

TOWN COUNCIL MEETING NO. 656, SEPTEMBER 22, 2004

ROLL CALL

Mayor Comstock called the meeting to order at 8:01 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, Asst. Planner Schiller, Town Attorney Sloan, Town Administrator Howard, Public Works Director Young, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Bill Lane commended the Community Events Committee for the fantastic Blues and BBQ event. He recommended a Resolution be prepared to thank the Committee and volunteers. An article might also be included in the next newsletter.

(1) PRESENTATION: Recognition of Stacie Nerdahl's 5-Year Anniversary

Ms. Howard described Stacie Nerdahl's responsibilities as an Administrative Services Officer and how they had increased during the past five years; she said Ms. Nerdahl had made an enormous contribution. Mayor Comstock presented Ms. Nerdahl with her 5-year service award. Ms. Nerdahl described her work with the Town, volunteer work, and the work environment in Town.

(2) PRESENTATION: Recognition of Skip Struthers's 20-Year Anniversary

Ms. Howard commended Skip Struthers service to the Town as the Maintenance Coordinator for 20 years. Mr. Young discussed the wide range of tasks that Mr. Struthers performed. He thanked Mr. Struthers for his dedication to the Town, assistance, and hard work. Mayor Comstock presented Mr. Struthers with his 20-year service award. Mr. Struthers thanked the Town for the opportunity to serve the Town and the people in it.

CONSENT AGENDA

By motion of Councilmember Driscoll, seconded by Councilmember Davis, the consent agenda item listed below was approved by a vote of 5-0:

- (3) Resolution No. 2140-2004 Approving and Authorizing Execution of First Amendment to Agreement Between the Town and Townsend Management, Inc. [construction inspection], per Dir. of Admin Services memo of 9/9/04.

REGULAR AGENDA

- (4) Minutes of Special Town Council Meeting of September 8, 2004 (Removed from Consent Agenda)

Councilmember Merk submitted a change to the minutes of the special Council meeting on September 8,

2004. By motion of Councilmember Merk, seconded by Councilmember Davis, the minutes were approved as amended by a vote of 5-0.

(5) Warrant List of September 22, 2004 (Removed from Consent Agenda)

As a payee, Councilmember Toben said he would abstain from the vote on the Warrant List of September 22, 2004.

By motion of Councilmember Driscoll, seconded by Councilmember Davis, the Warrant List of September 22, 2004, in the amount of \$210,245.60 was approved with the following roll call vote:

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

(6) Install Stop Sign on Cervantes Road

Wil Patterson, Co-Chair Traffic Committee, used a diagram to discuss the recommendation of the Traffic Committee to install an additional three-way stop sign on Cervantes at the north end of Shawnee. Ms. Howard noted that correspondence had also been received from Andy Waddell and Marcia Keimer.

Responding to Councilmember Driscoll, Chris Buja said the Committee looked at putting in a crosswalk across Cervantes at north Shawnee. He noted that Mr. Young felt putting a crosswalk at the base of the hill was not a good idea--even if buffered by stop signs. Councilmember Driscoll said the crosswalk seemed to be separated from the stop signs at this location. He was concerned that someone walking across would see a stop sign next to them and assume the traffic in the other direction would stop as well. The trail easement was also on the west side Cervantes; he thought there might be room for a trail easement on the east side of Cervantes from Meadowood to Shawnee Pass. The crosswalk could be moved up the street. Mr. Buja said there had been a number of meetings and discussions with residents on this. Using the diagram he discussed sight lines and pedestrian traffic on Meadowood.

Mr. Young reviewed the staff report of 9/9/04 and discussed the reasons why staff did not support the Committee's recommendation. He added that a crosswalk could not be installed that did not meet the stopping sight distance requirements for a car travelling over the hill. Because traffic warrants for the proposed stop sign were not met for that intersection, if someone was injured in a crosswalk, the Town would be responsible. He confirmed that the same was true for the stop sign that currently existed at Shawnee and Cervantes going southbound. He felt the real issue was why was the stop sign being installed. If the stop sign was being installed for pedestrians, the State warrants were not met. Councilmember Driscoll noted that the State warrants for stop signs were not met on Cervantes at all. The Town would need to make its own standards.

