

SPECIAL TOWN COUNCIL MEETING NO. 637, JANUARY 14, 2004

ROLL CALL

Mayor Comtock called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Driscoll, Toben and Merk, and Mayor G. Comstock
Absent: None
Others: Town Planner Mader, Town Administrator Howard, Town Attorney Sloan, Dir. Admin Services Powell, Public Works Director Howard, and Dep. Clerk Hanlon

ORAL COMMUNICATIONS: None

PRESENTATIONS

(1) Blues and Barbecue - Community Events Committee

Marianne Plunder, Committee Chair, distributed and reviewed her memo of 1/14/04 on the Blues and BBQ 2003 event. She discussed the purpose of the event, participation by volunteers, planning for the event, attendees, food and wine served, the band, children's attractions, proceeds and donations, and costs.

Councilmembers complimented the Committee for their work. Councilmember Davis moved to approve the transfer of the net proceeds of \$32,122.99 from the General Fund to the Open Space Restricted Fund. Councilmember Driscoll seconded, and the motion carried 5-0.

(2) Sand Hill Road Improvement Project - Andy Coe and Jim Inglis

Andy Coe, Director of Community Relations for Stanford, said work would soon begin on the Menlo Park roadway improvements. The work included the widening of Sand Hill Road from the San Francisquito bridge to Santa Cruz Avenue and the intersection improvements at Sand Hill/Santa Cruz and JSB/Alpine. As scheduled, the construction would take place from April through early November of 2004 and 2005.

Using the plans, Jim Inglis, Stanford Management Company, discussed what was proposed. He said all of the improvements would be completed during the first construction season with the exception of the section of Santa Cruz Avenue between Sand Hill Road and Alpine/JSB. He described how traffic would be routed during the second year of the project.

Responding to Councilmember Driscoll, Mr. Coe said the plans were not yet finalized for distribution. They would be posted on the website and on-going mailings to interested jurisdictions would be made; there would also be a hot line. Responding to Mayor Comstock, Mr. Inglis said the paths were part of the roadway construction and could not be constructed earlier than planned. Responding to Mayor Comstock, Mr. Coe said there had been no discussion about an additional exit from I-280 between Page Mill and Sand Hill; the cost and environmental issues would be tremendous. Responding to Councilmember Driscoll, Mr. Inglis confirmed that there would be detour signs on I-280 during the second-year construction. Responding to Councilmember Toben, he described possible delays during the second phase and signal timing. Councilmembers discussed the signals at the JSB/Alpine intersection. Responding to Town Planner Mader, Mr. Inglis used the plans to describe the length of the right turn lane coming down from Alpine Road and where the path would be located.

PLANNING COMMISSIONER APPLICANT INTERVIEWS

- (3a) Marianne Plunder (letter dated 9/3/03). Ms. Plunder answered questions and discussed her professional background, previous Town service, motivation for applying, attendance at Planning Commission meetings, knowledge of planning issues and reading plans, "Sunday inspecting," dealing with controversy and the public, the Town Center project/charrette, and BMR design/housing diversity.
- (3b) Linda Weil. Ms. Weil reviewed her letter (9/17/03) and discussed her previous experience serving on a county planning commission and a Town committee, educational background and work experience. Responding to questions, she discussed living in Town, the charrette process, fencing, the Blue Oaks BMRs and diversity of housing costs in the community, and preparing for/responding to strong public opposition.
- (3c) Kirk Neely (letter dated 12/19/03). Mr. Neely answered questions and discussed unintended consequences of ordinances/actions referred to in his letter, State mandates for BMRs and affordable housing, basements, motivation for applying, relationship with the Town, Town processes, attendance at Planning Commission meetings, time constraints, and approach to group decision-making.
- (3d) Virginia Bacon (letter of 10/17/2003). Ms. Bacon answered questions and discussed the community's feelings about BMRs, motivation for applying, creekbank regulations/guidelines, attendance at Planning Commission meetings, responding to public opposition, potential conflicts of interest, Town values, residential data reports, open-mindedness, communicating to residents, and suggestions for improving the Town's website.
- (3e) Ann Wengert (letter dated 10/17/03). Ms. Wengert answered questions and discussed the objective of commercial zoning/development in Town, her work with the YMCA, motivation for applying, her background, approach to real estate transactions/investments, goals for the Town, open space preservation, her approach to group decision-making, time constraints, approaches/solutions to State housing mandates, and the charrette process.
- (3f) Lee Clark (letter dated 11/18/03 and e-mail dated 1/8/04). Mr. Clark answered questions and discussed his motivation for applying, time constraints, approach to group decision-making, "forcing land use changes" as referred to in his letter, creekbank regulations, potential for conflicts of interest, experience with non-profits, compliance with State housing mandates, the Town's reputation, and Measure H.
- (3g) Sally Ann Reiss (letter dated 11/28/03). Ms. Reiss answered questions and discussed her experience with planning issues and reading plans, purpose of the Planning Commission, attendance at Planning Commission meetings, communication with the community, pace of local government versus corporate, commercial/office zoning in Town, preparing for and responding to controversial issues, the charrette process, and the General Plan.

