

SPECIAL TOWN COUNCIL MEETING NO. 647, MAY 26, 2004

ROLL CALL

Mayor Comstock called the meeting to order at 7:30 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 Attorney Sloan, Town Administrator Howard, Public Works Director Young, Dir. Admin Services Powell, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Virginia Bacon, Golden Oak, referred to the minutes of the April 28, 2004, meeting and said the statement that indicated there was a 75' setback for buildings adjacent to creeks was incorrect; currently, there was no regulation for setbacks from creeks. The Planning Commission had a proposal for 60 feet, but that hadn't been voted on at this time. She asked that that information be annotated in the minutes.

(1) PRESENTATION - San Mateo County Mosquito Abatement District

Joe Fil, Town representative for Mosquito Abatement District, discussed the District's expanded areas of research, new facilities, and services provided to the County. Bob Gay, District Manager, discussed: 1) the District's function and funding; 2) history of the District; 3) governance; 4) Joe Fil's contribution; 5) services provided; 6) impacts of West Nile Virus; 7) work done in Town on the creeks; 8) testing for viruses, plague, and lime disease; 9) control of yellow jackets; 10) identification of insects; 11) response times; and 12) mosquito eating fish. Responding to Virginia Bacon, he suggested she call the District office regarding her concern about a culvert in Town. He noted that there were over 6,000 mosquito-breeding sites in this region--all of which were listed in a database. He discussed the environmentally friendly chemicals used by the District. He said the phone number for the District was (650)-344-8592, and the website was smcmad.org. Responding to questions, he discussed: a) types of mosquitoes in the area during the different seasons; b) crane flies; c) Santa Clara County's pest control district; d) bug zappers and magnets; e) mutation and movement of the West Nile Virus; f) treatment for horses; g) birds affected and testing; and h) human symptoms, testing, and neurological damage.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Davis, the consent agenda items listed below were approved by a vote of 5-0.

- (2) Resolution No. 2114-2004 Approving and Authorizing Execution of an Agreement Between the Town and Valley Slurry Seal, Inc. for Renovation of Dwight Crowder Path (Phase 1), per Public Works Director's memo of 5/17/04.
- (3) Resolution No. 2115-2004 Approving and Authorizing Execution of an Agreement Between the Town and Half Moon Bay Grading & Paving, Inc., for the Resurfacing of 750' of the Dwight Crowder Path (Phase 2), per Public Works Director's memo of 5/19/04.

- (4) Resolution No. 2116-2004 Approving and Authorizing Execution of a Professional Services Agreement Between the Town and Nichols Consulting Engineers, Chtd., for Portola Road Street Resurfacing Project, per Public Works Director's memo of 5/18/04.
- (5) Resolution No. 2117-2004 Approving and Authorizing Execution of an Agreement Between the Town and the Metropolitan Transportation Commission for TETAP Grant Funds, per Public Works Director's memo of 5/17/04.

REGULAR AGENDA

- (6) Minutes of Town Council Meeting of May 12, 2004 (Removed from Consent Agenda)

Councilmember Toben submitted changes to the minutes of the Council's 5/12/04 meeting. By motion of Councilmember Davis, seconded by Councilmember Merk, the minutes were approved (4-0) as amended, with Councilmember Driscoll abstaining.

- (7) Warrant List of May 12, 2004 (Removed from Consent Agenda)

Council Merk asked about the NEXTEL Communication item on the Warrant List (p. 2). Ms. Howard said the charge covered the replacement equipment for the pagers, service for the period of time shown, and the tax. The correct description should read "New NEXTEL Service."

By motion of Councilmember Merk, seconded by Councilmember Davis, the Warrant List of May 12, 2004, in the amount of \$187,459.05 was approved with the following roll call vote:

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

- (8) Comments on Proposals for Facilities to be Included in Town Center Project

Mayor Comstock discussed: 1) the Council's concern about the financial questions involved in this program and the spending of public money; 2) funds available to cover the expected cost of the first 1-3 facilities; and 3) the fund raising effort being put together under the leadership of Gary Nielson. He added that the Town would not accept any donations that would require the Town to do certain things; donations would be accepted that would support what the community/Town wanted to do. With respect to the master conceptual plan, he said: a) it would show--in visual, graphic form--what was wanted; b) it would be a major, positive tool in approaching people to support this activity with their energy, effort, and dollars; c) it would be a vital tool in accomplishing not only final outcome but also ensuring that it was done faster by getting more positive interest from the earliest stages; and d) it would help to visualize more clearly what was feasible, met the needs in a broad sense, and preserved the rural character and open feeling of the Town. He said the Council wanted plenty of positive input, but the site was limited in terms of what could be done for a reasonable cost. Some guidelines were being established for making these selections. Concluding, he played part of a 1999 USGS video tape on Bay Area earthquakes that he said vividly illustrated why the Council was very concerned about the present situation here in Town and why the Council felt a very strong obligation to do something about it.

Tom Dempsey said the issue was the structural ability of the buildings to take a 9' separation; most of these buildings could handle that. Nobody knew what would happen in an earthquake, but school buildings had a

very good record of what they could do. He did not feel they would be damaged greatly. Additionally, the Town was not considering the structural studies that had been done, such as the Wilson report of 1977 and others cited in his letter of May 10, 2004.

Linda Weil, Public Affairs Management, summarized what took place at the May 20, 2004, Town Center Citizens Advisory Committee (TCCAC) meeting as set forth in the meeting minutes. She reviewed the top ten activities identified in the community survey as high priority. She noted that these were very similar to what the TCCAC identified as priority uses during a straw poll they conducted a year earlier. All of the uses were existing uses, which indicated that most of the current uses remained a priority for Committee members. She said a number of themes came up at the May 20, 2004, meeting. These included: 1) the value placed on the aesthetic/natural beauty; buildings were to be subservient to the natural aesthetic; 2) the value of having multi-functional buildings; 3) low priority for activities that would require a type of building that had to be built exclusively for that use; 4) the activities on the campus needed to be inviting to all age ranges; 5) the Town Center should be a cultural, educational and athletic area; 6) it was not necessary to have the Town administrative offices on the same location as the other activities; and 7) the importance of creating a Town Center with an informal indoor and outdoor gathering space that encouraged and helped bring people together. She reviewed the additional facility criteria suggested during the 5/20/04 TCCAC meeting, as set forth in the minutes (p. 5). Responding to Meredith McClintock, Pinon Dr., she said at the time of the meeting, there were 16 new ideas submitted; most of those were submitted by individuals, and a couple were supported by several people. Ms. Howard noted that as of today, 186 responses had been received; 71 identical proposals had been received concerning the Windmill School.