Merijane Lee, Meadowood Dr., reviewed her letter of 9/16/04 in support of retaining the stop sign at Meadowood and Cervantes and not adding an additional sign. She also thought people should be more clearly informed that the Committee's recommendation was to add an additional stop sign.

Kathy Waddell, Cervantes, opposed the installation of the additional stop sign. She suggested Councilmembers observe the intersection. There were six stop signs on Cervantes between Fawn and Shawnee Pass north; none of them would prevent an accident. Putting an additional one in might actually create a false pretense of adding safety. There was no crosswalk there, but children didn't know whether

there was a crosswalk there or not; they only saw that there was a stop sign. This was a rural area, and

there were plenty of studies to prove that there were not a lot of pedestrians at that particular intersection throughout the day. There was only a 20-minute period in the morning when it was very busy. There should be a stop sign put in front of the Priory before there was one at this intersection. Responding to Ms. Waddell, Mr. Young said he counted two pedestrians during school hours when he was there; one was accompanied by an adult.

Andy Waddell, Cervantes, reviewed his e-mail of 9/21/04 opposing the additional stop sign. Additionally, adding the stop sign would mean removing the stanchions, which he felt had been very effective. Corner cutting was a big problem; with the stanchions, you had to really slow down to make it around the corner. There were very few children who crossed in the crosswalk.

Eva Gal, Ormondale School Principal, said the School was considering the possibility of a "Walk to School" day once a week or once a month. She had indicated that she would not encourage anyone to walk to school or ride a bicycle because Cervantes was extremely unsafe. Installing the proposed stop sign was one more reminder for people to slow down. She was not sure whether the stanchions did that sufficiently. A stop sign was more visible. Until that street became safer, the traffic would keep increasing around Ormondale. She also wanted to maintain the Meadowood crosswalk for children who might be going to Ormondale, the Priory, or Corte Madera. She confirmed for Councilmember Driscoll that she was not advocating a crosswalk at the new stop sign location.

Responding to a Janet Pieper, Meadowood, Councilmember Driscoll said the concern was that traffic turning off of Cervantes onto Shawnee Pass had to cross a crosswalk that went along Cervantes. Right now, there were only stanchions to slow the traffic down. The recommendation from the Committee was to remove the stanchions and add the stop sign on Cervantes.

Mr. Patterson added that the Committee had been working with the Trails Committee and Mr. Young to improve the existing trail system here. The objective of slowing traffic in the school zone area was to encourage more kids to bike and walk to school. He and Mr. Young had spent 8-9 a.m. one morning at the end of Georgia Lane when 16 cars showed up to drop off kids with bikes and backpacks. The children proceeded down the easement to the school. This was to be encouraged. The traffic needed to be slowed down and the school protected in order to allow more kids to safely walk and bike to school.

Ron Hennefarth, Cervantes, supported a three-way stop at the Cervantes/Shawnee intersection. He felt it was a health and safety issue. He had spoken with Caltrans civil engineers and BKF traffic engineers. They all said that a three-way stop was a safer situation. One of the Caltrans engineers felt this should be a priority because of the traffic going to the school. He disagreed with the stanchions. The issue was not corner cutting; that was an ancillary issue. The issue was the safety of children crossing here. Stanchions were a visual impediment; drivers looked at the stanchions rather than what was going on. Using the diagram, he described problems at the intersection. With respect to warrants for sight distance, he felt one of the stop signs met the warrants as did a BKF engineer. If you could not meet the warrant, you put advance warning signs up indicating there was a crosswalk, etc. He described where he thought a "School Crossing Ahead" sign should be placed and where he thought a crosswalk should be placed in relation to the path. AAA statistics showed that more kids were hurt or killed on their way to/from school than at other times. He described car speeds in the area, sight distances, stopping times, and other crosswalks in Town that were not protected by stop signs--many of which had sight distances a lot worse than in this area. If the stop sign was installed and there was no stop sign at Meadowood, he did not think anyone would advocate removing it and putting it in at Meadowood. Additionally, the school came in after the stop sign had been placed. There was no longer any bus transportation, and there was a lot more traffic in this area. This was

an issue of child safety. Town Center was being moved in the name of safety, and he hoped the children had the same consideration.

