

SPECIAL TOWN COUNCIL MEETING NO. 659, NOVEMBER 3, 2004

ROLL CALL

Mayor Comstock called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Driscoll, Merk and Toben, and Mayor G. Comstock
Absent: None
Others: Town Planner Mader, Town Administrator Howard, and Asst. Town Administrator Powell

ORAL COMMUNICATIONS

SallyAnn Reiss, Golden Oak Drive, said the Town's holiday party would be held on December 10, 2004.

PRESENTATION

(1) Final Conceptual Master Plan

Larry Strain summarized the history of the Town Center project as set forth on the Project History handout. Using slides, he discussed: 1) the Town Center mission statement and goals; 2) the existing site coverage; 3) proposed layout; 4) conceptual master plan process; and 5) preservation of views. He reviewed the conceptual cost plan, which was broken out into four groups/phases. Responding to questions, he said the costs were shown in today's dollars. The figure used for construction was \$335/sf for the buildings, which would be high for some of the buildings and low for others. Jim Goring added that the assumption was that construction would start in approximately 18 months from now. Mr. Strain added that design features (e.g., enclosed outdoor spaces, porches, pergolas, etc.) were included in the costs; \$13 million was for construction and just under \$16 million included everything else. Soft costs included professional fees, independent testing, project changes, and other contingencies. He said the cost document would be available in hard copy very soon.

Responding to Virginia Bacon, Mr. Strain said the catering kitchen was included in the estimate, but things like the tables and chairs would be re-used. Mr. Goring said the cost estimate included the complete buildings but not fixtures, furnishings and equipment. If the Town planned on buying everything new, the figure would be from 1% to 4% of the building cost. Councilmember Toben added that the San Mateo Library JPA had just approved a policy that would provide \$140,000 worth of furnishings for a new library for Portola Valley. Responding to a resident, Mr. Strain said decisions about phasing and budgeting had not been made at this point. Some suggestions for a schedule would be presented later.

With respect to sustainable strategies, Mr. Strain discussed: 1) integrating the native habitat into the site; 2) permeable surfaces; 3) rainwater collection; 4) reducing heating and cooling loads; 5) salvage beams; 6) durability of materials; 7) daylight and shadows; and 8) ways of conserving water, energy, and electricity. Using slides, he and Mr. Goring described: a) potential entries into the site, buffer areas, and safety issues; b) parking; c) circulation; d) recreation areas; e) maintenance facilities; f) trails and paths; g) views; h) the town plaza and sub-areas; i) redwood groves, trees to be removed, and proposed trees; j) the MUR, catering kitchen, storage and bathroom; and k) types of indoor/outdoor transitions.

Mr. Strain discussed the overall project schedule. The next phase was the financial feasibility and strategy development for the financing and phasing of the project. The Initial Study would also have to happen in the

next phase, which would last 5 months. Schematic design should also occur before the Initial Study. The design phase would include presentation, feedback, and re-drawing.

Responding to Susan Buckley, Granada Ct., Mayor Comstock said the Council needed something more concrete in terms of visuals with some idea about what the costs might be before looking into where the

money would come from. When the Council accepted the conceptual master plan, phasing would be looked at along with financial resources. Mr. Goring noted that the cost projections were probably quite accurate.

Responding to a resident, Mr. Strain said the whole Town Hall would be seismically at the level of the emergency operations center (EOC). He discussed emergency access to the EOC and the site, noting that that issue would be covered in the Initial Study. Responding to Kevin Webster, Westridge, Mr. Goring discussed access points/easements considered during this process.

Responding to Marty MacKowski, Los Charros, Mayor Comstock said the Council decided on February 9 that the reconstruction of the Town Center would take place on this site. This was simply an expression of how that worked out. The next step was to see if the money could be raised to do it. That would have a major effect on how the Town moved forward. Chairman Breon added that the Planning Commission routinely dealt with homes that cost in the range of \$5 million and sometimes in the range of \$10-\$15 million. This project would serve a much greater portion of the Town for the dollar than one person's home. Ms. Howard pointed out that any financing strategy that included a bond, assessment district, parcel tax, etc., would go to the voters.