A resident [*inaudible*] on 145 Cherokee Way said it was valuable to get community input, but this seemed to be a self-selecting poll. He questioned whether it was representative of the community at large. He asked if any analysis had been done to see if the results actually reflected the other 3,500+ residents who didn't respond. He suggested the Council consider a process that could pull in a significant percentage of the Town residents that was statistically valid before jumping to any conclusions. Mayor Comstock said the survey was not intended as a poll; it was intended to solicit ideas that might be incorporated and to make sure good ideas were not missed.

Pierre Fischer, Valley Oak, referred to the minutes of the TCCAC meeting on 5/20/04 and noted that the list of top ten activities included twelve items.

Virginia Bacon said an important issue was what values should be preserved in the Town Center.

Bernie Bayuk, Paloma Rd., said 5% of the population responded to the survey. The top two requirements (i.e., a new Town office building and a corporation yard) had already been selected. The survey did not represent the wishes of the population of the whole Town. He felt the business activities conducted by the Town shouldn't be on this site; this was a cultural campus. If it was viewed that way, the space allocation would change. Ways to encourage cultural activities could be found, and there could be classes for all ages. It should be viewed as an opportunity that would not come again. He felt the business activities should be located at the corner of Portola Road and Alpine Road; that was the Town's business corner. Space could be rented if necessary. This 11-acre site could be known as the Portola Valley Cultural, Educational and Athletic center.

Pierre Fischer, Valley Oak, said when he asked who decided that the Town administration and corporation yard would be included in the new Town Center, he was told that the decision had been made at a special meeting of the Town Council on February 9, 2004. He had checked the minutes of that meeting and received a copy of the six policy statements. Four of the six policy statements/conclusions had never been

discussed in any meeting, and the fifth statement about avoiding public financing had never been formally endorsed. Only one of the six conclusions might be attributed to the TCCAC and that said that the Town should: a) endeavor to provide for all current uses at the new Town Center complex; and b) continue to provide facilities that enriched the broad spectrum of citizens, consistent with the capability to fund it. If this meant that the Town administration and corporation yard would be included in the new Town Center, it must also mean that the library, MUR, classrooms, and artist's studios would also be included. Despite limited community support, he questioned why the Council was so adamant about including the corporation yard and the Town admin offices. Additionally, on the Town website, there was an article about a very generous donation. The text said the pledge was based on the new Town Center containing as core structures an administration building, library, MUR, and a corporation yard. He did not think it was appropriate for the Town to accept a major gift with specific conditions for things not yet reviewed by the Committee and finalized. If one of the conditions attached to the pledge was not met, he asked if the Town would have to give the money back. Furthermore, he had learned that the \$1 million was being paid in four installments based on some secret criteria. He questioned how anyone could call this an open, democratic process.

Carolyn Quesada, Pres-Board of Directors, Windmill School, referred to the proposal to move the school to the new Town Center and discussed: 1) the history of the preschool; 2) the growing demand for the facility; 3) increasing rent; 4) amount of space needed; 5) sharing of facilities/classrooms; 6) funding for the facility; 7) responsibility for utilities, maintenance and improvements; 7) support for the proposal; and 8) increase in preschool population over the next 20 years.

Jerry Secrest, Willowbrook Dr., said he had not seen any new information that had come out that would force the Town to do a new Town Center. It was known for a number of years that the fault was on the site. Given that \$3 million was available, he thought the community should be asked if they wanted that money back or spent on a new Town Center. The Town Center was great as is, and he did not see a driving need for a new Town Center.

SallyAnn Reiss, Golden Oak Dr., said there were geologic issues with this site, and the existing buildings were at the end of their life. She supported the Council's decision to build new buildings; she also understood the issues with respect to retrofitting. She felt the Council had made some good choices and done a good job so far.

Alex Zaffaroni, Chair-Teen Committee, said he had obtained some responses from teens about the Town Center. In terms of recreational facilities, the preschoolers would have a playground, older children would have the little league and soccer fields, but the teens did not have a dedicated recreational area. Additionally, the teens would like to continue to have tennis courts. A running track would be useful if that could be accommodated--especially when it was rainy and the trails were muddy. In terms of buildings, the teens had been fortunate to have the MUR for their dances, which had been very well attended with 200+ per dance. The teens would like to continue to have a multi-purpose room. In addition, the teens would like to have a teen lounge or a contiguous building that would be open to teens from 3-6 p.m.; it could also be used for people using the MUR for weddings as a babysitting room.

A resident [*inaudible*] on Cherokee Way said it seemed like the Council had concluded definitively that there must be a new Town Center. Additionally, he said he had children at Windmill School. If it was located at Town Center, Portola Valley residents should have first priority. He didn't want to see anything included in the Town Center that brought in lots of traffic, which had gotten worse every year since he had been here. The activities that the Town paid for and sponsored directly or indirectly should benefit Town residents only. They were the ones who would be paying for it outright and indirectly with increased traffic, noise, congestion and parking. He wanted it to stay small and focussed. In terms of the administrative offices, he

felt there was great value in locating them in the Town where the community could go to and talk to staff easily. He questioned whether there was any difference between the Portola Road/Alpine Road corner and this site. He could support either proposal but did not think that that should hold up the overall discussion. He did not like the idea of dog runs; owners currently did not obey the multiple "No Dogs" signs. He asked that the Council not go overboard on any one thing; two baseball fields or two soccer fields were not needed. Trees and walking paths were a good alternative to conventional activities.

