

TOWN COUNCIL MEETING NO. 650, JUNE 23, 2004

ROLL CALL

Mayor Comstock 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 and Toben, and Mayor G. Comstock
Absent: Councilmember Davis
Others: Town Planner Mader, Town Attorney Sloan, Town Administrator Howard, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Mayor Comstock read a letter submitted by Bill Lane:

"Today is the 40th anniversary of the Town of Portola Valley. On June 23, 1964, we won a landslide victory for incorporation by 81% approval of registered voters. It was after a long hard-won campaign of many years to preserve the major values we all treasure today as residents and benefit the whole mid-peninsula. However, creating great concepts is often easier than perpetuating them. And, the record of fulfilling and enforcing the key elements of a new rural open space community, although not faultless, is because of hundreds of volunteers, dedicated staff members and consultants who have put their nose to the grindstone. A crucial part of our success is the leadership of the Town Council whose election regularly puts the record of governance on the table for voter affirmation or change. Hopefully, our 40th birthday will be an opportunity to pause in our busy lives and think back to learn more and appreciate how the community began and has matured. By any fair analysis, we have held close to the founding mission with remarkable success that we can be proud of."

Councilmembers and staff discussed Mr. Lane's service and contribution to the Town.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Driscoll, the consent agenda items listed below were approved by the following roll call vote:

Ayes: Councilmembers Driscoll, Merk and Toben, and Mayor Comstock
Noes: None.

- (1) Minutes of the Special Town Council Meeting of June 13, 2004.
- (2) Warrant List of June 23, 2004, in the amount of \$169,744.72.
- (3) Resolution No. 2121-2004 Accepting Town Investment Policy, per Dir. of Admin Services memo of 6/14/04.
- (4) Resolution No. 2122-2004 Approving and Authorizing Execution of the Fifth Amendment to Consulting Agreement Between the Town and Spangle Associates, per Dir. of Admin Services

memo of 6/5/04.

- (5) Resolution No. 2123-2004 Approving and Authorizing Execution of the Fourth Amendment to Agreement for Plan Review Services Between the Town and Kutzmann and Associates, Inc., per Dir. of Admin Services memo of 6/4/04.
- (6) Resolution No. 2124-2004 Approving and Authorizing Execution of the Fourth Amendment to Consulting Agreement Between the Town and Cotton Shires & Associates, Inc., per Dir. of Admin Services memo of 6/4/04.
- (7) Resolution No. 2125-2004 Approving and Authorizing Execution of the Fourth Amendment to Professional Services Agreement Between the Town and Nolte Associates, Inc., per Dir. of Admin Services memo of 6/10/04.

REGULAR AGENDA

- (8) Minutes of Special Town Council Meeting of June 7, 2004 (Removed from Consent Agenda)

Councilmembers Merk, Driscoll and Toben submitted changes to the minutes of the Council's June 7, 2004, special meeting. By motion of Councilmember Driscoll, seconded by Councilmember Merk, the minutes were approved (4-0) as amended.

- (9) Minutes of Town Council Meeting of June 9, 2004 (Removed from Consent Agenda)

Councilmember Merk submitted a change to the minutes of the June 9, 2004, meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

- (10) Minutes of the Special Town Council Meeting on June 10, 2004 (Removed from Consent Agenda)

Councilmember Merk submitted a change to the minutes of the June 10, 2004, special meeting. By motion and second, the minutes were approved as amended by a vote of 4-0.

- (11) PUBLIC HEARING: Adoption of Fiscal Year 2004-2005 Budget

Ms. Howard said all of the changes discussed at the last meeting had been incorporated in the budget. Additionally, a check had been received from the State and the projected amount for motor vehicles (p. 6) had been increased. Responding to Mayor Comstock, she said the only transfer from reserves was the \$1.625 million from the open space fund to offset the expenditure shown from the same fund for the purchase of Springdown parcel #2. For the Town Center project, only those expenses that would occur during the fiscal year period were listed. The charrette was charged to this fiscal year as Miscellaneous Expenses-Town Center Contingency Fund.

Mayor Comstock opened the public hearing.

SallyAnn Reiss, Parks and Rec, reiterated that the income shown for field fees was twice as much as it was last year. The Committee was still not comfortable with it and thought it should be decreased by \$5,000. Responding, Ms. Howard said \$2/player was being charged per season. The budget figures shown in the document submitted by Parks and Rec were considerably more. Ms. Reiss said that information had been falsely based. Ms. Howard said she did not think doubling the fees to \$4 would be unreasonable considering the enormous expense of maintaining the fields. After discussion, Council agreed to the

budgeted amount. Mayor Comstock asked that the Parks and Rec Committee look into the fees and make a formal

recommendation to the Council that was aimed at recovering a more significant portion of the costs of operating the fields.