Bob Brown, Westridge, read his letter to the Council dated 11/3/04 that listed 10 adverse impacts of the proposed plan. Stated impacts were 1) Concentration and aggravation of traffic on Portola Road. 2) Deterioration of visual aesthetics at the site resulting from the construction and concentration of two-story buildings. 3) Destruction and removal of mature trees and landscaping. 4) Massive cutting and filling in order to provide for new level playing fields. 5) Removal of historic school buildings, which comprise Portola Valley's first modern elementary school campus. 6) Disruption of the historic school site first used by Portola Valley students in the late 1800's. 7) Construction of new two-story buildings for public occupancy, dangerous, and impossible to be provided with emergency exits equivalent to those in the existing one-story buildings. 8) Depletion of the Town's financial resources including diversion of funds which should be used for maintenance of Town properties including streets, bridges, culverts, recreational facilities and trails. 9) Disruption of recreational and cultural use at the Town Center for an undetermined number of years. 10) Construction of new buildings for which the only vehicular access, and the gas and water supply lines will have to cross the only part of the Town Center site known to have moved substantially in the 1906 earthquake. Because of the impacts, he said the Town Council should prepare a complete EIR before proceeding with any further plans.

Responding to Mayor Comstock, Mr. Strain described the renderings on display, noting that the buildings had not yet been designed. He said the intent of the drawings was to show some of the indoor/outdoor concepts, shading, etc. Responding to Pierre Fischer, Valley Oak, he said all of the utilities on the property would be undergrounded; undergrounding of power lines on Portola Road was not part of this project although there was interest in doing that.

Susan Buckley wanted to ensure that there would be enough contingency money left over to take care of things like fallen power lines after an earthquake. Ms. Howard said if the Town had to rebuild after an earthquake, FEMA would be asked for assistance. For upper Alpine, \$3 million had been borrowed for a period of one year to fill in the gaps in reimbursement. Responding to Mayor Comstock, she confirmed that the total cost of upper Alpine was \$10,000,000 and that the Town paid less than 2%. Mr. Goring added that

if

there was a significant earthquake and the buildings had been moved off of the fault, it was less likely those buildings would have to be rebuilt.

Responding to Ms. Bacon, Mayor Comstock said how Springdown could be used was fairly complicated. The funds used to acquire the parcel the Town now owned and the funds that would be used if the Town went forward with the option to acquire the second parcel had significant restrictions regarding open space. Councilmember Driscoll added that the land had been leased back to the Springdown owners for an extended period of time; in the future, it would be in the open space coffers of the Town, but it was not now. Ms. Bacon said it should be part of the master plan. Susi Marzuola, design team, said the notion of the open

space continuing across in character with paths and passive recreation activities was within the grasp of this conceptual plan. It was also important to remember that there was a 60' utilities and access easement that ran down Springdown Lane.

Bob Brown discussed this morning's meeting of the Geologic Safety Committee. Having spent close to $\frac{3}{4}$ of \$1 million on the site and the proposed master plan, he felt the Town should spend a couple thousand dollars and hire a couple of structural engineers to evaluate the existing buildings and the retrofitting concurrently while the environmental studies were going on for the new site. The people in Portola Valley should know what the alternatives were for using the existing buildings. Councilmember Driscoll added that the author of the letter that was mailed to all of the Town residents attended this morning's Geologic Safety Committee meeting. Prof. James Cheney was given an opportunity to present his thoughts and also get a briefing on the geologic work that had been done on the site. About 50 people attended the meeting, which lasted for about 2.5 hours.

Barry Blocker, Golden Hills, said he attended the Geologic Safety Committee meeting this morning and learned a lot about the Town Center site from a geological point of view. He felt there was a communications gap among some people as to what had been done, whether it was useful to retrofit, what the cost would be, etc. The proposed plan might or might not be the right decision, but many people felt that the Council was moving at a rate that left behind some of the residents. He asked Councilmember Driscoll to comment. Responding, Councilmember Driscoll reviewed the Town's study of the Town Center issue since 1996, the Alquist-Priolo Act, the Town's regulations, previous estimates of upgrading the existing buildings, etc. Councilmember Davis discussed the original intent to renovate the existing buildings, the condition of the buildings, ADA compliance, recent trenching, cost to renovate and modernize versus building new, the numerous committee meetings to evaluate other sites, and the conceptual master plan process.