Meredith McClintock, Pinon Dr., supported the Windmill School proposal. The school had benefitted 60 families/year for over 35 years. With the space requested at Town Center, that could be doubled. As far as diversity, education of the children, grandchildren, nieces and nephews was something that benefitted everyone; early childhood education was very important. It also created the beginning of a sense of community for the young people. In terms of the cost to build and maintain these facilities, Windmill was one of the few groups that was willing to actually pay back the cost of the facility; that should set the proposal apart from some of the others. With respect to exclusive use, she said the preschool would be opened up to other groups and anyone when the school was not in session. It would also be in use a great deal of the time, and the facility would not be idle. Windmill was the only non-faith-based preschool program in Portola Valley. The other preschools were also capacity constrained and could not meet the needs of families in Portola Valley alone. Additionally, other preschools had been contacted, and they all supported the proposal 100%; it was also in their interest to ensure there was a healthy diversity of preschools in the area to serve the children. Other benefits included having young families come into the Town and increased earthquake safety over the facility the school currently occupied. The cost of not doing this should also be considered. Windmill had been an institution in Portola Valley for over 35 years. With the rent increases faced, the school would be priced out of the market. She reviewed a chart showing current tuition and rental increases. She said the school might be forced to close its doors; families would then have to go out of town or not preschool their children. She urged the Council to consider the proposal and allow the preschool to bring more families into the community.

Virginia Bacon, Golden Oak, described her service on the TCCAC last summer. She said the work of the Committee had not been well reported, and there was only a slight mention on the website. The Committee had been concerned about having a community plaza, which was an umbrella activity for all of the kinds of activities at the Town Center. She thought it might be advisable to take a look at all of the proposals that had been received and try to put them into categories so that they could be evaluated. Her suggested categories included: 1) academics (e.g., library, learning, continuing education, and nursery school); 2) the arts (e.g., literature, drama, music, art); 3) athletics/fitness; and 4) all others. The real problem was that there were some serious financial issues to deal with. There were also some serious transition issues. Additionally, she felt the whole approach used some double standards; the charrette would be in a building that was labeled not safe. Serious criteria needed to be developed with more input from the community to evaluate the activities. Using census data, she gave population figures for Portola Valley for the various age groups, noting that 21% of the population was over 65. She felt seniors in the community were under-served and had very little reason to come to the community center. She also thought there should be a volunteer center in Town to consolidate the efforts of the committee volunteers; that could be staffed by seniors. Seniors might also be able to develop some kind of self-help system. She noted that there was a binder in the back of the room that contained the TCCAC reports, which had not been made available to the public.

Lenora Ferro, Friends of the Library, said the library provided access to the same resources that were available to Redwood City and Menlo Park. The population was highly educated and knew the value of a local library in community life. The library was a bustling community center that served every age group. The library was the most consistently populous and popular entity on the campus. As of this March, the

library increased 18% in walk-ins over last year; that number was 48,000, and there was still a quarter left in this year. Circulation statistics indicated another upward trend. This year it was up 10% which was an increase over last year, which was an increase over the year before. Sixty thousand walk-ins were expected next year. She said 90% of the respondents to the survey cited the library as the single most important facility on the campus. She looked forward to participating in the charrette process and would be submitting more corroborating evidence that the library should have primary consideration in all steps of the process.

SallyAnn Reiss, Chair-Parks and Rec Committee, said the Committee had met several times to identify and collect specifications for recreational facilities, enrichment programs, and parks that members felt should be supported and located at the future Town Center. The Committee felt it was important to balance the community needs for recreation facilities and programs with the Portola Valley tradition of preserving open space and the established natural environmental beauty. Along with the evaluation criteria outlined by the Council, the Committee also felt it was important to have activities that would focus on the inclusion of all age groups as well as the overall desire to create a community center. The Committee had listened to various groups supporting different facilities and had actively sought input from others in the community. The Committee felt the list of facilities and programs could be broken down into four different groups: 1) high priority; 2) medium priority; 3) lower priority; and 4) opportunity. The high priority list was "must haves" and included: a community park that would include picnic areas, benches, gardens, Little Peoples Park; a softball/baseball field (at least one); a soccer field (at least one); tennis courts (3 minimum); gymnasium/MUR; a fitness room (at least one for activities such as yoga, meditation, dance, martial arts, and fitness classes for both young and old); and interconnected trails for walking/jogging. The medium priority list included: a dog park; a 4th tennis court; and a skateboard/scooter/bike park. The lower priority category included: a community pool; a weight room; an auditorium; a climbing wall; and an outdoor sand volleyball court. The opportunity category included: restrooms for both outdoor and indoor use; a well-placed water fountain; and blacktop for biking and play. She said specification outlines for the various facilities/programs agreed on would be submitted. She thanked the Councilmembers for their time and effort and said the Committee looked forward to assisting.

Sue Jagers, Blue Oaks Ct., said she had joined the TCCAC because she questioned whether the Town Center needed to be rebuilt. Many in the community had not heard everything that had been studied about retrofitting, etc. She fully supported building a new Town Center. Referring to the criteria, she felt that space could be dedicated to certain activities, provided that the room was a well-used room. With respect to Windmill School, she said she supported the proposal; there were many families who were not able to get into preschools.