Jack Fleming, Meadowood, felt a lot of the information provided by Mr. Hennefarth was not correct. To the suggestion that the north side of Cervantes could be used by children, he said it was private property and there was no easement there; children would have to walk in the street. Additionally, the stop sign at Meadowood had been put in in 1963 after a child had been killed; that was after Ormondale was opened. He felt some of the facts just presented should be questioned. He noted that Mr. Young had indicated he saw only two children crossing during his inspection of the area; very few people walked to school. Most of his neighbors did not want this additional stop sign, which was overkill.

Mr. Buja said one of the reasons children didn't walk this area was that it was unsafe. The Committee felt putting in two stop signs would address the trails issue and provide safety for bikes, pedestrians and cars in an unclear intersection in terms of who had priority.

Stuart Oremland, Meadowood, supported retaining the stop sign at Meadowood; that was a steep hill coming down from Cervantes, and no one would want to see their kids walking across a street like that without a stop sign. There were six kids within a block of Meadowood between the ages of 14 and 20 who were either driving now or would start to drive. They were used to the stop sign being there. That stop sign had been put there for a reason and should not be moved.

Mr. Young added that this request was not new and had been studied before. Betty Irvine and Kevin Rohani had both indicated that the intersections should stay the same. Mr. Buja added that you could not install stop signs that only worked during school hours; that would make it much more complicated than anything out there.

Councilmember Toben said he appreciated the thoughtfulness and thoroughness of the Traffic Committee's work on this challenging problem; the maximum amount of public input and participation had been elicited. It was significant that out of all of that exchange, the Traffic Committee was unanimous in its recommendation that a new stop sign be added at the Shawnee/Cervantes intersection. He was persuaded by the recommendation that the stop sign at Meadowood should be retained. He was not, however, persuaded by staff's argument that an additional stop sign would not have a deterrent effect. Had there been a stop sign at the Shawnee/Cervantes intersection, it was plausible that the recent accident might have been averted or would not have been as significant as it was. Additionally, he was not impressed by data from a resident based on four days that indicated an incident might happen once every 5 years. That was enough of a risk to be of concern. He also agreed with the suggestion that one of the reasons why there wasn't more pedestrian and bicycle traffic was because the intersection was riskier than it ought to be. While this was not a perfect solution, it was a school zone. There was no more precious asset in the community than our small people. He strongly endorsed the recommendation of the Traffic Committee to add a stop sign at the intersection of Cervantes and Shawnee Pass.

Councilmember Davis said he spent two days last week watching the traffic to see how people behaved with the current pattern. It had been mentioned that the worst behavior was at the stop signs. He felt the stanchions worked and that the current system worked. He was concerned about adding another stop sign and felt it would not have much effect. He did not support the second stop sign.

Councilmember Merk agreed. What was there now appeared to be working. There was a problem, but it seemed that over time, the nature of that problem changed. He felt putting another stop sign there would make people less likely to stop at any of the stop signs because there were just too many of them. The problem was not with the intersection but with the people using the intersection--both the parents as well as

the children. If the parents were talking on the phone, drinking coffee, telling the children to sit down in the car, etc., that was not a very good model about responsibility on public streets. The issue here was the

people who were driving, not the intersection itself. He supported staff's position. He would, however, like to see the Sheriff patrolling more often during school opening and closing hours.