Mayor Comstock closed the hearing.

Referring to Service Charges (budget, p. 18), Councilmember Merk said he recalled that the amount for Miscellaneous had been changed to \$19,800. Ms. Howard said she did not recall making that correction. Referring to the Budget Summary (p. 29), Councilmember Merk asked about the change to the proposed amount for Town Center Facilities. Ms. Howard said that amount included the decreased rent for the modulars and the installation of temporary classrooms. Referring to Services and Supplies--Elections (p. 48), Ms. Howard confirmed for Councilmember Merk that \$3,700 had been subtracted because it would not actually be paid until the next fiscal year.

Councilmember Toben said the projected revenue for 2003-2004 for the Teen Committee of \$1,800 came entirely from teen events and dances. The Teen Committee was concerned that the money disappeared in the general fund. The recommended 2004-2005 budget (p. 34) was shown as \$1,000. He requested that that be increased to \$1,800, which would reflect their actual revenue/profit from 2003-2004. Councilmembers Driscoll and Merk agreed. Ms. Howard confirmed that the Teen Committee had its own account number so that their money could be tracked. Councilmember Toben discussed his son's involvement with the Committee.

Councilmember Driscoll moved approval of Resolution No. 2126-2004 Adopting the Operating and Capital Budgets for Fiscal Year 2004-2005. Councilmember Toben seconded, and the motion carried 4-0. Council directed Ms. Howard to make the year-end 2003-2004 budget and inter-fund transfers set forth in her memo of 6/14/04.

(12) Setting Salary Schedule

Ms. Howard reviewed her memo of 6/15/04 on the salary range adjustments. Responding to Councilmember Driscoll, she said any merit increases would be within the ranges adopted. By motion of Councilmember Driscoll, seconded by Councilmember Toben, Resolution No. 2127-2004 Modifying the Salary Schedule for FY 2004-2005 was approved by a vote of 3-0, with Councilmember Merk abstaining.

(13) Status of Town Center Project

Ms. Howard said the charrette was very successful with a lot of participation and positive energy. The charrette on June 30 would be publicized by flier to anyone who had been to any of the meetings and posted in the normal places. She anticipated a good turnout.

Ms. Howard said there had been some discussion about the size of the library and what size the Town needed. Jannette Engel, library JPA interim director, had been asked to submit a proposal for an outside consultant to provide an unbiased opinion of what the Town needed. The JPA would also help pay for the study; the cost was \$5,000, and the Town would get back \$2,500. She hoped the Council would concur with the recommendation to move forward with the study; a report should be ready by September.

Councilmember Driscoll supported the concept but was concerned that the library proponents were not here to learn that the Council would be hiring an expert to second guess the Friends' numbers. Ms. Howard said

Thom Ball was aware of what was being proposed. She said she would also call the Friends of the Library. After discussion, Councilmember Merk suggested that if there were any concerns, the item be brought back to the Council.

Town Planner Mader noted that some library studies had been done some years ago. He hoped that the study would take into account the special needs of Portola Valley and not just deal with national or State standards. Ms. Howard said the proposal called for: 1) a site visit to the library to observe activities; 2) meetings with the library staff and manager; and 3) a review of population data and demographics, library use data, space needs, etc.

Mayor Comstock suggested that the study might produce material that would be useful in fundraising for building the library. Councilmember Toben said he felt the Town would need some help from professional fundraising consultants sooner rather than later.

After discussion, the Council agreed that Ms. Howard should move forward with the proposal after speaking with the Friends of the Library.

With respect to process, Ms. Howard said the scope of work that had been adopted called for: 1) the design team to present one or two renditions on June 30; 2) Council to give direction to the design team; and 3) the design team take the input, go away and then come back with a master plan concept in September. She said she had asked the design team to provide an additional scope of work that would cover a different process. That process would include having the team do a presentation on the 30th. After the 30th, they would present the plans to the Planning Commission and ASCC. They would develop a response form that would allow anyone who wanted to give written input. They would develop a couple of renditions that would be posted at Town Hall and the Library. A well-defined period would be created for community input before they actually brought back the master plan. This would allow for one more opportunity for community input. While there was cost involved in doing that, she thought extending the master plan deadline 4 weeks was appropriate. If Council agreed, she would bring back an amendment to the agreement in the range of \$12,000 to cover the additional work. Responding to Councilmember Driscoll, she said the primary difference was whether the Council wanted the design team to develop the master plan after June 30 or spend some time to gather more information.