Sue Chaput, Alamos, said there had never been a teen center in Town, and she hoped it could be included. Children grew up very fast; people were wishing for things now that in a few years they would not have any use for. She hoped the Town Center would provide everything that people wanted. Additionally, she was very disappointed that the Councilmembers had not heard much about what had been done on the Town Center project in the last year. There had been hours of conversation and reports generated, which the Council had not seen. Last week, everyone met for 3-4 hours and reports were written. The Council had not seen the reports and had only heard a condensed version. She hoped that some day, the Council would be interested in seeing them. Referring to the TCCAC's meetings last summer, she asked if the Brown Act kept Councilmembers from participating. Responding, Ms. Sloan explained the Brown Act requirements noting that all five Councilmembers could meet at any time as long as it was noticed as a meeting with 72 hours advance notice, or 24 hours if it was a special meeting. Additionally, the Town often appointed two-member subcommittees to follow up on special issues because there were so many different things going on. Responding to Ms. Chaput, Ms. Howard said the charrette would be noticed as a special meeting of the Council if they all planned to attend. Ms. Chaput said the Council seemed so united on this front, but there

were a lot of people in Town with different opinions. A representative government would show some of that. She urged Councilmembers to be a little more open and receptive on what the community was saying.

Councilmember Toben explained that last summer, Richard Merk and Ted Driscoll were the designated representatives of the Town Council to the TCCAC. He [Toben] was a member of the Planning Commission at the time and, along with Councilmember Merk and Councilmember Driscoll, attended all eight meetings from May through July. A majority of the Council had exposure to every single piece of evidence presented at the TCCAC. That had helped in the consultation with the other Councilmembers before the policy decisions had been made. Councilmember Davis added that having read the report and spoken to some of the TCCAC members after the Committee met, he felt he had an understanding of the nature of what had been discussed. Additionally, all of the Councilmembers attended a number of other types of/agency meetings on an on-going basis.

Rebecca Long, Westridge, said she supported the Windmill proposal. That proposal was not unique; most of the neighboring communities already were supporting preschools on their city properties.

Cathy Carlson, Crescent Ave., said she had served for three years as the Windmill School treasurer. While she would personally not benefit from having Windmill at the Town Center, she believed it was a vital community resource. Having worked with the finances at Windmill, she said she could guarantee that there would be major financial issues for the school in the future. In her neighborhood, there were 17 children 8.5 years ago; now there were 50 with 18 preschool and 6 infants. She thought there would be a continuing problem which would increase traffic and decrease the community spirit that a town such as Portola Valley should have. Many of the people were probably not sending the surveys back because it was very difficult to juggle 2-3 children at a time and respond to a survey within 1-2 weeks. She encouraged the Council to continue the dialogue with the community members.

Bob Brown, Westridge, said he objected to the insulting and inflammatory video shown earlier this evening. That was the kind of thing television stations used to increase their ratings. It should not be used as a basis for making decisions about a project that was important to everyone in Portola Valley. He discussed inaccuracies in the video. That kind of thinking was what the Council had used in making a determination as to what to do about the Town Center. This was not what was concerning the people in Portola Valley. The people were concerned with the uses such as the library, classrooms, athletic fields, and the enjoyment that everybody got out of the site. That's where the thinking should start. The earthquakes needed to be considered, but that should not be the driving consideration that forced the Council to desecrate this site and come up with something that wouldn't be 1/10th as good.

Ellen Vernazza, Nathhorst, said she had a problem with donations that were not made public and asked why the money was being accepted anonymously. She understood that the donation would be given in increments; there had to be a reason for that. Anything that was given to the Town Center project should be public. Responding, Councilmember Davis said the implication was off the wall. The Town received anonymous donations for all kinds of events, including an anonymous donation that bought the land next door. The timing of the Town Center project donation was related to the particular family to which the funds would become available; it had nothing to do with any backroom connection. For those people who wanted to remain anonymous and make donations, the Town fundamentally agreed to keep them anonymous.

Ted Lamb, Bear Gulch Dr., asked when the financing situation would be resolved. The only thing that had been indicated was that there would be preliminary cost estimates on June 30 with estimated construction costs in September. There was a 7.5% utility tax, with 2% of that going to open space and 5.5% going for general purposes, which was not to be used for any capital asset expenditures. Apparently, there was \$3

million dollars in reserves which was from the utility tax that was supposed to be used for only general program expenditures. If it was being used for capital expenditures, it was being misused. In the longer term, he questioned where the \$5, \$10, \$15 or \$20 million for all of this would come from. A parcel tax or general mortgage financing required a 2/3rds vote. At the Finance Committee meeting on Monday, a finance consultant indicated that all it would take was for a majority of the Council to encumber the Town over a period of time; the security for this was the utility tax, which was not supposed to be used for any of this. Unless it was changed and the utility tax could be used, it would be wrongful to use it for any capital expenditures.

Tom Dempsey said taking money that had strings attached to what the donor wanted was illegal. He understood that the donation was conditional. He also thought the person should be identified. Responding, Councilmember Davis said the Town would not accept any money with strings attached. People in Town had given money only for open space and/or specific open space that met specific criteria; some wanted to do that anonymously. Mr. Dempsey discussed his work with the Grand Jury and investigating towns.

A resident [*inaudible*] suggested that when all the ideas were being considered by the Council, there should be some kind of objective analysis of, for example, resident benefit hours/yr. Things could be listed on that basis with their relative costs. That would give an objective perspective on how many people actually benefitted from each of the proposed ideas.

Greg Franklin said there were questions about the Town office administration and corporation yard being included in the Town Center. Responding, Mayor Comstock said that decision had been made on February 9. Whether that decision should be changed might enter into the discussion.

Councilmember Driscoll said he had not had an opportunity to read all of the responses that came in in the last week and the reports from some of the committees that met this week. He did not think the discussion would end tonight and suggested the Council devote some time to talking about the process that would be followed, the criteria used, and what would be provided to the charrette team in the way of priorities as opposed to absolute "yeses" and "noes."

