

TOWN COUNCIL MEETING NO. 646, MAY 12, 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 Davis, Merk and Toben, and Mayor G. Comstock
Absent: Councilmember Driscoll
Others: Town Planner Mader, Town Attorney Sloan, Town Administrator Howard, Public Works Director Young, Dir. Admin Services Powell, Planning Manager Lambert, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

SallyAnn Reiss, Golden Oak Dr., discussed the condition of the split rail fence along Alpine Road from Ladera Oaks to Rossotti Field. She asked how the community might help.

Bill Lane, Westridge, said the Town's fortieth anniversary was coming up, and he felt it would be an excellent occasion to let residents know about the history of the Town and the effort that had gone into making the Town what it is today. He discussed the celebration of the 25th anniversary, the Blues and BBQ event, work by volunteers, taxation to provide funds for open space, school bonds, etc. He wanted to ensure that everyone in Town understood what was behind the Town's "Declaration of Independence" on June 23. He recommended that the Council give its blessing and encourage the wonderful volunteers to try to reinforce the Town's history. It was important for people to understand what was behind the Town and why it existed--especially in light of some of the upcoming issues/discussions. He hoped there would be some event recognizing the date; the Blues and BBQ event would be a natural.

Claudia Mazzetti, Ramona Rd., said she would hate to see any buildings--BMRs or otherwise--buttressing Los Trancos Road. She hoped that the location of the Blue Oaks BMR lots would be set further into the forest area. When discussing the location of the lots, she urged that the Council make sure that people in Los Trancos Woods and Vista Verde were aware of the discussions.

(1) PRESENTATION: "Connections Between Regional Parks" by Charlie Krenz

Lynne Davis, Chair-Trails & Paths Committee, said members of the Committee and people in the Town's spheres of influence in Los Trancos Woods and Vista Verde had been working on possible trail connections between the various regional parks including Foothills Park. This was a regional issue--not a Town issue. She said tonight's presentation was made under the aegis of Kirke Comstock, and officials in Palo Alto had suggested that the issue be brought to the Council. No action was requested at this point, but it was hoped that the Council would encourage Town representatives to look into this further. She introduced Charlie Krenz.

Charlie Krenz said he, Kirke Comstock and members of the Trails & Paths Committee had gotten together to discuss how Palo Alto councilmembers could be approached with the idea of non-Palo Altans being allowed into Foothills Park from a hiking point of view. A meeting had been held with a PA councilperson, the Asst. City Manager, and the Superintendent of Foothills Park. He discussed the acquisition of the Foothills Park land and what had happened in the past forty years in terms of open space. Using slides, he discussed trails within the park and possible connections to other trails, noting that all of the other parks were open to any hiker from any city. He described management of the park, park habitat, and ecosystems.

He said a PA

councilperson thought opening up the park might be possible if: 1) an optimal reasonable trail configuration could be presented; 2) a regional meeting of locally elected officials could be arranged; 3) a presentation was made on the regional problems; and 4) solutions were discussed. He felt enough regional/trail planning had been done and could be consolidated. He also felt the municipalities in the area could reach a consensus on this, which could motivate a regionalist approach for planning trails in this area. If necessary, a grassroots approach could be used; a petition could be circulated among the citizenry of Palo Alto.

Ms. Davis said this was a regional problem involving quite a few different jurisdictions. Unless the Council wanted the effort stopped, the group would continue and hopefully get Councilmember Driscoll--the Trails & Paths Committee liaison--to work with them.

Councilmember Toben encouraged the group to activate interest in Palo Alto. When they saw the possibility for connections to the larger regional trail system, he thought that would help. He fully supported what was envisioned. Noting that Mr. Krenz was a resident of Vista Verde, Councilmember Davis said he appreciated that the neighboring communities were involved in this type of activity. Mayor Comstock confirmed that the Council was fully prepared to support the activity.

REGULAR AGENDA

Mayor Comstock suggested item #12 be renumbered as item #2 on the agenda.

(2) Review Draft Letter Regarding Stanford C1 Trail

Lynne Davis, Chair-Trails Committee, reviewed the draft letter to San Mateo County, Santa Clara County, Menlo Park and Stanford University requesting that a meeting be held to discuss possible alignments for the C1 trail. She discussed previous correspondence from the Town about this trail. She felt the Town had the potential to act as a moderator to bring together the governmental jurisdictions involved in the alignment of the C1 trail. Responding to Mayor Comstock, she said Woodside and Los Altos were not involved in this particular trail; Los Altos was involved in the S1 trail, which was not in the Town's sphere of influence or planning area. The Town's concern was with the trail that connected directly to the Town's trail system.