Councilmember Driscoll said at both of the public schools in Town, insufficient attention had been paid to traffic flow by the schools. As a result, the problem was pushed out into the streets. That said, he thought there were traffic laws that were reasonable and traffic laws that were coercive, such as lowering the speed limit to 35 mph on a straightway section of the road with no driveways and intersections. His inclination was to agree with Councilmembers Davis and Merk. He thought the situation at the present time was effective; the stanchions had had a big effect, and he felt putting in another stop sign was being coercive and not necessarily getting at the issue. He also thought the Town needed to invest more money in the trail easement on the side of Cervantes from Meadowood to Shawnee Pass so that a bicyclist was not encouraged to ride in the road and turn onto Shawnee pass. They should be encouraged to cross at the crosswalk and get on a good quality trail out of the road. He also supported the suggestion that the Sheriff be more visible. People were distractedly driving their children to school; that was where the risk was. Putting up additional stop signs and being coercive was not the right way to address it. He agreed there was no good solution here and that no one would be happy. Responding to Councilmember Toben, he felt people needed to slow down sufficiently to make a left turn at the stanchions; he did not think that making them stop would make it safer. He also opposed taking the stanchions down--even if another stop sign was put in. He was not convinced that the accident would not have happened there if there had been a stop sign.

Mayor Comstock said one accident in five years that resulted in a child being injured was a concern. But, he also was concerned about diluting the effect of the stop signs by having too many of them. There had been two suggestions, one from the Traffic Committee and one from a member of the Public, that represented active control means as opposed to passive control means. One was increased attention from the Sheriff who could ticket people for running the stop sign or driving around the stanchions in an unsafe manner.

Councilmember Toben said giving tickets worked when law enforcement could conceal itself; he was not aware that there was an easy way for a patrol car to conceal itself here. He did not think it would be a very effective solution. The Sheriff would also have to be there every day. Councilmember Merk suggested using a bicycle cop.

Mayor Comstock suggested using a crossing guard 20-30 minutes a day. Councilmember Driscoll said there was a lot of history around crossing guards. It had been determined from an insurance point of view that it was the schools' responsibility. He described the Town's history with crossing guards. Ms. Howard noted that the school had assumed responsibility for one crossing guard for the Priory.

Mr. Patterson confirmed that there had not been any discussion with the school about a crossing guard at that location. Additionally, the Committee had talked extensively with the Sheriff's Dept. about increasing patrols in the morning. There were limited resources in that area, and they had three schools to cover. Councilmember Driscoll agreed that enforcement was a big issue. He also thought that a crossing guard might be appropriate.

Councilmember Toben reiterated that he thought this intersection was unsafe and would be made safer for children crossing at Shawnee Pass with a stop sign. He also didn't want to lose sight of Eva Gal's point that this was an opportunity to encourage more frequent pedestrian and bicycle traffic at a time when the Town was taking some positions about good environmental practices. Getting children at a young age to

experience the enjoyment of walking to school or riding their bicycles could lead to a particular affinity for that kind of transportation. Ms. Gal had indicated she would not permit that because this intersection remained unsafe.

Councilmember Davis said he did not share her view even if he did share the objective. He did not feel the stanchions should be removed and substituted with a stop sign. An alternative he would consider was to move the stop sign from Meadowood over; he would still keep the stanchions.

After discussion, Councilmember Merk moved to: 1) take no action with respect to installing the stop sign; 2) direct the Traffic Committee to explore use of a traffic guard; and 3) direct the Town Engineer to inspect and improve the trail on Cervantes between Meadowood and Shawnee Pass to encourage bicycle and pedestrian use. Councilmember Driscoll seconded, and the motion carried 4-1 (Toben).

(7) Proposed Fence Regulations and Guidelines

Town Planner Mader referred to the staff report of 9/13/04 on the recommended fence regulations and policies. Councilmember Driscoll said he had read the material carefully and supported the recommendations. Councilmember Toben concurred.

With respect to the wire mesh issue, Councilmember Davis said there didn't seem to be much agreement. Town Planner Mader said the Planning Commission had asked the Conservation Committee for a recommendation. Their recommendation was that 6" x 6" mesh was acceptable on horse fences and would not impact wildlife movement. The Commission had not heard that recommendation. Ms. Schiller noted that this was the only item that had been referred to the Conservation Committee; the Planning Commission wanted the Council to make a decision. Town Planner Mader said the feeling was that wire mesh on a horse fence could contain a dog, for example, and eliminate the need for a second, domestic fence at the building setback. Councilmember Davis said he would rather see wire mesh on a horse fence than an additional fence. In Westridge, many horse fences had wire mesh, and it was generally difficult to see. Councilmembers discussed animals that could and could not be deterred by a 4' fence.