Responding to Mayor Comstock, Larry Strain, lead architect, said for the charrette to be productive, some priorities needed to be provided. The team did not want a list of absolutes. From the questionnaires, reading the TCCAC report from last year, and talking to people, he felt there was a lot of consensus and that some priorities were emerging. He also realized that there was some disagreement on some issues; some of those issues were fairly major ones. He would like to have some direction from the Council about how to hold those disagreements going into the charrette. He suggested focussing on what was agreed on; some of the contentious issues could be put in a category where they were considered either in or out. He added that the Town Council was elected to make some decisions. Ultimately, they would have to provide some direction on how they wanted the charrette to proceed. Given that, as a designer, he wanted to maintain some distance. The design team needed to hear the whole picture from the Town Council who had hired the design team and from the community who was the client. A lot had been read about what had happened in the past and a lot of comments had been heard--all within a month. He had opinions about most of the things that had been mentioned, but they were his opinions. He hoped that what would result from the charrette would be a consensus that people could support. He did not expect to get every person agreeing with every decision that was made. But, he hoped to get a strong majority. He hoped that the direction provided by the Council was more in the form of priorities than "do this, not this" with some wiggle room so that all of the options could be looked at.

Councilmember Driscoll noted that this problem had been studied for 7-8 years. The Council had been criticized for spending too much money on the geologic studies that had been done. In spite of comments to the contrary, he felt that the case had been adequately made that the existing buildings were dangerous and a risk. He offered to walk anyone through all of the studies and analysis that had been done. Councilmember Davis referred to a report issued on June 28, 1972. He said the conclusion of that report was what caused the school to move out of the buildings. Additionally, two years ago, the Town wanted only to refurbish the current buildings and redo the administration building. As more knowledge of the geology was obtained, it was realized that rebuilding the buildings where they were currently located was foolish.

Councilmember Driscoll proposed first agreeing on criteria, and then defining the priorities in terms of "must have," "desirable to have," "less desirable to have," and those that were "desirable but too costly." That information along with some budgetary values and phasing/timing parameters needed to be provided for the charrette process.

Councilmember Toben said the Parks and Rec Committee had been very helpful in identifying priorities on this campus. As Ms. Reiss mentioned, some additional criteria had been developed with the help of the public. He reviewed the eight criteria set forth in the handout entitled "Criteria for Assessing Proposed Uses for Town Center." Councilmember Davis said he would add to that list those functions that were required by law such as an EOC.

Councilmember Davis noted that there had been some comments about not having the Town's office functions at the site. He disagreed. He wanted the staff here and for people to come here; it would be very unfortunate to try to separate these functions. There were so few people available for services, and they needed to be geographically in the same place. Responding to Councilmember Toben, Ms. Sloan said revisiting this issue was appropriate at this time.

Councilmember Driscoll discussed commercial rents and said he did not see how the Town could financially afford to move the administrative offices elsewhere. The Town owned this land, and it had been the focal part of the Town's activities--municipal and cultural--for the last 30+ years. He felt it was sensible to continue doing that simply because it was the most economical way of going. He believed that the Town administration needed to be here. The corporation yard functions were also necessary on the site for cost, maintenance, and supervision reasons.

Councilmember Toben said he also supported the location of the Town administration building and corporation yard on this site. This issue had been looked at with great care over the last several months. The only other Town-owned parcel that offered any possibility was Ford Park, which was the scenic gateway to the community on Alpine Road. For all kinds of reasons, he thought that was a very poor idea. He also had great difficulty with the comment that the Town could just simply rent space at the Nathhorst triangle or buy one of the 1.2-acre parcels at \$1.5+ million. That would be a gross act of fiscal irresponsibility on the part of this Council. He discussed a recent offer by the owners of the Pollock building to rent space for \$10,000/month. The idea that a public entity should be captive to a private landlord and thereby vulnerable to indefinite raises in rent was fiscally irresponsible. Furthermore, the current Town services occupied only 15% of the total built area on this campus; the other 85% was devoted to community-serving purposes. It made compelling sense that the oversight of the center of Town activities should emanate from a site on this campus. He strongly affirmed the Council's February decision.

Councilmember Merk agreed. The Town Center had developed slowly over time. There had been uses that came and appeared for awhile and then disappeared because there wasn't enough energy to keep them

going. Now, it was a vibrant campus. The surveys that came back reaffirmed that the uses that were already going on at Town Center were primarily what people were asking for. He added that he thought it had been a mistake to have the administration and corporation yard on the questionnaire. But, the Town could have a beautiful site with all of these functions because the administration and corporation yard were a small portion. He felt a tighter, more efficient campus could be built that gave more uses and took up less space on the property. The beautiful park would not be destroyed; it would simply be rearranged. It would be nasty while it was happening, and there would be times when uses would not be available. But, he felt the result would be a far superior product. He liked the campus the way it was and did not want to see the buildings torn down. But, 4-5 years ago a decision had been made by management that stopped the repair and maintenance of these buildings; they started to go downhill. The reasons that they had to be vacated included: 1) they were not ADA compliant; 2) they were not big enough; 3) they did not meet today's building codes; 4) they did not meet the standards of today's engineering geologists; and 5) they were unsafe. While that did not mean they had to be vacated this minute, there was an opportunity to make a change. He also agreed that it would be economically irresponsible to spend more money refurbishing the existing buildings; new buildings would be safer and in areas that had been "okayed" by a competent geologist. While he did not agree with the way and speed in which it was happening, he thought it was the right thing for the community in the long term. What the final uses would be came down to money. Until it was known where the money would come from, the Town couldn't go much beyond the list of things that were already here.

Mayor Comstock said in addition to attending the meetings, he had spoken with Town residents about the relocation of the Town administration and maintenance facility. He reviewed a list he compiled of arguments in favor of such a move and those not in favor. Reasons favoring the relocation included: 1) space would be freed up on this site; 2) freeing up that space would make room for more structures that would accommodate other purposes; and 3) more focus of the 11.2-acre site would be given to more socially oriented as opposed to business oriented activities. Reasons not favoring a move included: a) it would be against the General Plan; b) putting structures at Ford Park would be a visual pollution of an area that currently gave the impression of the rural character of Portola Valley; c) developing that section of Ford Park would very likely encroach on Alpine Trail; d) potential parking problems; e) no net benefit of moving to another location; f) having the administrative and maintenance facility at the Town Center would contribute to collective, civic energy; g) administrative inefficiencies would be created by having the functions separated; h) the amount of travel required by staff would be increased; i) it would send a signal that the Council was not interested in the staff; j) it would increase the cost of the building program by building on two sites; and k) the admin building and maintenance facility occupied only 15% of the floor area of the buildings on the site and probably 5% of the land area. He strongly supported the decision made in February to keep those functions on the site. Responding to Mayor Comstock, Ms. Sloan confirmed that no re-affirmation vote of the February decision was needed.