Councilmember Driscoll thought whatever would be presented on June 30 should be posted. Ms. Howard confirmed that they would still need to fine tune whatever was presented based on input received on the 30th. Two renditions would be brought back. Councilmember Driscoll said he was okay with a mid-course adjustment on the 30th. But, \$12,000 was a lot of money that if spent, would not be available to spend on the center itself. Responding to Councilmember Driscoll, Ms. Howard reiterated that the original scope of work called for taking input on the 30th, getting direction from the Council, and bringing back the conceptual plan in its final form.

Responding to Mayor Comstock, Ms. Howard said if there was overwhelming consensus and everyone liked one rendition, there was no need to do any additional work. Having seen the renditions, she felt it would be difficult.

Councilmember Driscoll said it would be wise to make a tentative decision, post something on the wall, and then wait for a period of time to let the public see what was proposed. He did not want people to come back from a summer holiday and feel it was a *fait accompli*. He questioned, however, whether the Town needed to spend \$12,000 for that.

Councilmember Merk said he thought it would be money well spent. He also thought it should go first to the

ASCC where there was a hearing and people could come and comment--just like any other project. When that was done, it could go to the Planning Commission for another hearing. That would address the complaints that the Town wasn't having enough public hearings or getting it out to the community. Putting off

the decision to September would mean a total of three more hearings. Additionally, he personally didn't want to see a plan and have to react to it in one night. Responding to Councilmember Merk, Ms. Howard said no decision had to be made on the additional work until the 30th. If the Council decided it wanted to go ahead with this process, it could be brought back to the Council on July 14.

Ms. Howard said there would not be a full Council present until the September 8 meeting. Ms. Sloan noted that at some point, an environmental review would be required. Responding to Councilmember Driscoll, she confirmed that the Council could direct the environmental review process start at the August 11 meeting even if a final decision had not been made.

Councilmember Toben supported having a summertime public review process. He was impressed by the variety of input (e.g., conversations in the parking lot, formal committee meetings, the charrette, website) that had occurred. That needed to continue to ensure a good final product. He also supported doing some serious drafting on frequently asked questions which had also been distilled out of a number of the meetings. The design team had come up with ten, and questions kept coming up. The Town needed to be able to respond. That would take some care, time, and professional services.

After discussion, Ms. Howard said she would draft the paperwork and await further direction at the June 30 meeting.

Councilmember Driscoll noted that he met with Christ Church vestry and discussed the Town Center project. They were very interested in what was proposed and being involved. He discussed the location of the fence in relation to the property line.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(14) Minutes of the April 28, 2004 Meeting

Ms. Howard reviewed the staff memo of 6/15/04 about an incorrect statement pointed out by a resident in the approved minutes of the April 28, 2004, meeting. After discussion, Council agreed to insert a note in the minutes referring to staff report.

(15) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember Driscoll said the Trails Committee continued to be very concerned about the potential loss of the Windy Hill trail as proposed by MROSD. Councilmember Merk confirmed that the District had been informed about the Town's position. Town Planner Mader added that he had spoken with Nonette Hanco, Mary Davey and Larry Hassett of MROSD. Ms. Hanco indicated that a letter from The Sequoias on this topic was on MROSD's agenda for a Board meeting being held tonight. He said a letter conveying the Town's position was received by Craig Britton today. He said Ms. Hanco seemed to think that the historic nature of the trail was important. The trail had been in the Plan since 1964. It was also shown on an aerial photograph dated 1948. He thought it probably went back 100 years. Councilmember Merk suggested it might have been for a water line for the old tannery. Town Planner Mader said Mr. Hassett had suggested

that the item be agendized for a future Board meeting.

Councilmember Merk said he had spoken with both Mr. Hassett and Ms. Hanko and had faxed all of the Board members a letter expressing the Town's concerns. He said Ms. Hanko had indicated that she

supported keeping the trail. Town Planner Mader said Ms. Davey seemed favorable as well and offered to call Mr. Britton.

Council and staff discussed the proposed realignment, keeping the road/trail as a pathway, and the announcement in the MROSD newsletter of the closure.