Councilmember Merk said he favored allowing the 6" x 6" mesh; it would become essentially invisible when the wire rusted. It would also give people the feeling that their pets were contained. Additionally, he did not want to promote domestic fences. Responding to Councilmember Merk, Ms. Howard said staff agreed it would be fairly labor intensive to issue permits and do the required inspections and follow-up of complaints. Staff also recommended that when the ordinance was adopted, a fee schedule also be adopted. She said Ms. Lambert was putting together some information on what an average permit might entail in terms of staff time.

Councilmember Merk said he thought there would be questions about whether something was 50% of, for example, value. He thought staff would be forced to make a lot of judgement calls. With respect to fence and vegetation heights at corners and driveways, he said there were a lot of places in Town where established plantings precluded the kind of restrictions proposed by Mr. Young. He did not think that there had been a lot of problems. On the other hand, there were some intersections where it would be nice to have the bushes cut back in order to provide better sight distances. Some balance needed to be found.

Town Planner Mader agreed that in a lot of places, a strict standard would do a lot of damage to the environment. Responding to Councilmember Driscoll, he agreed language should be crafted that gave some discretion to staff without having to go to the ASCC. Councilmember Driscoll suggested delegating it to the Traffic Committee or Conservation Committee for comment. Councilmember Merk noted that the last few feet of properties were often on Town property. The Town might exercise more control about what was

being planted in the right-of-way.

Responding to Councilmember Davis, Town Planner Mader said if the recommendations were implemented today, a lot of the horse fences and fences in the smaller lot areas would conform. In the 1-acre area, there might be some differences because there were solid fences on the side and rear property lines. The recommendation was to allow only 50% of that. The non-conforming issue would not arise until someone wanted to, for example, greatly expand their house and there was extensive damage. Overall, the feeling was that if there were no permits, enforcement would not be possible. It had also been pointed out that one of the first questions people often asked when they came in was "Can I fence my yard." Having the regulations available up front was important. It would be a bit of a burden, and the question was whether the objective was worth it. The Planning Commission felt it was.

Councilmember Toben commended the planning staff, Planning Commission and ASCC for putting this together in such detail. Councilmember Davis agreed. He felt much of this characterized what Portola Valley is and should be.

Referring to Fence Locations in Riparian Corridors (p. 4), Mayor Comstock said he was concerned about the setback at the back of a lot. In some areas, the houses were right on top of the creek. Responding, Ms. Schiller said the ASCC could evaluate hardships as discussed on page 8. On Gate Location (p. 5), Town Planner Mader confirmed for Mayor Comstock that in a less than 1-acre district, gate location was not restricted. He added that this language was not yet in ordinance language.

Council agreed: 1) staff should draft a fee schedule; 2) 6" x 6" wire mesh was acceptable; and 3) staff should try to clarify the various 50% provisions. Town Planner Mader noted that some of the provisions would be guidelines and some would be in the ordinance.

(8) Second Amendment to Architectural Services Agreement

Ms. Howard reviewed her memo of 9/16/04 on a second amendment to the Siegel and Strain agreement for additional work for an amount not to exceed \$25,260. Responding to Councilmember Driscoll, she said the current schedule called for the draft conceptual master plan to be presented to the Council on October 13. The final plan was scheduled for November 3. Between October 13 and November 3, the team would take whatever comments came in and incorporate them into the design based on direction from the Council. The assumption was that on October 13, there would be minor revisions with no additional outreach. Responding to Councilmember Driscoll, she said the design team should be given the result of the negotiations with the Church re access by October 13; they had incorporated the idea that that was a possibility. Councilmember Driscoll noted that negotiations were not going as fast as hoped and that this was by far the biggest variable hanging over the project. Responding to Councilmember Driscoll, Ms. Sloan said a signed contract would be needed to make it enforceable. She said a memorandum of understanding might help, but it was not enforceable. She confirmed for Councilmember Driscoll, that a letter of intent could be drafted. Councilmember Driscoll discussed negotiations. Ms. Sloan asked to attend the next meeting with the Church.