Kirke Comstock, Coalmine View, discussed the charrette process. He said what had resulted was a terrific arrangement of the property. He liked the spirit of what was proposed and was very pleased that the buildings would be energy efficient, took account of the scenic corridor and views, etc. To the Councilmembers, he said it was time to move on. The money issue would present itself and be dealt with in time, and the geologic issues had been handled in a responsible manner.

Alan Buckley, Granada Ct., said there were about 50 people at the Geologic Safety Committee meeting this morning. The group was overwhelmingly in favor of the present Town Center and against the new Town Center. He felt there should be a vote on what the residents wanted.

Bill Lane, Westridge, said part of the communication gap was that a number of people in the community had come to this issue late in the game. Long before the Town incorporated, there was concern about earthquakes, and he had paid for the first earthquake study. The Town was incorporated based on a

number of things; one was the slope/density ordinance. That had been established because of drainage and the potential for landslides on the hills. The County had 1-acre zoning. Many people in Town realized it would be

more feasible and safer to build on larger sites. A large percentage of the Town was still not developed. Fortunately, a good deal of that space was preserved as open space. Additionally, he did not feel that the group this morning was a balanced representation of the Town. It brought out a number of people who were very supportive of the letter that went to the community. It was interesting to learn at this morning's meeting that the few cities that were located on the San Andreas Fault had abandoned their town centers/halls on the fault and moved to a far safer area.

Responding to Mr. Lane, Town Planner Mader said the Alquist-Priolo Act showed a zone of faulting through Portola Valley and a number of parts of California. Within that zone, you could not build structures for human occupancy within 50' of an active fault. If there was a building there already, you were restricted to upgrading it to a cost that was no greater than 50% of the structures current value. If the building was destroyed in an earthquake, the Act would not allow it to be rebuilt there because you could not build within 50' of an active fault. The structures at Town Center all fell within that category. They would have to be built at another location.

Sally Ann Reiss said a number of people were working on the finances. She urged people to become involved in making the project happen.

Ed Wells, Naranja Way, said he was a civil engineer and had been involved with financing public works projects. He thanked the Lanes for their generous contribution. Secondly, he thanked the people who served on the various committees involved with this project. He also appreciated Prof. Cheney's letter and those who turned out for this morning's meeting and/or wrote letters to the Town. He reviewed his handout dated 11/3/04 on "Town Center Financing To Date." He said the estimated project costs were at choke point. The only information presented on financing was inaccurate and misleading. The Council said the financing would be "Pay As You Go," with utility users' tax revenues and contributions, and that there would be no public financing. The utility users' tax was in place, and it could be reauthorized under its current format every four years; it was public financing. He wanted to convince the Council that there would be several elections before this project was filled out to authorize financing and to consider continuation of the utility users' tax. He thought the Town ought to step back and take a look at what had been rejected. First, the possible development of a building-by-building phasing system had been rejected. The second thing that was rejected was the possibility that you should move one or more of these buildings to safer ground, which might help the financing of the overall project let alone expand and advance further use of this land. Another thing rejected was the acquisition of land. It might be possible to build the corporation yard/Town Hall at Nathhorst. Also rejected was to bring in a structural engineer to see what could be done to strengthen the buildings for five years while the first phase was finished. Hiring an appraiser had also been rejected; an appraiser could give a crystal clear idea of what the market value of the properties at Nathhorst and elsewhere were. It would be a tough row to hoe when you had to go out and hold elections, bring the community back, and get their support behind a unified plan.