CONSENT AGENDA

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

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

- (4) Minutes of Special Town Council Meeting of December 5, 2003.
- (5) Minutes of Town Council Meeting of December 10, 2003, with Councilmember Merk abstaining.
- (6) Warrant List of December 24, 2003, in the amount of \$338,065.03
- (7) Warrant List of January 10, 2004, in the amount of \$184,391.40.
- (8) Resolution No. 2098-2004 Accepting the Completed Alpine Road Resurfacing and Drainage Improvement Project #2003-PW01 and Authorizing Final Payment to Granite Rock Construction DBA Pavex Concerning Such Work, and Directing Town Clerk to File a Notice of Completion, per Public Works Director's memo 12/22/03.

REGULAR AGENDA

- (9) Agreement to Adopt NPDES Permit and the San Mateo Countywide Stormwater Management Plan
(Removed from Consent Agenda)

Referring to the Public Works Director's memo of 12/9/03, Councilmember Merk said he would vote "no" on this item as he had in the past. He hoped that this federal mandate would be changed soon. Councilmember Driscoll moved approval of Resolution No. 2099-2003 Reapplying for Reissuance of Its Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit and to Accept and Adopt the San Mateo Countywide Stormwater Management Plan for 2004-2009. Councilmember Davis seconded, and the motion carried 4-1 (Merk).

- (10) Installation of Safety Film on Library Windows

Ms. Howard reviewed the staff report of 1/5/04 on the installation of safety and security film on the library's windows. She displayed a sample of the product.

Councilmember Merk moved approval of Resolution No. 2100-2004 Approving and Authorizing Execution of an Agreement Between the Town and Window Solutions for the Installation of Safety and Security Film at the Portola Valley Library. Councilmember Davis seconded the motion.

Responding to Mayor Comstock, Ms. Howard said Mr. Young had investigated the components of the film and concluded that safety would be diminished by using the less expensive, non-3M brand of film. Mayor Comstock called for the question, and Resolution 2100-2004 passed by a vote of 5-0.

- (11) Renovation of Hayfields/Wayside Fire Access Road

Ms. Howard reviewed the staff report of 12/18/03 and recommendation to approve and authorize execution of an agreement for renovation of the Russell Road fire access. She noted that "Hayfields/Wayside" should be replaced by "Hayfields/Russell" in the documents. She said the Town Attorney had confirmed that the Town was responsible for this fire access road.

Responding to Mayor Comstock, Ms. Howard said there were potentially other access roads in need of renovation. Councilmember Merk noted that the road from Wayside to Santa Maria was obliterated by

overgrowth of bushes. Responding to Councilmember Davis, Mr. Young confirmed that the Fire District had responsibility for checking fire access roads and gates. Responding to Mayor Comstock, he said the road that connected Hayfields and Russell was a rocky road. The one that connected Wayside and the Woodside Highlands had a huge elevation difference and would be very expensive to renovate. Additionally, to access it would require passing through private property and obtaining an easement. Ms. Howard noted that there was also the question of ownership. Responding to Mayor Comstock, she said she did not think there were other similar situations. Town Planner Mader confirmed that the Fire Dept. was aware of the fire road conditions.

Councilmember Driscoll suggested approving the renovation for the Russell fire access road and request the Fire Dept. to keep an eye on the other access roads and let the Town know if maintenance was needed. Councilmember Davis added that the Fire Dept. kept maps of these fire roads and that they were the right people to ask.

Mayor Comstock said he was uncomfortable that this was being left in an open-ended circumstance. Noting that the Russell Road access was the item on the agenda, Councilmember Driscoll said the Brown Act required that only agenda items be acted on. He reiterated his suggestion to notify the Fire Dept. that the Russell Road access would be repaired and ask the Fire Dept. to notify the Town of any other accesses that needed maintenance. He said the Fire Dept. set the standards for how the access roads had to be maintained. The Town should not be in the fire safety/assessment business.

Councilmember Merk moved approval of Resolution No. 2101-2004 Approving and Authorizing Execution of an Agreement Between the Town and O. Nelson & Son, Inc. for the Renovation of the Hayfields/Russell fire access road. Councilmember Toben seconded, and the motion carried 5-0.