Council discussed the list of criteria, as amended to include those uses required by law. Councilmember Driscoll said he was somewhat concerned that some of the criteria asked questions as opposed to yielding answers. For example, rather than "What would be the cost..." the criteria should be to favor ones that cost less. He suggested rewording some of the questions. Councilmember Toben agreed and said he would reword the questions in the form of value criteria.

Referring to criteria #1, Mayor Comstock questioned whether "residents served" should include just the Town of Portola Valley or be expanded to include residents in the spheres of influence. He thought it would be more neighborly to include the spheres of influence. Councilmember Driscoll disagreed. He said the money was coming from the Town's taxpayers, and the Council had been elected by the citizens. He thought the focus should be on what the Town residents wanted. That did not mean that people should be

excluded or kept out. But, he represented the citizens of the Town and felt the benefits should be purely evaluated on the basis of the Town's residents. Councilmember Davis concurred. Councilmember Merk concurred and added that the public would have the right to use whatever was put at Town Center. After discussion, Council agreed that the term "residents" did not need further refinement.

Responding to Councilmember Driscoll's question on criteria #4 and facilities available at other nearby locations, Councilmember Toben suggested rewording the criteria to "Availability of similar facilities at nearby locations." Referring to item #6, Councilmember Driscoll questioned whether it was fair to, for example, build and run a coffee shop at the Town Center that would compete with another coffee shop. Councilmember Toben said the analysis of the commercial subsidy issue involved three intertwined considerations: 1) the extent of "commercialness" (e.g., a non-profit enterprise like the preschool versus for-profit); 2) scale (e.g., a tae kwon do class offered 2 times/wk versus a full-time karate studio); and 3) public policy importance of the proposed use (e.g., an early childhood program would likely outweigh a commercial cafe). Councilmember Driscoll suggested that this criteria would need to be interpreted carefully to ensure fairness.

Councilmember Davis noted that the Windmill people had talked about the advantages and nature of the preschool. If the Town decided to do a day care use with public funds, he felt it would have to be opened up for other bids. The fact that they were first in the door with an excellent idea did not mean that they should be the only ones considered. For some of these commercial activities, it would be a two-step process. If it was decided there was merit to them, the next step was to decide who should benefit from the use of public money to underwrite the activity.

Councilmember Driscoll suggested that the focus should be on the cultural enrichment of the citizens and not the economic return of the operator. There was a difference between a restaurant and a coffee shop, which was more of a community gathering place. A day care center/preschool was clearly a cultural benefit to a large segment of the population--not to the schoolteachers who were making a salary. Councilmember Davis noted that considering a preschool could encourage day care proponents or some other activities--all of which had compelling reasons to consider. Once the threshold was crossed that it was worth doing, the next threshold was whom the Town would engage to do it with.

Councilmember Driscoll said as much as he appreciated the Windmill School's suggestion that they just wanted a shell, there was a dangerous precedent where they might feel like they owned the space. Councilmember Davis said that involved the issue of how generic the space was. As with the fields, if they did capital improvements, that did not mean they had a separate entitlement to the property.

Mayor Comstock suggested adopting the list of criteria as amended in principle and asking Councilmember Toben to redraft the language for use at the special meeting on June 7 to rank the proposals. With respect to the use categories, Councilmember Driscoll suggested: "mandatory," "desirable," and "other." Councilmember Toben said Parks and Rec had done considerable work on this and had provided a good template.

Responding to Councilmember Merk, Mr. Strain said he could provide some ballpark costs for some of the uses for the June 7 meeting; it would be "order of magnitude" costs. Additionally, he said of the 16 proposals, a few were for new uses/facilities. A high school, a large auditorium/performing arts center, or a swimming pool were a different order of magnitude. Those were things the design team would want clear direction on in terms of whether they should be included in the charrette process as they would impact the program dramatically. After discussion, Council agreed on a start time for the June 7 meeting of 8:00 p.m. Mayor Comstock noted that additional public comment would be accepted.

(9) Transportation Expenditure Plan for Extension of Measure A

Mr. Young reviewed the staff report of 5/19/04 on the draft Transportation Expenditure Plan to extend the Measure A half-cent sales tax for a 25-year term, beginning January 1, 2009. He noted that Rich Napier (CCAG), Joe Hurley (San Mateo County Transportation Authority), and Onnolee Trapp were present to comment and answer any questions.

Joe Hurley, Director-SMC TA, said the TA had been reviewing this issue for the last year. All of the different cities had been contacted to identify what their transportation needs were. He said the draft Expenditure Plan was the product of compromise and would meet the transportation needs of San Mateo County for the future. He discussed: 1) establishment of the TA; 2) the 1988 approval of Measure A; 3) additional State and federal money; and 4) the extension to a 25-year period. Responding to Councilmember Driscoll, he said the statute required that this would be called a draft until a majority of the cities represented, a majority of the population, and the Board of Supervisors had approved it. At that time, it would become final and brought before the electorate in November. Responding to Councilmember Driscoll, he said nine communities had approved the draft. Responding to Councilmember Merk, he said changing the document at this point would require going back to all of the cities that had already given their approval.

Councilmember Driscoll moved approval of Resolution No. 2118-2004 Recommending the Adoption of the Draft Transportation Expenditure Plan for the Extension of Measure A. Councilmember Davis seconded the motion.

Onnolee Trapp, League of Women Voters and C/CAG, said the League and C/CAG both supported the renewal of Measure A because it was absolutely essential in order to do anything in San Mateo County. She discussed: a) the formula for each city's share of Measure A; b) the Town's portion; c) funds received to date and projected to be received by the Town; c) improvements for the rest of the County in terms of congestion management, transit use, and air quality; d) candidate projects; e) implementation guidelines; and f) governing board/organizational structure. She urged the Council's approval of Measure A. She noted that Lenny Roberts also supported the draft plan. Councilmember Davis noted that he received a call from Rich Gordon.