Referring to the reference in the letter to the standard for a multi-use trail surface, Councilmember Merk suggested attaching a copy of the standard or identifying the source. Ms. Davis noted that it had been attached to an earlier letter but agreed it could be included or referenced in this letter. Referring to the trail's location, Town Planner Mader said he thought the correct location was "south" of Piers Lane. Councilmember Merk agreed. Mayor Comstock confirmed that the Council supported the letter.

CONSENT AGENDA

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

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

(3) Minutes of Town Council Meeting of April 28, 2004, with Councilmember Davis abstaining.

(4) Warrant List of May 12, 2004 in the Amount of \$108,708.49.

RETURN TO REGULAR AGENDA

(5) Disposal of Surplus Property (Removed from Consent Agenda)

Referring to Ms. Powell's memo of 4/27/04 on the disposition of the copy machines, Councilmember Merk noted that there was no mention of the cost of the replacement equipment. Ms. Howard said the lease for the new copier would amount to \$396/month; the service agreement was \$195/month for a total of \$591/month. That included service and toner cartridges, which were about \$100 each. The service agreement on the old copier was \$375/month, and staff was experiencing problems with the copier. She discussed the condition of the copier in the office and the copier in Room 10. As set forth in the memo, she discussed what would happen to the old copiers. Councilmember Merk offered to provide info on a company in Burlingame that refurbished copiers. Responding to Councilmember Merk, she confirmed that the Town would have to purchase the copy paper.

By motion of Councilmember Merk, seconded by Councilmember Davis, Council adopted (4-0) Resolution No. 2110-2004 Approving and Authorizing the Disposition of Surplus Property (copiers).

(6) NPDES Assessments (Removed from Consent Agenda)

Referring to Mr. Young's memo of 5/5/04 on the NPDES assessments, Councilmember Merk said he did not support the NPDES program as he had repeatedly indicated in the past. He saw this unfunded mandate as extortion/blackmail of the Town so that they could pay for legal defense fees to take action against the Town if the Town didn't follow their rules. He did not support this activity.

Councilmember Davis agreed it was extortion, but questioned whether it was worth the risk. Mayor Comstock agreed that an administrative fine of up to \$10,000/day was steep.

Councilmember Davis moved approval of Resolution No. 2111-2004 Recommending that the San Mateo County Flood Control District Impose Basic Charges for Funding the Expanded Scope of Work for the 2004/2005 Countywide National Pollution Discharge Elimination Systems (NPDES) General Program. Councilmember Toben seconded, and the motion carried 3-1 (Merk).

(7) Status of Town Center Project

Ms. Howard said the first meeting of the design team had been held on May 6, 2004, and was comprised of Town staff, Councilmembers Toben and Driscoll, staff from Siegel and Strain, and Linda Weil from Public Affairs Management; another meeting was scheduled for May 18. Staff was working with Ms. Weil to come up with a mailing that would be going out May 24. She noted that Councilmember Davis had created a database of all residents in Town. The surveys were sent out and as of today, 82 responses had come back along with 2 proposals; the deadline was May 17. Most of the committees had been asked to convene a special meeting between May 17 and May 20 to review a tally of the surveys, which the staff would prepare; they would also review any proposals submitted. On May 20, the members of the Town Center Advisory Committee would be meeting. She noted that the committees had not yet been given any criteria to consider as they prepared their recommendations to Council. On May 26, a special meeting would be held starting at 7:30 to receive the information; the Council would determine what uses would be given to the design team to incorporate into the charrette.

Councilmember Toben felt the discussion on May 26 would interest a great many people in Town. It was likely that the Council would be forced to make tough decisions about programs and the limited amount of

available space. For example, there was a vigorous tennis community in Town. Some in that community

believed that three tennis courts should be planned for; others in Town thought that two tennis courts would suffice. He thought the Parks and Rec Committee would be helpful; they would be meeting Monday night to discuss the various aspects of the Parks and Rec program. There was also a proposal from the Windmill Preschool that called for 2,500 sf of dedicated interior space plus 3,000 sf of playground space at a cost of around \$1 million. Unlike most groups in Town, that group could very specifically articulate an unmet need in the community; there were 50 families on their waiting list who did not have a local preschool option inside Portola Valley. There were significant policy dimensions to the question of whether the Windmill Preschool ought to be provided the dedicated space on the site. He felt there would be some meaty conversations involving some highly organized and articulate community interest groups. The discussion on May 26 might need to be continued to June 9, which was right on the edge of the June 10 charrette start date. With respect to Ms. Howard's comments, he agreed it was important for the Council to give some structure to the conversations that would take place next week with Parks and Rec, the Friends of the Library, the committees, etc. The criteria discussed so far had been: 1) will the program serve a large number of residents; 2) will the program require a dedication of exclusive space; and 3) what would be the cost to build and maintain this facility. Additionally, he suggested: 4) what would be the overall community benefits. He discussed competing unmet needs in Town and felt the conversation would need to be organized.