(b) Historic Resources Committee

Councilmember Merk said the Committee had discussed ways to generate more members and interest in the Committee. They were also concerned that there would not be a place to put historical materials in the new Town Center.

(c) Conservation Committee

Councilmember Merk said the Committee was worried that they had not made a stronger case for natural open space as a priority in the Town Center project. They wanted at least as much land as there was now in square footage left in natural open space if not more. Councilmember Toben added that the Committee had made its presence felt on the issue of uncovering the creek.

(d) Parks and Rec Committee

Councilmember Toben said the Committee continued to be interested in providing input on the finalization of the Town Center master plan. Some members felt that the size of the community hall/MUR needed re-examination. Most if not all of the design schemes went with the small size (5,000 sf) hall and discarded the 8,000 sf model. The Committee wanted to do some more data gathering to build a case for increased indoor recreational outlets in Portola Valley. There was also some conversation about the current state of Ford Field. Howard Young, Brad Peyton, and Tim Vines had met to discuss watering, maintenance, etc.

(e) H.E.A.T.

Ms. Howard said the Mayor would need to appoint someone to serve on the Member City Committee of H.E.A.T. which met the fourth Wednesday of the month at 3 p.m. Responding to Councilmember Merk, she said there were nine directors on the Board; the rest of the cities belonged to the Member City Committee. Responding to Mayor Comstock, she confirmed that the Town's representative needed to be an elected official. After discussion, she said she would confirm the location of the meetings.

(f) Open Space Acquisition Committee

Councilmember Toben said the Committee was interested in a Town-wide mailing to inform residents about the advantages and virtues of conservation easements. The Chair felt that the open space acquisition fund should be directed toward enhancing conservation easements as opposed to purchasing properties. The Chair was also interested in increasing the Committee membership. Mayor Comstock suggested that the Committee be asked to put together the information about conservation easements for the website and consider including it as an item in the next newsletter.

(g) Committee Participation

SallyAnn Reiss said a lot of the committees were experiencing lower membership. She suggested putting out a call next fall for people to get involved. Something might also be put in the school newsletters.

(h) Planning Commission

Councilmember Merk said the MROSD site development permit for the Windy Hill trail realignment project had been continued to the Planning Commission's next meeting on July 21. Responding to Councilmember Toben, he said the Planning Commission had taken public comment on the Priory's CUP amendment at the last meeting; the usual speakers were present.

(16) Access to Portola Road

Councilmember Driscoll asked that the planning staff look into the access that was being used as a driveway at 555 Portola Road. Councilmember Merk said there was also a driveway being used regularly across from the Windy Hill parking lot which was supposed to be there only for construction.

WRITTEN COMMUNICATIONS

(17) Town Council 6/11/04 Weekly Digest

(a) Letter from Thomas Dempsey re Geology and Structural Considerations

Referring to Mr. Dempsey's letter of 6/5/04, Councilmember Driscoll said he would draft a response to correct some of Mr. Dempsey's erroneous statements. Councilmembers discussed the letter.

(18) Town Council 6/18/04 Weekly Digest

(a) Woodside Highlands Road Maintenance District

Referring to Mr. Boice's letter of 6/18/04, Councilmember Toben asked for information on how construction traffic road fees were currently distributed. Noting that she had spoken with Mr. Boice about his letter, Ms. Howard said the fees were calculated based on the project. The total amount received in fees was pro rated across the route that would be taken to the project. Private roads did not receive a portion of the fees. Since the ordinance was adopted, there had been six projects that were on private roads similar to the circumstances described in Mr. Boice's letter. Ms. Sloan suggested agendaing the issue for discussion. Councilmember Driscoll suggested staff draft a proposal for how fees might be shared. Ms. Sloan noted that if more than 10% of the people in Town lived on private roads, the issue affected the public generally and there would be no conflict of interest for those Councilmembers who lived on private roads.

(b) Letter Re Destroying Town Center

Referring to the letter from Robert Brown of 6/15/04, Councilmember Driscoll said he was a neighbor and that he would speak to him personally.

CLOSED SESSION

(19) REAL ESTATE NEGOTIATIONS

- (a) CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8
Property: 725 Portola Road
Negotiators: Town Attorney and Town Administrator
Under Negotiation: Price and Terms

REPORT OUT OF CLOSED SESSION: Nothing to Report

ADJOURNMENT

The meeting adjourned at 10:27 p.m.

Mayor

Town Clerk