Referring to the draft plan's list of candidate bicycle and pedestrian projects (p. 16), Councilmember Merk noted that the Portola Road pedestrian/bike path paving had been applied for by the Town in the past.

Mayor Comstock called for the question, and Resolution No. 2118-2004 passed by a vote of 5-0.

(10) Status of Town Center Project

Ms. Howard said the charrette brochure had been mailed this week, and the first charrette would be June 10. Responding to Councilmember Merk, Ms. Sloan said if the charrette was noticed as a special meeting of the Council, Councilmembers would be acting in their legislative capacity and could participate as much as they wanted. Ms. Howard noted that the Finance Committee met on 5/24/04; a presentation had been made about financing options available to the Town.

Responding to Mayor Comstock, Ms. Howard said the temporary building should be delivered in two weeks; the plan was to move in the first week in July. Responding to Ms. Reiss, Ms. Howard said she would be scheduling a meeting to discuss options with the current users.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(10) Conservation Guide for Portola Valley Residents

Referring to the Conservation Committee's memo of 5/11/04 on the final approval of the "Conservation Guide for Portola Valley Residents," Marge DeStaebler asked if there were any additional comments. Councilmembers commended the Committee members for their efforts on the guide.

Referring to the Guide (pp. 16 and 20), Councilmember Merk noted that the drawings were not credited to the artist. Ms. DeStaebler said the drawings were presented together as a unit in Nancy Lund's book and had been done by Jane Gallagher. Mayor Comstock suggested "Drawings by Jane Gallagher." Responding to Councilmember Davis, Ms. DeStaebler confirmed that final formatting was yet to be done. Mr. Kabcenell asked that any corrections be submitted to the Committee.

After a discussion of how to indicate the Council's endorsement, Ms. Howard suggested "Approved by Town Council" be added to the cover. Mayor Comstock suggested using the same endorsement as on the "Design Guidelines." Councilmember Driscoll suggested "Approved by the Town Council in 2004." As liaison, Councilmember Merk noted that the document was the work of the whole Committee, and he thanked the Committee. Ms. DeStaebler said she hoped that the Town Center buildings would serve as models for the Town so that people who were planning construction could see thoughtfully designed, energy-efficient buildings.

By motion of Councilmember Davis, seconded by Councilmember Merk, the "Conservation Guide for Portola Valley Residents" was unanimously approved.

(11) Not-for-Profit Agency Requests

Ms. Howard reviewed the staff report of 5/20/04 on organizations that had approached the Town for financial assistance for the next fiscal year.

Councilmember Davis said three agencies that he felt should be funded because they provided services for members of the community were: 1) Sustainable San Mateo County; 2) Conflict Resolution Center; and 3) Recycling Outreach Coalition. Responding to Councilmember Davis, Councilmember Merk said CERPP did a lot of important things in the Town; if they needed the Town's support, he thought they should be given support. After discussion, Councilmember Davis suggested setting aside \$5,000 in the budget for CERPP. Councilmember Driscoll said the Town needed to receive a letter from CERPP about what they were requesting and the services they would provide. Ms. Howard noted that she had written to CERPP asking if they wanted to receive funds. She said there were some management problems within the Board; that was a concern.

Councilmember Davis moved to support Sustainable San Mateo County, Peninsula Conflict Resolution Center, and the Bay Area Recycling Outreach Coalition and budget \$5,000 for CERPP. Councilmember Merk seconded the motion.

Councilmember Driscoll noted that some people would be cut off who had received funds last year from the Town; many were experiencing cutbacks that were more extreme than they were a few years ago. Councilmember Davis said he was uncomfortable giving public funds to some of these activities. That had nothing to do with their being worthwhile.

Other than the three mentioned, Councilmember Driscoll suggested that the agencies requesting funding be

given half of what they had asked for this year. He added that he did not see much justification for the Shelter Network wanting \$3,000; he suggested \$500. Councilmember Merk did not want to give anything to the Joint Venture-Silicon Valley Network. They were trying to create more jobs, and he questioned whether that was in the Town's best interest. For the agencies funded last year, other than CERPP, who had not requested financial assistance, Councilmember Driscoll recommended budgeting \$500. Councilmember Merk agreed.

Referring to the letter from the Peninsula Conflict Resolution Center, Councilmember Merk said he recalled that there were only 1-2 cases/year. Ms. Howard pointed out that this was not a service contract; for the past four years, the Council agreed it was underutilized but believed very strongly in what the organization did. Councilmembers discussed the service provided and the way it had been presented to residents.

Councilmember Toben said there were hundreds of agencies in the same general category as the groups that had come to the Town with their requests. He was more in favor of those that represented a service value for the Town. He supported Sustainable San Mateo County, PCRC and Bay Area Recycling Outreach Coalition. Additionally, he thought Joint Venture-Silicon Valley Network was attuned to the jobs/housing/transportation balance; but, he did not think that their contribution was as directly related to the Town's well being as some of the others. He also agreed to a set aside for CERPP. Mayor Comstock agreed.

Councilmember Driscoll reiterated his suggestion to give \$333 to the Criminal Justice Council, \$285 to Jobs for Youth, \$500 for the Shelter Network, and to budget \$500 for Second Harvest Food Bank, Ombudsman Program of San Mateo County, and the San Mateo County Historical Association. That would set a standard saying that if you approached the Town and could show some regional value, you could have \$500. Responding to Councilmember Davis, he thought there could be further reductions next year. Responding to Councilmember Davis, he said he found the Shelter Network as compelling as the Second Harvest Food Bank.