Councilmember Davis agreed some policy questions would need to be resolved first; then, whatever came in could be judged against the criteria. He suggested there be an additional meeting between May 26 and June 9. After discussion, Council asked staff to set up an interim meeting.

Mayor Comstock discussed the limitations of the site in terms of space. He said the design process would shed a lot of light on what was practical and what was not. With respect to money, he said that question had two major dimensions: 1) which of the facilities should be financed with Town money; and 2) which should be financed with user money or gift/donation money.

Based on his professional experience, Councilmember Toben said this should not become a donor-driven project. The Town was extraordinarily blessed by the contribution of an anonymous donor; that contribution had been made without tight, earmarked intentions. It was his hope that this would be a project that was driven by community serving goals rather than donor preferences.

Mayor Comstock said there was a presumption that the more people who used a facility, the more significant it would be to include it. He hoped that it would not be a pure numbers game of that sort; there might be some very valuable elements of a long-term philosophical program that were not numbers driven. For example, a historical museum had been discussed; that might have much less attendance of Portola Valley people than a soccer field. But, that didn't mean that the soccer field should wipe out the history center. He thought there would need to be real tradeoffs. Another issue was how many were using the facility at one time and/or over the course of a year. The Council would need to take into consideration all of the parameters.

Councilmember Merk said he thought the four points mentioned were appropriate. Giving the committees some parameters would help them. Mayor Comstock suggested also noting that these would not be the only considerations. Councilmember Merk suggested noting that they were not in order of importance. Councilmember Davis said it was important to remind the committees that this was about spending public money for public purpose. The Town stepping in to underwrite any commercial enterprise would have to be done with great caution. He agreed with the four points. Council asked staff to send memos to the committees stating that the Council wanted them to consider the four criteria in evaluating the uses/proposals.

(8) Checklist for Sustainable Buildings

Ms. Lambert reviewed her memo on the: 1) San Mateo Countywide Sustainable Buildings Checklist; 2) next steps of the Countywide Green Building Committee; and 3) incentives/green building programs in other jurisdictions. She added that Jill Boone from Recycleworks was developing a workshop to be held September 10 at Hidden Villa that would focus on the ten top things that could be done to "green a house" in jurisdictions like the Town; councils and commissions from the jurisdictions were invited. Incentives and policies would also be discussed at that meeting. Additionally, she recommended sending out the Countywide Sustainable Building Guidelines to all of the architects that worked regularly in Town to let them know that this was encouraged.

Councilmember Merk said he supported the program and what the staff was doing. Responding to Councilmember Merk, Ms. Lambert confirmed that the benefits--such as expedited plan check and/or reduced processing fees--were being offered to individuals. Councilmember Merk said he liked the Santa Barbara County incentive program and thought the ASCC might be able to help out with something similar. Ms. Lambert noted that many of the jurisdictions she contacted were just getting started on their programs; things would develop as communities/areas started working on their programs.

Mr. Lane said there was a fantastic open space preserve on the eastern border and a green building that had won a number of awards. He thought a workshop might be held at Jasper Ridge. It would also help to build a connection between Stanford and the Town; right now, the Wedge was being re-appraised for a new lease, and trails were also involved.

Responding to Mayor Comstock, Ms. Lambert said the ASCC asked applicants what green programs they were incorporating. Often, the Town received a list from the architect that indicated what items would be looked into.

After discussion, Councilmember Davis suggested that the liaisons to the ASCC and Planning Commission reaffirm and encourage them to focus on sustainable building concepts. Town Planner Mader suggested a field trip to Jasper Ridge by the ASCC, Planning Commission and Councilmembers be held. It might also provide some ideas for the Town Center. Ms. Lambert said she would coordinate. Councilmember Merk said he was also interested in the Hidden Villa workshop.

Responding to Councilmember Toben, Ms. Lambert said the intent was that all applicants going through architectural review would be required to complete the checklist; staff would try to get as many people to do so as possible. She confirmed that if an applicant checked an item, they did not necessarily have to do it. Councilmember Toben said he did not feel the documents said enough about the cost savings/financial benefit of doing some of these things. While many homeowners might not have financial savings of 2-5% foremost in their minds, some would. Many people complained in Town about the high cost of permits. If there was some way to look at meaningful relief without devastating fiscal impacts, he would be open to that. He noted that the other communities listed in the memo might not have the same demographics, etc., that the Town had. Additionally, he felt a six-month versus one-year trial basis might be preferable, or at least have an interim report in 6 months to allow some adjustments. Mayor Comstock agreed.

