

SPECIAL TOWN COUNCIL MEETING NO. 629, JULY 30, 2003

ROLL CALL

Mayor Driscoll called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers K. Comstock, Davis and Merk, and Mayor Driscoll
Absent: Councilmember G. Comstock
Others: Dep. Planner Vlastic, Town Administrator Howard, Town Attorney Siegel, and Dep. Clerk Hanlon

ORAL COMMUNICATIONS

Pierre Fischer, Valley Oak, said the ASCC had recently approved a new 4,800 sf home in the Blue Oaks development right on the ridge. In 1998, the Palo Alto city council had determined that houses should not be on the ridge in the Arrillagga subdivision. Describing views from Valley Oak, Golden Oak and Alpine Road, he asked what could be done to challenge the ASCC's approval of this home. Mayor Driscoll noted that Council could not engage in discussion during Oral Communication. Ms. Howard noted that correspondence about this issue was included in the July 18, 2003, digest.

(1) Presentation on San Mateo County Mosquito Abatement District

Joe Fil introduced Chindi Peavey and James Counts from the San Mateo County Mosquito Abatement District. Using slides, Dr. Peavey discussed: 1) the history and spread of West Nile Virus; 2) surveillance for viruses; 3) bird testing; 4) monitoring of mosquito density; and 5) the integrated test management program. Mr. Counts discussed: 1) biological controls and growth regulators; 2) creek/ditch treatment and monitoring in Town; 3) problems at construction sites; and 4) yellow jacket treatment. Responding to a question, he described use of mosquito-eating fish and mosquito species in the area. Dr. Peavey asked that residents call the District with any problems. The District's Website is www.smcmad.org.

Bill Lane, Westridge, complimented the District on its work. A resident added that he had received prompt responses from the County entomologist. Mayor Driscoll thanked the District representatives and Mr. Fil.

CONSENT AGENDA

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

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

- (2) Warrant List of July 23, 2003, in the amount of \$182,487.45.
- (3) Resolution No. 2071-2003 Approving and Authorizing Execution of the Amended Fifth Amendment and the Sixth Amendment to the Lease Agreement Between the Town and Kalani Engles Smith, per Admin Services Dir. memo of 7/14/03.
- (4) Resolution No. 2072-2003 Determining and Establishing the Appropriation Limit for 2003-2004, per

Town Administrator's memo of 7/15/03.

- (5) Response to Grand Jury Report, per Town Attorney's memo of 7/16/03.
- (6) Resolution No. 2074-2003 Approving Plans and Specifications and Calling for Bids for the Alpine Road Pavement Repair and Drainage Improvement Project No. 2003-PW01, per Public Works Director's memo of 7/23/03.

REGULAR AGENDA

- (7) NPDES Assessments (Removed from Consent Agenda)

Referring to the Public Works Director's memo of 7/15/03, Councilmember Merk said he did not support the NPDES program for reasons previously stated. By motion of Councilmember K. Comstock, seconded by Councilmember Davis, Resolution No. 2073-2003 Recommending that the San Mateo County Flood Control District Impose Basic and Additional Charges for Funding the Expanded Scope of Work for the 2003/2004 Countywide National Pollution Discharge Elimination System (NPDES) General Program was approved by a vote of 3-1 (Merk).

- (8) Action on Certified Referendum Petition

Mayor Driscoll reviewed Ms. Sloan's memo of 7/24/03 on the referendum process and options the Council had at this point. He opened the meeting to public comment.

Beverly Lipman, 188 Favonia Rd., said she did not want the Council to just repeal the ordinance. While she did not want to have to go through an election, that was the correct path at this point.

Onnolee Trapp, League of Women Voters of So. San Mateo County, read and submitted a statement supporting the action of the Council in rezoning the Nathhorst triangle in order to: 1) provide a range of options to meet housing needs; 2) allow for the development of both homes and limited commercial/office use; and 3) make these homes available to employees of the Portola Valley School District and employees/residents of the Town.