Councilmember Merk moved approval of Resolution No. 2141-2004 Approving and Authorizing Execution of a Second Amendment to the Agreement for Professional Services Between the Town and Siegel and Strain Architects. Councilmember Davis seconded. Councilmember Driscoll said he was very pleased with the way the meetings were going and felt that the obligation to the Town was being met. Councilmember Toben added that a lot of new people were coming to the committee meetings who had not participated in the charrettes. These had been very productive and important meetings. Ms. Howard said the outreach had

been received well. Responding to Councilmember Toben, she confirmed that she had made personal phone calls to residents. Mayor Comstock called for a vote, and the motion carried 5-0.

(9) Approval of Job Description and Salary Range

Ms. Howard reviewed the staff report of 9/13/04 on the recommended new Assistant Town Administrator job description and salary range. Councilmember Toben said his questions were answered by the report.

Councilmember Driscoll said the research often showed that the Town paid its staff less than adjoining communities, and yet the staff remained remarkably stable in terms of turnover. He felt it was time to update the salary range and be competitive. Councilmember Davis agreed. Ms. Howard said she had tried to stay at least within the ballpark with the salaries and benefits. While staff could leave and probably be paid more in adjoining communities, there were some benefits to working in Town that didn't show up in the salary.

Councilmember Driscoll moved approval of the Assistant Town Administrator job description and salary range. Councilmember Davis seconded the motion.

Referring to the job description, Councilmember Toben said he did not like describing anything as a "marginal function" (pp. 2 and 3). He suggested "secondary function." Additionally, the description for the Town Administrator called for the person to have the ability to work in a political context. He felt that was an ability that the Assistant Town Administrator should also be able to demonstrate. Ms. Howard agreed. Councilmember Driscoll amended his motion to include the addition.

Councilmember Merk said he could not support this. He felt a new position was being created for which there had not been a demonstration of need. It was also an increase in cost to the Town when things were working very well the way they were. This was one more move in a direction which he did not support. He had consistently argued in favor of having the Town Council take responsibility for the management of the Town government as opposed to having a Town Manger form of government.

Referring to the staff report (p. 2), Mayor Comstock said the towns where the job was not considered comparable were closest to the Town in terms of size. Saratoga, Menlo Park and Belmont were cities, whereas the Town was a village. Responding to Mayor Comstock, Ms. Howard said what people were actually being paid had not been researched. Councilmember Driscoll added that he did not think there were any comparable towns. He discussed Woodside's system, which was quite different from the Town's. While he heard Councilmember Merk's concern, he felt this was reasonable. Mayor Comstock said he was prepared to go along with this on the assumption that: 1) the Town would continue to be managed in the same effective manner that it had been; and 2) this didn't constitute the opening of a floodgate. He called for the vote, and the motion carried 4-1 (Merk).

(10) Further Consideration of Town Informational Mailer

Ms. Howard reviewed the staff report of 9/10/04 on the revised Town informational mailer. Responding to Councilmember Davis, Mayor Comstock said he felt people would be more inclined to read a post card format. Councilmember Merk said post cards used more paper because they were more than twice as thick; it was also more expensive. Ms. Howard said the post card also required more staff time. Responding to Councilmember Davis, she said the half-fold mailer need not be sealed. She said the intent was to fill the half-fold mailer with more information on Planning Commission and ASCC meetings, etc. Councilmember Driscoll suggested including up-coming committee meetings if space was available. Mayor Comstock agreed. There could also be different statements at the bottom about establishing the Town's

atmosphere. Councilmember Merk agreed noting that statements might come right out of the Conservation Guidelines, Design Guidelines, etc.