Councilmember Merk agreed it would be more appropriate for people to check those things that they actually wanted to do. Ms. Lambert noted that there would be another meeting next week to talk about how to get the information out. She hoped to get people involved before they started their design program. She agreed with a 6-month trial period.

(9) Alpine Road Revegetation Monitoring

Mr. Young reviewed his memo of 5/3/04 on the agreement with LSA Associates for Alpine Road revegetation monitoring. He described the revegetation report for the first year following the Upper Alpine Road restoration project, noting that the Conservation Committee and Streamkeeper had revegetated disturbed areas. LSA would be brought back to perform the report for the second year.

By motion of Councilmember Merk, seconded by Councilmember Davis, Resolution No. 2112-2004 Approving and Authorizing Execution of an Agreement Between the Town and LSA Associates, Inc. for Evaluation of Alpine Road Revegetation was approved by a vote of 4-0.

(10) Injury/Illness Prevention Program

Ms. Powell reviewed her memo of 3/30/04 on the recommended Injury/Illness Prevention Program (IIPP) for the Town. A major change from what had been done in the past was workplace inspections. She said Mr. Young had also been working with field staff to make sure that they had the proper personal protective equipment to wear. A safety training program had also been started using videos, written material, and discussions at staff meetings. These things were being documented to meet the requirements of the State as well as remind staff of hazards in the workplace. The Town had been extremely fortunate in having only two workers' comp claims in the past that amounted to \$176.

Councilmember Davis said the low accident rate was real testimony to the skill of all of the staff--especially the field people. Responding to Councilmember Davis, Ms. Powell said she used several other jurisdictions' programs including the Stanford Univ. program. There was also a model from the State. Responding to Mayor Comstock, she said there could be some financial impacts. The Town was currently in the process of applying to an alternative workers' compensation program. While the cost saving of joining that program was not known, having an IIPP in place was one of the requirements. If there was no program in place and there was a fatality or significant injury, the Town could potentially face very stiff fines from the State.

Referring to Section 7.0 of the IIPP, Councilmember Toben said it was not clear that this addressed only job-related illnesses. He felt the language was not as precise as it was in the CAL/OSHA guidelines which talked about job-related illnesses. He suggested adding some clarifying language.

Referring to Section 10.0 (Record Keeping), Councilmember Merk noted that all the retention periods were 5 years. In Section 6.3, (Inspection Record Keeping), the record keeping period was a minimum of 3 years. Ms. Powell said these were the retention periods provided by OSHA. There was no harm in keeping everything for five years, and she said she would make the change. Referring to the Complaint Investigation Form, Councilmember Merk said there could be an incident report without it being a complaint. Responding, Ms. Powell said everyone was familiar with this form. She suggested using the same form and adapting it for this purpose rather than having a separate form for investigations. When the forms ran out, she would revise the form to make it more of a work order form. Councilmember Merk suggested using the term "Complainant/Reporter" to indicate that it might be an incident report and not a complaint.

Councilmember Davis moved adoption of the IIPP set forth in the staff report of 3/30/04 as amended by the discussion. Councilmember Merk seconded, and the motion carried 4-0.

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

Ms. Howard reviewed the staff report of 5/5/04 on the Joint Powers Agreement (JPA) for the Housing Endowment and Trust of San Mateo County. She noted that Richard Gordon had also forwarded a letter

urging the Council to vote to join HEAT. He indicated that the cost to the Town for next year would be \$1,277. Councilmember Davis said he supported the regional approach and this organization.

Councilmember Merk said after hearing Mr. Gordon's presentation and his response to questions, he was very satisfied with this effort. Referring to the proposed agreement, he said the Recitals (section C) talked about member agencies' mutual economic interest to address "work force" and affordable housing issues on a regional level. The rest of the agreement talked about housing; "work force" came up in only one or two other places. He felt supporting a greater work force in addition to more housing wouldn't lead to any improvement.

Councilmember Davis confirmed that this was the wording that came from the task force; that thought process was how to house the regional work force. A lot of statistics had been thrown around with regard to what the makeup of that work force was; somehow the task force wording got put in a number of places in the document. Having sat through the presentations, he did not think there was any hidden meeting. Councilmember Merk said he wanted that wording clarified. Mayor Comstock suggested making the payment/approval of the agreement conditional on dropping the word "and" from that statement in Recitals section C. Ms. Howard noted that 11 towns had already approved the JPA document.