After further discussion, Councilmember Driscoll moved to amend his motion support: 1) \$333 for Criminal Justice Council; 2) \$1,500 for Sustainable San Mateo County; 3) \$285 for Jobs for Youth; 4) 1,250 for Peninsula Conflict Resolution Center; 5) \$500 for Shelter Network; 6) \$500 for Bay Area Recycling; 7) \$5,000 budgeted for CERPP on the condition that a letter was received requesting funding, 8) \$500 each for Second Harvest Food Bank, Ombudsman Program of San Mateo County, and San Mateo County Historical Association, and 8) that no new names be added to the list. Councilmember Merk amended his second. Mayor Comstock called for a vote on the amendment to the motion, and it carried by a vote of 3-2 (Davis and Toben opposed). Final Vote 4-1 with Councilmember Toben opposed.

(12) Review of Zoning Code Sections Regarding Enforcement of Conditional Use Permits

Ms. Sloan reviewed her memo of 5/19/04 on the zoning code sections regarding enforcement of conditional use permits (CUPs). She noted that Ms. Lambert's memo of 5/19/04 regarding the status and review of CUPs was attached. Councilmember Merk moved to direct staff to prepare an amendment to revise Code Sections 18.34.170 and 18.34.180 as set forth in the memo. Councilmember Toben seconded the motion, and the motion carried 5-0.

Responding to Councilmember Driscoll, Ms. Howard said Ms. Lambert had gone through all of the existing CUPs and categorized them; reviews would commence as the permits' anniversary dates came up. Responding to Councilmember Driscoll, Ms. Sloan said some use permits did not have any annual review or

time limit; she thought the Priory was one without a time limit, noting that Ms. Lambert was in the process of preparing a list. Ms. Howard said what to do with CUPs without anniversary dates was a policy question; Council would need to decide if staff would be required to make yearly inspections, wait until complaints came in, etc.

Councilmember Driscoll thought there should be some procedure for permits without anniversary dates. At a minimum, Mayor Comstock felt that the Town should investigate every complaint. SallyAnn Reiss said she understood that the Priory was grossly in violation. She did not think the Town should wait until a complaint was filed before checking on it.

Mayor Comstock suggested asking staff to provide an annual report on CUPs that were still open with no termination date. The Council could then determine which one should be investigated. Councilmember Driscoll said it should not be an arbitrary decision on the part of the Council. He would like to see Ms. Lambert's list first.

Virginia Bacon said the Town should have a regular policy rather than an arbitrary or complaint-triggered system. She also did not think there should be any open-ended CUPs. She agreed looking at the list would be helpful. She added that there were some uses where there was no use permit, such as the Stanford Wedge.

After discussion, Mayor Comstock asked that Council be provided with a list of the CUPs with an indication of their status, expiration dates, etc.

(13) Appointment to Parks and Rec Committee

Referring to Ms. Reiss's cover memo of 5/19/04, Councilmember Merk said the memo implied that the applicant was already a member of the Committee; appointments could only be made by the Mayor with the concurrence of the Council. Vice Mayor Davis appointed Merijane Lee to the Parks and Rec Committee. By motion and second, Council unanimously concurred.

(14) Reports from Commission and Committee Liaisons

(a) Planning Commission

Councilmember Merk said the Commission discussed a request by MROSD to change the road pattern behind The Sequoias in order to get their trucks from Alpine Road to Portola Road using the lower part of the Windy Hill Preserve without using the current little road that had some wet spots during winter. In doing that, the grade of the road would be changed, the road would be reconfigured, and some trees would be cut down. In the process, they wanted to "restore" the little road by the sag pond, which actually meant restoring it to its native state and eliminating this path. The Trails Committee was opposed along with a number of people; it was a very nice trail that was relatively flat. The District felt that the area with the sag pond was a sensitive habitat and that people were cutting through. He felt it was all poison oak and had not seen anyone cutting through. Responding to Councilmember Driscoll, he discussed the proposed configuration. He said the Planning Commission did not want to approve the site development permit because there was concern about the trail being eliminated; they had asked the Council to provide some direction.

Councilmember Driscoll said he did not want to abandon that stretch of trail. It was a route that a lot of people used and was also a connection. Councilmember Merk said it was also shown on the General Plan. He said he would put in a call to MROSD.

(b) Cable Committee

Councilmember Driscoll said the Committee was collecting information on various alternatives to the cable contract, which was coming up for renewal. He noted that COMCAST was interested in having a booth at the Town picnic to demonstrate to people the services that were available. Ms. Reiss said if that was allowed, SBC, Direct TV, etc., should also be contacted.

(c) Finance Committee

Councilmember Davis noted that there were a dozen citizens at the last Finance Committee who grilled the Committee on why they were considering spending so much money and going into debt for the Town Center project.

(15) Agreement Between the Housing Endowment and Trust (HEAT) of San Mateo County and the Town

Responding to Mayor Davis, Councilmember Merk confirmed that his questions regarding one of the terms in the HEAT agreement had been answered and that the JPA could be signed.

WRITTEN COMMUNICATIONS

(16) Town Council 5/14/04 Weekly Digest

(a) Letter from Tom Dempsey re Town Center Structural Analysis

Councilmember Davis said the Town Geologist had been asked to respond to Mr. Dempsey's letter of 5/10/04. The first draft had come in this afternoon, and had been sent back for rewrite. Councilmembers discussed possible responses to Mr. Dempsey's letter.

(b) Emergency Services Council

Referring to the OES letter of 5/5/04, Councilmember Toben commended Councilmember Merk for participating in 100% of the OES meetings.

(17) Town Council 5/21/04 Weekly Digest

(a) Appeal of ASCC Decision Re Rebuilding of Fire Damaged Residence at 133 Russell Ave.

Referring to Craig Taylor's e-mail of 5/20/04 and Ms. Lambert's memo of 5/21/04, Councilmembers and staff discussed the status of Mr. Bartlett's and the Eriksons' claims. Ms. Sloan noted that neither of the attorneys that participated in the appeal of the ASCC decision was involved in the lawsuit about the fire.

ADJOURNMENT

The meeting adjourned at 11:55 p.m.

Mayor

Town Clerk