Councilmember Davis said the Town Council had never agreed to any of these projects in the sense of a financial number. What those numbers might be was being developed. No dollars had been approved for construction or moving forward. Dollars had been approved for design, master plan, geological work and consultants. To say that the Council had agreed to those numbers was a misunderstanding of the public process the Town was going through. Secondly, people had looked at the alternatives and came to the conclusion that spending another \$3-4 million for land was probably a bad move. The group had agreed not to pursue the purchase of land at, for example, Nathhorst for a number of reasons. That was on record. Responding, Mr. Wells reiterated that: 1) the Council needed to stop and take a look at what had been

rejected; 2) a structural engineer should have been hired to look at the existing buildings; 3) construction elsewhere should have been considered; and 4) an appraiser should have been employed to look at the values of land.

Jon Silver, Portola Road, said the buildings were not valuable. He felt what was proposed would be a real asset to the community. He was also struck that some people were just coming into the process. He felt hiring structural engineers to come in and look at what would need to be done to withstand a 1906 earthquake would be throwing out money. There was no reason to study what was virtually impossible. He discussed how the ground could shift and the economics of trying to design to mitigate that. If you wanted a better library, classrooms for children, etc., it would cost a certain amount of money. The cost of not doing it could be even greater—including injury to citizens. To characterize it as dismissing other options out of hand was unfair. The letter that claimed that these buildings could be safety retrofitted bordered on malpractice.

Merijane Lee, Meadowwood Dr., said she had been part of the charrette and supported recreational opportunities. It was disappointing that for \$15 million, there would be the same baseball field, which the baseball community said was too small. She also thought the soccer field would have to be shorter with the building that was going to be put behind it. Additionally, the project would cost about \$8,000/household for a better library and safer classrooms. Based on the attendance at the meeting this morning, it was obvious that a lot of people in Town didn't want to pay that kind of money for that kind of safety. This site was very restricted in its uses with faults going through two-thirds. The same functionality was being put into the one-

third that was safe. It didn't make sense. She also didn't understand why the disaster office would be put at the back of the property with the most difficult access. If there was a 3' shift, phone lines, electricity, and water would be lost to that disaster preparedness center. She wanted the Council to revisit some of the restrictions. She and the recreation committee wanted some improvements—bigger fields, more classrooms. Some things were being added but not enough for \$15 million.

Bernie Bayuk, Paloma Rd., said the controversy on whether to build a new Town Center was over a fear of the cost. Bob Brown had asked that the Council authorize a credible estimate of what it would cost to make the existing buildings seismic-proof. The estimate might indicate that the buildings could be made seismically proofed for \$5 million. If the Council could show residents how much more they would be getting for the additional expense, he did not think that the controversy would last. In the five months during which an environmental impact study was conducted, he thought a little more money should be spent to get a credible estimate of what it would cost to make the existing buildings seismic proof. Responding to Art Graham, he said "seismic proof" meant compliance with the laws and code and that no deaths would occur in the building.

Pierre Fischer said not much had changed on the master plan in the recent months. A concern he had expressed before was that a second entrance/exit was needed. Responding, Mr. Strain said it was one of the questions that had to be answered in the EIR. It might be a condition of the EIR that that be provided. Councilmember Driscoll noted that negotiations were on-going with the church.

Sheldon Breiner, Buckeye, said he did not think the attendees at this morning's meeting represented a cross section of the Town. They were there because of the letter that had been sent out. He thanked Prof. Cheney for showing up. It had been a good opportunity for the Town to understand, as fully as possible, the geologic setting of this site. Additionally, he said there had been a lot of discussion about conducting an engineering study to make seismic-proof building. That also had to include making the buildings ADA compliant and bringing the buildings up to code. His assumption was that the cost to do all this would exceed 50% of the value of the buildings here now. These buildings were way out of date at 50 years old. They had served their purpose and had a limited life. Many more things were needed at this site, and the

Town had grown considerably. Many people had participated in this process and had expressed all kinds of desires, and a lot of them had been handled. If the Town did all of these things, he felt the increase in cost would be more than 50% of the estimated value of these structures. If that was true, he asked if the Alquist-Priolo Act would permit it. Responding, Town Planner Mader confirmed that it would be inconsistent with the Act. The Town

was free to take actions and others could file suits that it was inconsistent with the State law. There might also be liability and insurance questions. Councilmember Davis added that the Town would also be breaking its own ordinances.