Councilmember Davis suggested Council agree to support this activity noting that this issue needed to be clarified to one member of the Council. He moved to adopt Resolution No. 2113-2004 Approving and Authorizing Execution of a Joint Exercise of Powers Agreement for the Housing Endowment and Trust of San Mateo County Between the Town and the County of San Mateo with the condition that Councilmember Merk be satisfied of what was meant by the term "work force." Councilmember Toben seconded, and the motion carried 4-0.

Responding to SallyAnn Reiss, Councilmember Davis explained the proposed regional approach to the State mandate for affordable housing. He discussed approaches in Sacramento to the housing problem. Ms. Howard confirmed that the membership would be paid out of the general fund. Town Planner Mader said from the planning point of view, it had been known for years that this was a regional problem and not a jurisdiction issue. This was the right direction to go. Responding to Town Planner Mader, Councilmember Davis said he understood that there was one other county that was pursuing a regional approach, but San Mateo County had taken the lead. Town Planner Mader added that from the point of view of public information, this was a very vital topic.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(12) Reports from Commission and Committee Liaisons

(a) Traffic Committee

Councilmember Davis noted that the Traffic Committee had not had a quorum at the last meeting. However, the audience was so large, they held a discussion about the Meadowwood stop sign.

(b) Planning Commission

Councilmember Merk said the Planning Commission approved the Priory's request for an international camp this summer. Chairman Breon had handled the meeting very well, and the public comment was concise and overwhelmingly in favor of the event.

(c) Conservation Committee

Councilmember Merk said the Committee was reviewing comments from the other committees on the Conservation Guidelines.

(d) Cultural Arts Committee

Councilmember Toben said the cultural arts and book event would be held this Saturday and Sunday. He added that SallyAnn Reiss raised a good point about consolidating some of the events. For example, it made sense to showcase art in conjunction with the Town picnic. Councilmembers discussed how the picnic could be a community-building event.

WRITTEN COMMUNICATIONS

(13) Town Council 4/30/04 Weekly Digest

(a) Community Clean-up Day

Referring to Ms. Powell's memo of 4/26/04, Ms. Howard said the clean-up day on April 24 had been very successful.

(b) Conditional Use Permits

Referring to Bill Lane's letter of 4/28/04 on the Fogarty Winery and Priory CUPs, Ms. Howard confirmed for Councilmember Toben that Ms. Lambert was investigating whether the events related to Stanford were in conformance with the Fogarty use permit.

(14) Town Council 5/7/04 Weekly Digest

(a) Monthly Summary of Revenue vs. Expense - Cash Basis by Fund #

Referring to the summary, Councilmember Toben asked about the Town Center reserve. Ms. Howard said the summary listed actual revenue; it would be part of line item #5, the general fund. She said during budget discussions, she would be suggesting that a new fund be created.

(b) Security at Blue Oaks

Referring to Mr. Jagers's e-mail about security at Blue Oaks, Ms. Sloan said the problems were not on the roads themselves. People were driving on the roads in a legal manner and then driving off the road onto private property. Responding to Mayor Comstock, she said the private property owners could call the police and report trespassing; the problem was that it was not known who was doing it. She said the Blue Oaks HOA had hired security guards to stop people and discourage them from going in and then going onto private property. There was a requirement in the Blue Oaks Subdivision Map and in the conditions of approval that the roads be open to the public. She said she was not completely comfortable with the idea of a guard, but Mr. Jagers had been advised to go ahead and see if it was effective. Councilmember Davis described his personal experience being stopped by a guard.

(c) Town Picnic

Ms. Reiss reviewed her memo dated 5/5/04 on the Town Picnic. She described the goal of the picnic and hoped that Councilmembers would be willing to participate. She said the mailing would be going out shortly. While the Town's anniversary would be recognized at the picnic, that would primarily be the focus of the Blues and BBQ event. Responding to Councilmember Toben, she said she hoped all of the committees and commissions would send representatives to the picnic.

CLOSED SESSION

- (15) Conference with Real Property Negotiator
Government Code Section 54956.8
Property: 725 Portola Road
Negotiators: Stan Goodstein, Town Attorney, and Town Administrator
Under Negotiation: Price and Terms
- (16) Conference with Real Property Negotiator
Government Code Section 54956.8
Property: Blue Oaks BMR Lots
Negotiators: Blue Oaks Homeowners Association, Town Attorney, and Town Administrator
Under Negotiation: Location, Price and Terms

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Mayor

Town Clerk