(12) Trail Usage List and Proposed Correspondence

Lynne Davis, Chair-Trails Committee, referred to her memo of 12/1/03 and explained that the only change to the Lake Trail that was needed was to remove the "No Dogs" signs; the trail usage list was correct.

With respect to the draft letters to Supervisors in Santa Clara and San Mateo Counties, she said these letters addressed Stanford trails. They did not deal with the alignment of either the S1 or C1 trails. The Committee was, however, recommending that wherever those trails were, a standard be used that would not make them all asphalt. She noted that she had discussed the letters with the Town Planner.

Councilmember Driscoll said he received a call from a citizen who was concerned that Stanford might agree to the Committee's recommendation and ignore the Town's concerns about the alignment. He suggested adding a sentence about the Town's objection to the proposed alignment. Responding to Councilmember Driscoll, Town Planner Mader confirmed that on the adopted Trails and Paths Element, the C1 trail was shown on the Stanford side of the creek. On the other side of the creek on the San Mateo County side, an equestrian/hiking trail was shown along with a paved bicycle path. Responding to Councilmember Driscoll, he confirmed that copies of the proposed Element had been sent to Stanford, Palo Alto, Santa Clara County, San Mateo County, and Menlo Park; he thought that the adopted version had been forwarded as well but would check. Responding to Councilmember Driscoll, he said he would also verify that a letter from the Town had been sent about the alignment. Responding to Ms. Davis, Councilmember Driscoll said he thought the letters should be signed by the Mayor. Councilmember Merk agreed adding that he did not think letters of this nature should be sent from a committee.

After discussion, Councilmember Driscoll suggested adding the following statement to the letters: "This letter does not deal with the alignment issues referred to in our previous letter of _____" (cite date).

Councilmember Toben suggested adding: "We would also like to take this occasion to reiterate the position we have taken in the past with respect to the proposed alignment of the C1 trail: namely, that it be constructed on the Santa Clara County side of Los Trancos Creek. Council agreed.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(13) Reports from Commissions and Committee Liaisons

(a) Cable Committee

Councilmember Driscoll said Comcast had indicated in a letter that they would not be attending the regular Cable Committee meetings any more but would try to attend once/quarter; he suggested staff review what their obligations were. Secondly, Comcast's contract was up in 1.5 years, and the Committee would like to know if the Council wanted to explore other options. Thirdly, the Committee was also interested in playing a role in prioritizing and generating a master plan for undergrounding all of the utilities.

Councilmember Merk said he supported the Cable Committee exploring other cable options. In terms of undergrounding, he said years ago, there was an undergrounding committee, which reacted to problems and monitored projects. He felt there might now be enough money in the fund to do another undergrounding project. He saw no problem in letting the Cable Committee make recommendations. Councilmember Driscoll discussed possible projects which PG&E might be interested in. Council agreed the Committee should look at undergrounding as well as cable options. Councilmember Driscoll suggested that the Committee's charter might need to be revised.

(b) Parks and Rec Committee

Councilmember Davis noted that Bill Pickering, Chair, would be resigning from the Committee.

(c) Library JPA

Councilmember Toben said the County had formally notified the JPA that it was withdrawing from the JPA. He noted that there was continuing friction between Foster City and the County over the appropriate use of funds.

(d) Blue Oaks Homeowners' Association

Councilmember Driscoll said he and the Mayor attended a Blue Oaks homeowners' association meeting to discuss the BMRs. A proposal would be presented to the Town on an alternative site for the BMRs. At the meeting, he said it had been pointed out to the homeowners' association that their proposal would probably require a General Plan amendment and would generate some controversy.

WRITTEN COMMUNICATIONS

(14) Town Council 12/12/03 Weekly Digest: None.

(15) Town Council 12/19/03 Weekly Digest: None.

(16) Town Council 12/24/03 Weekly Digest

(a) Sheriff's Officers Honored

Ms. Howard referred to a newspaper article and note from Kirke Comstock suggesting that the Town write a letter to the two officers honored for their valor at a recent ceremony. Council agreed a letter should be drafted for the Mayor's signature.

(17) Town Council 1/9/04 Weekly Digest

(a) Request to Use MUR for Fundraiser to Benefit Victims of Earthquake in Iran

Referring to the e-mail from Kashfieh Taghizadeh, Ms. Howard said use of the MUR for a fundraising dinner had been requested on a reduced or no-fee basis. Responding to Councilmember Merk, she said the normal charge for this type of event was \$850. Councilmember Merk said he did not think that was unreasonable for an event with 200 people. Responding to Councilmember Toben, Ms. Howard said on occasion, the Council reduced or waived fees for local groups (e.g., PTA, boy scouts, etc.). Noting that the foundation he worked for recently made a \$20,000 contribution for earthquake relief in Iran, Councilmember Toben said he felt the standard fee was appropriate. Ms. Howard added that she had suggested that this group partner with another non-profit on their cause.