Mayor Comstock questioned whether there needed to be a whole paragraph for the agenda items listed. That would allow more information relating to committees. Councilmember Merk felt it would be difficult to summarize issues in one line. Mayor Comstock said if people wanted more information, they could go to the website or come to the meeting. He preferred very simple statements. Councilmember Driscoll said it was important that the question being considered be stated clearly. Councilmember Davis liked the format proposed. It described the decision that was being made as opposed to a more generic statement. Councilmember Merk said he also liked the note regarding fence regulations. Mayor Comstock said things would need to be brief in order to cover the agenda items. He also did not think every agenda item had to be listed. Councilmember Driscoll said what was important to people differed. Councilmember Merk said it had been agreed that the mailers would not be sent out for every meeting and wouldn't include every item.

After discussion, Councilmember Davis asked that another example be provided. Additionally, he suggested indicating on the mailer that this was not the full agenda and that total agendas were on the website or available at Town Hall. Councilmember Driscoll suggested that on those mailers where committee meetings were included, vacancies be indicated in parentheses.

(11) Status of Town Center Project

Ms. Howard said the focus of the last two weeks had been on the individual meetings with commissioners and committee members. These had been very productive, and many more people felt very involved and included--including the library, teachers, the gallery, and people who used the facilities. The comment cards were also out. The October 13 meeting would begin at 7:30 and consist of the presentation of the draft conceptual master plan. November 3 was a special meeting for the presentation of the conceptual master plan.

Responding to SallyAnn Reiss, Councilmember Driscoll said comments from commissions and committees had been factored into the latest rendition of the master plan. There was evolution and honing going on. The architects were not paying more attention to one commission/committee than another. Ms. Reiss felt some of the decisions agreed to by the Council had been undermined. She said the Council had identified five classrooms; the new drawings did not have five. Councilmember Driscoll noted that the architects had mentioned at the meeting that they had not computed all the square footages; some buildings had also been re-labeled. Responding to Ms. Reiss, he confirmed that the architects understood that the Council was the client.

Councilmember Toben said the Parks and Rec Committee had questioned why the Council had ruled out the concept of a larger multi-use facility that might accommodate indoor recreational facilities. He had flagged this issue for the Council on September 8 noting that he was interested in the Committee's feelings. He had told the Parks and Rec Committee that he would not oppose a direction to the design team that they draw an overlay of what a bigger MUR might look like on the current scheme. With Council's permission, he wanted to ask the design team to take ten minutes and draw some lines. The Parks and Rec Committee made some serious arguments about anticipating future demands for recreational facilities.

Councilmember Merk didn't think ten minutes would suffice. He felt that that change had a lot to do with the elevation of the building. The volume difference needed to be looked at in addition to the footprint; that was more complicated. Councilmember Driscoll thought it was reasonable to ask the architects to produce that small addendum. Mayor Comstock suggested seeing if they could do that within the framework of the

second amendment to their agreement. Councilmember Toben said he would speak to the design team.

Ms. Howard noted that the library study was available. Councilmember Driscoll said since the library was

doubling in size, the suggestion had been made that the reading room might also serve as a community hall function at times. He had asked the architects to look at that; Thom Ball was also enthusiastic about it.

Councilmember Toben added that there had been a very fruitful negotiation with the Priory about the update to the facilities use agreement, which was wrapped into the pending CUP amendment. Parks and Rec had a lot of input and had discussed it on Monday night. The Priory had agreed in concept to shared use, on a prescribed basis, of their tennis courts so that the Portola Valley men's tennis club could utilize all four courts for their monthly event. They had also agreed in principle to occasional utilization of the gymnasium. The agreement was in the process of being finalized and would be an attachment to the proposed revisions to the CUP, which would be before the Planning Commission on October 20.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(12) Consideration of Change in Cable Committee Charter and Undergrounding Program

Councilmember Driscoll reviewed the revised charter that expanded the Cable Committee's functions to include undergrounding issues.

Councilmember Merk suggested references to the Rule 20 program in the Scope of Undergrounding Program be changed to Rule 20b--which related to the funds the Town could use. Councilmembers discussed undergrounding projects and cost. By motion of Councilmember Driscoll, seconded by Councilmember Merk, Council approved the modification to the charter by a vote of 5-0.