Gary Nielsen, 148 Pinon Dr., supported the rezoning and also the Town's position and residents' desire to have a vote. He urged the Council to submit the ordinance to the voters.

Wendy Hoag said she strongly supported the Nathhorst triangle rezoning ordinance. Over three years of consideration and revisions led to the adoption of the ordinance for mixed-use development at the Nathhorst triangle. The Council heard public opinion and made their decision after careful deliberation. Any opportunity to diminish the impact of proposed development in Town was a major benefit. She asked the Council not to waste over three years of effort by repealing the ordinance. She wanted the Portola Valley residents to make an intelligent decision and approve the rezoning ordinance by vote.

Beth Shaw, 900 Wayside Road, supported moving forward with the rezoning and urged the Council to continue on that path. She said many speakers had described the benefits.

Lee Clark, 5 Naranja Way, read the referendum language set forth in Ms. Sloan's memo of 7/24/03. He said it was misleading. A "yes" vote to that language would be encouraged--even by those who opposed the ordinance who believed in smaller and less expensive homes but not in high density.

Bob Adams, 11 Applewood, said the ordinance description, according to law, was to be non-partisan. The description that was just read was not non-partisan. The specific issue that people were concerned about was density. There was nothing in that description that described density. The reason the petition was signed and the reason why people were frustrated was density. He asked that it be redrafted by the Town Attorney in a non-partisan fashion.

Responding to Mayor Driscoll, Mr. Siegel said the usual test of partisan was whether a position was taken in the language such as using value terms. As previously discussed, the law had been changed to require the statements be straightforward. A vote in the affirmative had to mean yes, and no must mean no. In this case, there was a specific reference to the ordinance, which was widely available. There was also a limit of 75 words, and all of the details in the ordinance could not be put forth. It was, however, within the Council's purview to change the language.

Ellen Vernazza, 120 Nathhorst, strongly agreed that the whole reason for the referendum was density and 20 houses on such a small acreage. The number of homes that would be allowed on this property and the density should be included in the statement.

Greg Franklin, 12 Applewood, strongly urged the Council to couch this referendum in the context of density. This whole issue was about residential density in Town and mixed-use changes. It would serve the public interests and the citizens of Portola Valley in the best way if it was very simply couched in terms of density, which was the fundamental reason for the substantial opposition to the whole Nathhorst rezoning issue.

George Zdasiuk, 48 Hillbrook Dr., said a lot of work had gone into crafting the ordinance. The people who were behind the referendum to put this to a vote had made the complaint of density. They were not against mixed use, residences, etc. The issue was solely density. If density was the only issue, he questioned why the ordinance couldn't be rescinded and another ordinance re-crafted with somewhat lower density. Everyone's needs would be well served. The Town's work would not go to waste, and the people who were concerned about this would feel that they had been heard. There wouldn't be a lot of divisiveness if the Town went back to the drawing board and listened to the message, which was that the density was too high.

Doug Aikins, representing the McKinneys, said the property owners requested that the ordinance be repealed tonight. That would immediately set the stage for a private sector initiated General Plan change and rezoning that would do what this rezoning had failed to do for nearly four years. If this referendum went forward to an election, it would be a one-issue campaign. One or two people with or without good qualifications would get elected based on their stand for or against this rezoning. It had polarized the community and must be recognized as a political failure. It also must be recognized as an economic failure. His clients refused categorically to implement it. Those people still wishing for a coordinated three-parcel assembly of small crowded residences and offices would not get their wish. Terryll Slawson had indicated she was quite reluctant to ever develop a FAR of .13 on her property alone. While he did not have recent input from Mr. Jelich, the coordinated project that the Planning Commission spent so much time over would not be implemented. While there had been almost uniform sincerity and good intentions by all concerned, this was a question of a missing perspective over the years. The debate had been dominated by a few dozen important individuals. What had been exclusively kept from the argument to date was economic realities. This ordinance imposed a loss in property values to his client alone of approximately \$1 million, and they were unwilling to invest in or sell their property at a vast loss imposed by the rezoning. If it was repealed tonight, the leadership would be provided that had been missing from the outset and missing for the last three years. Council should step up and do the right thing so that this issue would not continue for a fourth year to dominate Portola Valley debate. Of all the people who worked on this over the last few years,