(b) Amended State Law re Council Voting Requirements

Responding to Councilmember Davis's question on her memo of 1/8/04, Ms. Sloan said if there was a conflict of interest, it would not technically be an abstention. She reviewed her memo. For Councilmember Davis, she confirmed that if four Councilmembers were present with 1 "no" vote on a resolution, 1 "aye" vote, and 2 abstentions, the resolution would pass. Responding to Town Planner Mader, she said the amended voting requirements did not apply to the Planning Commission.

(c) Charrette Process

Councilmember Driscoll referred to the first paragraph of Mayor Comstock's draft flyer dated 1/9/04 on the charrette for the Town Center project. He suggested replacing the word "condemned" with "relinquished by the School District." Referring to the fifth paragraph, he felt something should be added about the public's involvement. He suggested: "This is a rapid planning process with substantial public involvement that promises a Master Plan in one week elapsed time." Referring to the same paragraph, Councilmember Toben reiterated his concern that the end of February was too soon. The kind of outreach and communication necessary had not begun, and people had to be given a lot of time to set aside the days when the public participation process would occur. He thought the end of April was a more reasonable date.

Mayor Comstock said his draft was far from finalized. He said the essential element was to come to grips with some kind of timetable for Council action leading up to this kind of thing. He distributed a supplemental memo dated 1/14/04, which he said talked about specific actions and times. He felt the most significant action was to have the Council act on a recommendation relating to the site. For the charrette process to succeed, a large fraction of its energy should not be spent on determining where the Town Center should be.

Councilmember Driscoll said the geology needed to be finished and the report received before the Town could officially make a site decision. Ms. Howard confirmed that the report was in draft form for Bill Cotton's review. It was scheduled for the first meeting in February. Councilmember Driscoll asked Ms. Howard to try to expedite the report for receipt in time for the 1/28/04 Council meeting. He also felt that the charrette flyer should go out as soon as possible in order to respond to Councilmember Toben's concerns.

Mayor Comstock said the second item on his 1/14/04 memo was the question of the public information

program in order to advance this project. He said Councilmembers had indicated the need to move on this in

an expeditious manner. The longer we waited, the greater the hazard in terms of the way earthquakes behaved. He thought it was important to keep that in mind as the primary motivating goal at the moment-- just to get it moving. In the interest of that goal, the best judgement should be used on what to do for a public information program that would facilitate this process. That would include: 1) introducing the site selection decision to the public; 2) preparing the public for the charrette process; 3) inviting the public to join in the charrette process; etc. Those things needed to be moved forward as properly and effectively as possible.

Councilmember Driscoll noted that part of the public information process had started as there was a recent article in *The Almanac*. The newsletter was also coming up and should be used to get public support and involvement in the charrette process.

Councilmember Davis said he was concerned that the public might view the Council as having made some primitive decisions on which the charrette process would be based. Referring to Mayor Comstock's draft flyer of 1/9/04 (p. 3), he said it talked about a set of items that were decided on 11/12/03. These items had been decided or needed to be decided, but they had been discussed over a period of time. To provide the backbone for the charrette process, he felt there should be a meeting in which these decisions were made or it was decided not to make them. Parameters needed to be set with respect to: 1) integrating the site; 2) location of the buildings; 3) a phased program; 4) financing; etc. That way, the charrette people wouldn't have to backtrack on some of those fundamentals.

Councilmember Driscoll agreed and thought that at that meeting, the geology report could also be accepted.

Councilmember Davis suggested that part of the outreach include a miniature discussion/staff presentation to provide a clear platform so that anyone who came could get caught up on what had happened. That presentation should include the conclusions reached about the geology, recommendations from the citizens' advisory, etc. After allowing the audience to speak, the Council could hopefully say what would be done. The charrette would follow naturally as the execution phase of the design.

Councilmember Driscoll suggested a sequence of agenda items: 1) receiving the geologic report; 2) agreeing on what the program would be and how we got to that decision; 3) agreeing on the charrette process with the parameters set; and 4) agreeing on how the public information would go out. After discussion, Council decided on a special meeting on 2/9/04.

