merk said the Committee was very unhappy with the Council's decisions. They felt: 1) the items had been brought to the Council without the Committee knowing; 2) they had been cut off from being present and being able to comment; and 3) the reasons for the Council's decisions had not been communicated back to them. One member commented that the Committee had a body of knowledge that the Council did not understand. With respect to replacing the vandalized signs, Councilmember Merk said he told the Committee that the Council felt that not replacing the signs was surrendering to the vandals. The Committee felt it was money thrown away and that the signs would have to get bigger, heavier and more urban looking. Ms. Howard noted that she telephoned the Committee Chair the day after the Council meeting to inform her of the Council's decisions.

(e) Community Events Committee

Councilmember Merk said there was no quorum. There was still a question about the new members. He thought Council appointed at least two of the three new members in January. Ms. Howard said the Council requested the names be removed so the vacancies could be noticed. There were no further applicants, and the appointments could be agendized for the next meeting.

(f) Traffic Committee

Councilmember Merk said there was no quorum.

(g) Planning Commission

Councilmember Merk said the Commission discussed the Douglasses' sewer connection. There had been an update, and it was continued to the next meeting. The Commission also set the amended non-conforming use provisions for public hearing. There was also quite a lot of discussion about the fire hazard mapping. The State had come out with a map and posted it on their website. The Town was doing its own mapping. Some people were very concerned about their fire insurance. Woodside Fire Protection District had apparently made some recommendations to the State. The State was supposed to have held a public hearing about the map, but they had not. Councilmember Driscoll noted that the Mayor signed a letter that was sent to the State about this issue and the process the State had followed, which did not include the Town. There was a possibility that the Town's map would be tougher than the State's. Councilmember Merk said he understood that the Cal Fire map showed areas of high fire hazard but not very high fire hazard. The Woodside Fire Protection District map showed a large portion of the Ranch as very high fire hazard. Councilmember Driscoll said the draft Cal Fire map posted on line had no very high hazard areas. Councilmember Merk said the Town Planner mentioned that the insurance companies used maps based on their own research, which were much better maps.



(h) Library JPA

Mayor Derwin said the JPA discussed their reserves, which were large. They elected a new Chair and Vice Chair. Also, Brisbane received a grant for digitizing historical photos; she would pass that info to Ms. Lund.

(i) Newsletter

Mayor Derwin said she and Ms. Howard met with Julia Dillingham and discussed the future of the newsletter. A postcard would be going out with a survey asking people how they wanted to receive communication. Residents would be able to drop them off at a number of locations in Town.

(j) Stanford C-1 Trail

Ed Davis said some of the outstanding legal issues on the C-1 trail had to do with indemnity. They decided to go back to the more conventional bid process where Stanford would bring the money, and the Town would bid and build the trail. This seemed to be the most expeditious way of solving a large number of legal problems. Additionally, part of the new agreement would involve a process for payments so that money expended by the Town Planner's office, etc., would be reimbursed as costs were incurred.

Councilmember Driscoll noted that Mr. Young could get the specs to the contractor, and the trail could be built to Town specs as opposed to Stanford specs. Responding to Councilmember Driscoll, Mr. Davis said Santa Clara County still had to agree to whatever was built. Mayor Derwin said it was hoped that the final package would come to the Town in late March or early April for approval.

WRITTEN COMMUNICATIONS

(11) Town Council 1/25/08 Weekly Digest

(a) Hearing on Draft Municipal Regional Stormwater Permit

Councilmember Merk suggested the Town Planner's office be asked to review this issue.

(b) Basements

Referring to the e-mail from Carole Grace of 1/22/08, Councilmember Toben suggested it be forwarded to the ad hoc committee.

(12) Town Council 2/1/08 Weekly Digest

(a) Prescription Drug Disposal

Responding to Councilmember Toben, Ms. McDougall referred to her memo on what was proposed, and confirmed that residents would be able to drive up and drop expired prescription drugs and other medication in a bin during the clean-up day. Responding to Councilmember Toben, she suggested asking *The Almanac* to run an in-depth article on the effects of improper disposal of drugs. Councilmember Toben felt it should also go out in the Post and be on the website.

(b) Town Vehicle Accident

Responding to Councilmember Driscoll's question about the accident discussed in her memo of 1/31/08,

Ms. McDougall said the person that caused the accident had not been caught. They had a description of the vehicle but no license number.

(13) Town Council 2/8/08 Weekly Digest

(a) Stanford Soil Disposition Project

Referring to the Committee for Green Foothills letter of 1/23/08 on the project, Councilmember Driscoll noted that the Town Planner wrote a letter about the project. Ms. Roberts's letter was very similar.

(b) Sheriff's Office Crime Activity Report

Responding to Councilmember Driscoll, Ms. Howard said the surveillance camera that was stolen from Arroyo Trail was owned by the police and was valued at \$7,000. She said they asked the staff to put up a new sign, and the camera was installed so that it looked straight down. It was stolen very quickly.

ADJOURNMENT

The meeting adjourned at 12:15 a.m.

\_\_\_\_\_  
Mayor

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