Bob Brown repeated his request to hire a structural engineer.

Virginia Bacon discussed her work on this issue and the charrette process. She felt what was proposed was basically the same plan as the one that existed when the Town Center Citizens Advisory Committee was formed (i.e., multiple buildings on one spot). Now, there were two-story buildings which required elevators. Another issue was the fact that this was not being looked at as a master plan for the needs of the community. It was being looked at as a master plan for the needs of this particular site. She thought that the total needs and total property that the Town owned needed to be considered. The Mayor once told her that the Town owned 7.6 acres at Ford Park. The Town bought the property for \$90,000, and there were no restrictive covenants. She thought some of the options should be looked at like trying to make this site more park-like and putting in fewer improvements. She was concerned about the safety and access. People had been forced into this process which came out with the same results that Carter Warr had with the buildings all being in one corner of the site. The Town had been living with and ignoring the risk; more time should be taken to find out what the value was of some of the other properties the Town might acquire and how that could be done. The Town staff was now in safe quarters. By putting all of the eggs in one basket, some of the choices had been eliminated. She thought there should be a master plan for the Town's lands. The master plan was too constrained. The needs of the community in totality needed to be looked at and how

those needs could be addressed. While the existing buildings needed to be replaced, she wasn't sure that this was the way to go about it. A master plan for the whole Town was needed to see if, for example, more land should be acquired.

Arthur Graham, Westridge, said he felt this same conversation had been held in 1976, 1977, and so on to 2004. He admired the Council's patience. But, the Town was right back where it was 30 years ago. Many of the questions being asked had been answered by the city. He suggested people study the USGS records of what had been done in the Bay Area in the last 20-30 years. There had been a tremendous amount of progress done on earthquake prediction and assessment. Referring to a summary report on the USGS website, he said a major quake would likely strike between 2000 and 2030. There was a 70% chance of a 6.7 or greater quake causing widespread damage before 2030. He said the damage done in an earthquake rupture zone was extensive and severe, which the photos at the USGS website illustrated. He read his letter to the Council dated 10/21/04 in response to Bob Brown's letter. Also, he questioned how the Town intended to raise \$15 million, noting that construction costs were rapidly inflating. As set forth in his letter, he read his suggested procedure to find out from residents what they really wanted and were willing to pay for.

Sue Chaput said she had learned from Nancy Lund's book that Haliday actually gave the Village Square to the Town for a Town Center. During one of the Town Center Committee meetings, people were beginning to look at that. Additionally, the Oakland Coliseum was directly on the Hayward Fault, and they weren't too worried about that. She said the Committee had not gone through everything at Town Center and all of the dynamics because they ran out of time. She had also wanted all of the Councilmembers to come to all of the meetings. At the time, only two came to the meetings, and the Council might not have had the full advantage of knowing the things that were said and done. Many of the recommendations made were

rejected. She thanked the architects. She noted that there were about 40 people on that Sunday charrette. There were three people who did not want to put the Town Hall on the plan. The design team had asked them nicely to go along with it. Not everyone's plan or wishes had been heard. She asked what would happen if a new Town Council didn't want to go forward with the \$15-20 million project after the Town Hall and half of the library was built. *[Inaudible.]* With respect to the design, she wanted the people in the library to have this

wonderful, open-door, patio-ed, beautiful space to sit out and read and enjoy. What was proposed was a Town Hall close to the redwoods that was closed from 1-3 and on weekends, with cars and car windows shining in the sun. People who needed close access could have some permit on their car; the rest could walk. Huge contractor trucks would be coming to Town Hall.

Nancy Vian, Sunhill, said putting even \$5 million into buildings that had a strong possibility of falling down was pound foolish. She hoped the Council would not make that decision. She was very opposed to seeing good funds put into bad buildings. She thought the design process the Town went through was extraordinarily thorough. It was time to move on. The Town now had the possibility of developing a Town Center that would be a real asset to the community and enhance the quality of life. She did not want to step back from this 10-year process.