Councilmember Toben felt an essential piece of the outreach strategy would be further attention in *The Almanac*. He was concerned that the recent article was premature in introducing the charrette idea. A great many people might not have heard this word before or had little understanding of what preceded the determination by the Council to take this novel approach. He hoped that there was an extended feature article on the cover of *The Almanac* that talked about the story of the Town Center and how we came to this point. Responding, David Boyce said this had been discussed. However, this project was very open-ended, and stories couldn't be filled with opened-ended information. Councilmember Driscoll said the geologist's report would indicate where buildings could be built on this property with some certainty. There would also, hopefully, be agreement on a process. That deserved an article and, as part of the public outreach, follow up.

Councilmember Driscoll said the Council needed to discuss how this on-going project would be managed. For the Schoolhouse, he said Councilmember Merk played a leadership role because he had familiarity with the construction issues, etc. With Alpine Road, someone had been brought in from outside. In the short-

term when the charrette process was underway, he thought an ad hoc committee might be established with a public relations officer, a member of the Finance Committee, a member from Parks and Rec, etc. These people could be supervisors and provide the Council with information. The management process should be an additional agenda item for the 2/9/04 meeting. Councilmember Toben noted that a charrette facilitator

would be brought in; that person came to the task with expertise in this domain. Ms. Howard added that that person's team would also come with expertise on these issues. Councilmember Driscoll said there were additional issues such as the phasing, selection of the working drawings, selection of the funding process, etc. The desire of the Council to keep an eye on things would need to be balanced with the professional, full-time supervision of this.

After discussion, Councilmember Driscoll asked that comments on the charrette flyer draft be forwarded to him for review and revision of the flyer.

(18) Appointment of Planning Commissioner (Deferred to end of meeting)

Councilmembers praised the qualities and qualifications of all of the applicants. Noting that Chairman Breon indicated that he would be leaving the Planning Commission, Councilmember Driscoll suggested the Council discuss whether a permanent and provisional appointment should be made at this time.

Chairman Breon suggested the Town advise the second and third choice applicants that there would be another opening within the year and encourage them to be involved in the Planning Commission over the next few months. Responding, Councilmember Driscoll said he preferred not to winnow the list for the provisional appointment. He suggested just advising the candidates that were not appointed that there would be another opening.

Because there would be two new Commissioners, Chairman Breon suggested balancing those two by considering someone who was relatively new to the Town along with someone who had been in Town for some time, or someone who had an association with some of the well-known values in Town. He discussed his preferences in terms of the applicants.

Greg Franklin suggested the Council consider appointing a candidate that represented some diversity of opinion. With respect to the Nathhorst issue, the recommendation from the Planning Commission and final decision by the Council had been pretty homogeneous. It was obvious that that was not the sentiment of a large segment of the community. He felt it would serve the community well if they felt like the Council had heard and responded to the referendum result. One in a body of five didn't represent a majority, but there would be a sense in the community that there was some diversity of opinion. He discussed the applicants that he was familiar with as a result of the Nathhorst issue, noting that he had only heard one of the interviews.

Bill Lane, Westridge, said he did not see the results of the Nathhorst issue as exemplifying great diversity in the Town. Those in opposition and those in support had far more common beliefs and hopes than disagreement. The vote supported a common agreement on rural open space with minimum density and commercial. It was recognized that the original amount of commercial in the General Plan was based on a population extrapolation that never materialized. That had been held back by slope/density, public opinion, and other forces that evolved as the Town developed. In terms of the applicants, he had not sensed a great diversity in their beliefs in what they hoped for and valued in this Town and why they lived here. He felt it was a great credit to the Town that this level of quality of the population volunteered for the position.

Councilmember Davis agreed the candidates projected the virtues that made the Town what it was. He discussed the strengths of the applicants and their service on Town committees. Councilmember Toben

related information he obtained individually on candidates that he did not know well before this process and discussed the candidates. Councilmember Merk discussed the applicants' professional backgrounds and knowledge of the Town. Councilmember Driscoll discussed his interactions with some of the applicants, their knowledge of issues and planning experience, and their approaches to finding consensus. Mayor Comstock

discussed his preferences.

After discussion, Mayor Comstock appointed Ann Wengert to the Planning Commission. Councilmember Merk moved concurrence, and Councilmember Toben seconded. Councilmembers discussed the relevance of not having served on Town bodies before being appointed as Planning Commissioners or Councilmembers. Mayor Comstock called for the question, and the motion was approved 5-0. Councilmember Driscoll suggested the Mayor telephone the applicants not chosen and encourage them to participate on committees or continue their service and advise them of the second opening on the Planning Commission.

ADJOURNMENT

The meeting adjourned at 11:45 p.m.

Mayor

Town Clerk