(13) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember Driscoll said the Committee had discussed the Bay Trail which went across the top of Skyline and looped around the entire Bay. The Audubon Society controlled the stretch of the Bay Trail from where the MIDPEN property ended on Ross Trail all of the way to Langley Hill Road. One side of the road was controlled by the Audubon Society, and the near side of the Road was controlled by the Fogarty Winery.

Over the years, he had negotiated with Tom Fogarty off and on to see if he would grant an easement in order to complete that trail. The trail made more sense on the other side of the road. An agreement with the Audubon Society had not yet been reached.

(b) Airport Roundtable

Councilmember Toben said a pattern of violations regarding overflight altitudes had been uncovered which was far more substantial than anticipated. This issue would be pressed aggressively with the staff of Northern California TRACON who admitted they had been very sloppy in their enforcement of the 8,000' altitude overflight limitation. If necessary, he intended to enlist Woodside and Atherton.

WRITTEN COMMUNICATIONS

(14) Town Council 9/10/04 Weekly Digest

(a) Portola Road Resurfacing

Referring to Mr. Young's memo of 9/10/04, Ms. Howard said the Town had received very favorable bids for the Portola Road resurfacing project. The contract had not been signed, but work was expected to start October 4 and would be done in about 6 weeks.

(b) Ladera Oaks Lighting Permit Appeal

Referring to Mayor Comstock's e-mail of 9/10/04, Councilmember Driscoll noted that he and Mayor Comstock attended the Board of Supervisor's meeting on the Ladera Oaks lighting permit appeal. He said the parties had agreed prior to the meeting to go to mediation. It had been made clear to the Ladera homeowners' association that the Town wanted to be a party to this mediation and was firmly in support of no increase in the lighting level. There was some talk about increasing the number of lights to fill in some of the darker areas with lights of the same intensity as the current lights. He had been informed that they were now talking to the Peninsula Conflict Resolution Center to be the mediator. The Town was under contract with the Peninsula Conflict Resolution Center, and the other side might view that as a conflict. The Town still needed to be part of the mediation. Councilmembers discussed acceptable compromises.

(15) Town Council 9/17/04 Weekly Digest

(a) Invitation - League of CA Cities Legislative Briefings

Councilmember Davis discussed the recent League meeting he attended. Councilmembers discussed the State legislature, term limits, State government in the past, Measure 1A, and other pending legislation.

(b) E-mail from Thomas Dempsey re Town Center Project

Councilmember Driscoll referred to Mr. Dempsey's e-mail about the Town Center Project. He said he had requested and received a proposal from a structural engineer with J.D. Degenkolb for \$3,000 who was willing to take a look at the current geotechnical studies and provide an opinion as to whether it made sense to upgrade the buildings or build them elsewhere on the site. The proposal included an additional \$1,000 for a presentation to the Council. He suggested postponing a decision until after the October 13 meeting.

Councilmember Merk said he knew of only two people who were vocally opposed to the Town Center project on those grounds. Geologic reports had been sent to Mr. Dempsey, but he was not interested in hearing what the report said. He did not think that one more report would change those two minds. Councilmember Davis agreed. Responding to Mayor Comstock, Councilmember Driscoll said he felt the report would be a ratification of the process the Town had already followed. Council agreed to postpone a decision until after the October 13 meeting.

(16) Appeal Processes

Councilmember Merk said he had been mischaracterized in the press about the Council's calling up the Planning Commission's decision with respect to The Sequoias proposed addition. He wanted to know what the rules were for calling up an issue. Ms. Sloan said there was an appeal period of 30 days for individuals; the limit for the Council was 10 days or the very next meeting, whichever was later. The Council could either affirm the decision or set it for public hearing. Councilmember Merk thought that should be changed. In a similar situation, the Council needed time to react. Ms. Sloan noted that Town Planner Mader and Mr. Vlasic thought that the 30-day time limit for appeals of Planning Commission and ASCC decisions should also be

looked at. Most cities had a 10- or 15-day appeal period. After discussion, Council agreed to agendize the appeal process.

ADJOURNMENT

The meeting adjourned at 11:20 p.m.

Mayor

Town Clerk