Linda Weil said she worked with the design team and the Council in designing the public participation aspect of the process. According to her records, there were 186 different individuals who participated in the four charrette sessions, which was 10% of the households.

Mayor Comstock closed the public discussion.

Councilmember Driscoll said the Town would not have the master plan document until Friday; acceptance would have to be deferred to a subsequent meeting. However, a number of the speakers indicated that it was time to move on. Each day, the clock kept ticking on a potential earthquake danger. To those who were entering the process late and to the concerns expressed about the Council skipping over an important consideration in the existing buildings, he felt it was important for the record that the Council overtly come to some of the conclusions that the Councilmembers had reached. The first issue was the legal issue and whether the buildings could be upgraded legally. He suggested a document be produced by the Town Attorney and Town Planner that addressed the Alquist Priolo Act--both on the legality of the issue and the

meaning of phrases like "value of the structure." He also thought the Town could get a first order estimate of what the value of the structure actually was. Subsequent to that, if that memo determined that there was some mechanism by which the Town could upgrade those buildings, he thought a structural engineer should be engaged to look at the buildings and provide a rough cost estimate. He suggested engaging Degenkolb since they were the ones who wrote the initial analysis. He thought those steps should be taken in parallel with the review of the master plan document. Councilmember Merk added that it needed to be clarified whether 50% of the value meant 50% of all of the buildings or each individual building. Councilmember Driscoll said there were other issues such as upgrading buildings in violation of State law. If the Town was taking on great liability, it was imprudent to do it. In terms of valuing the structure, Town Planner Mader thought some additional assistance would be needed. Mayor Comstock said there were also questions of whether value meant fair market value; if so, what kind of fair market value (e.g., purchase, rent, cost of replacement, etc.) Councilmember Driscoll suggested that if the law permitted upgrading, an appraiser could be engaged. The first step was to see if it was legal as soon as possible. Town Planner Mader said he would speak to the Town Attorney.

On the master plan presented, Councilmember Toben said he was very excited about the proposal which

provided an opportunity to create a new amenity for today's generation and for generations to come. He believed that when this conception of the master plan was realized, it would give value to every single house in the community. By his estimate, this was his 75th meeting involving the Town Center project. He felt he had received a thorough education on the options available and difficult tradeoffs and that there had been an attempt to address all members of the community. There was immense possibility in the conception the design team had put together. He was strongly behind the plan.

Councilmember Driscoll said he was proud of the process. He liked the plan very much and thought it would be a great Town Center. He was somewhat concerned about the bulk of the library and some of the two-story aspects, but he understood some of the tradeoffs being made. He reiterated that he wanted to keep parked cars out of the meadow.

Councilmember Merk agreed with Councilmembers' comments. He thought this was a pretty good plan. He was also concerned about bulk and that the site was over-used. He would like a little bit less of everything. He also thought some of the parking could be relocated to where some of the game courts were. He also didn't see why the design was being constrained for the 20 feet of creek, which came out of one pipe and went back into another one—particularly when there was discussion about taking another 200-300 feet of the creek out of the pipe and restoring it to a natural channel. He felt the additional entrance was essential and hoped there could be an amicable agreement with the church about the use of that small parking lot. His biggest concern was where the money would come from. The Town had enough money to build a new administration building and corporation yard. That was less than a third of the cost projected. He was concerned that this beautiful thing was being planned without anyone looking at the funding.

Councilmember Davis said his initial reaction was also very positive about the plan. He was looking forward to seeing the actual document. He concurred with Councilmembers Merk and Driscoll in that he was concerned about the money. Once the project started, there would be disruption of a lot of services (e.g., playing fields, etc.). The phasing/building plans would be important. He also had expected to see some alternatives in the master plan.

Mayor Comstock said the design team had done a fine job for the Town under challenging circumstances. He was excited about the prospect of getting the safety issue resolved. He thought the Town would have something to be proud of. The next phase was to get hold of the financing question.

Mr. Strain said he would look into whether the final master plan could be put on the website; it was a complex document.

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

Mayor

Town Clerk