perhaps 1 or 2 had extensive professional experience in real estate development; everybody else had sincerely held opinions on the subject. Every time economic realities were injected in the debate, they were

routinely ignored. As soon as Commissioner McIntosh said the owners would lose money at .19 FAR, his opinion no longer seemed to count much. As soon as the decks were cleared for an economically viable project like a community-serving medical clinic and medical research combination, the community could focus on those benefits. That would be a FAR of .13. It would require a use permit and ASCC approval, and it would require an exemption from the otherwise applicable floor area limitations for offices. It would literally save Portola Valley lives. It would shorten commutes. It would benefit the lifestyle of everybody in Town within a 10-mile radius.

Phil Vincent, 165 Portola Rd., said he was shocked at the referendum statement. As written, it essentially said, "Do you want to do something wonderful or vote against something wonderful." He strongly urged that it be rephrased and suggested that someone who had worked on the petition be part of that rephrasing.

Bernie Bayuk, 198 Paloma Rd., said he had not heard the wording of the ballot statement until tonight. He too was shocked. It was clearly biased. It pointed out that the ordinance would serve to reduce office space but said nothing about the increased density of housing, which was out of character with the whole Town. He asked that this be put in *The Almanac* so everyone could see the wording that was being proposed. The referendum had been initiated because of the proposed high density of the housing.

Virginia Bacon, 205 Golden Oak Dr., said the issue that must be decided tonight was not just the language of the referendum and the various entities' positions. The issue was democracy. She urged that a vote be taken by the public; that was a very important thing to do at this stage.

Peter Draeger, Applewood Lane, urged the issue be taken to the public. Whether it was rescinded or taken to the public, he thought the same result would come about. This was an issue about zoning. Zoning had been created to develop the Nathhorst property the way the Council felt was correct for that property. That zoning was not just zoning that was specific to Nathhorst. That zoning was a Town law which could be applied to other properties--whether the Council thought it would or not. This issue was about the zoning--not necessarily about housing at Nathhorst. The referendum should be properly worded to say, "Do you or do you not agree with higher density zoning." That was the fact of the matter.

Jon Silver, 355 Portola Rd., said it had been suggested to rescind the ordinance and redraft it. His understanding of the law was that if it was rescinded, it could not be redrafted for another year. In the meantime, Mr. Aikins and the other property owners would be pushing for approval of office complexes that conformed to the old zoning, which was not what people in Town wanted. From what he understood, the kind of medical clinic that Mr. Aikins was talking about could only subsist on a large amount of traffic from outside of Town. If Town businesses were to serve the local area, a 10,000-12,000 sf medical office was not the way to do it. Additionally, the law required the description of the proposal be non-partisan. The Town Attorney had drafted something which she felt to be objective. There had been a suggestion to let those opposed to the ordinance do a re-draft. That would result in a partisan description. The Town Attorney was a professional, paid to do something that conformed to the law. He suspected her advice should be followed. Mr. Aikins had also indicated that his client would not build under the new zoning. In that case, the Town would be looking at vacant land there, which he did not think many people would be upset about. Ms. Slawson apparently indicated that she didn't want to build the .13 FAR she would be allowed under the old and new zoning without a joint plan; that little Linwood Realty building would therefore remain without an expansion. What was proposed was in every conceivable way a lower density proposal--except if all three property owners got together on a superior, coordinated plan that the Town could approve. If they were allowed that square footage bonus, there would still be less traffic, less parking, less

environmental blight, and lower buildings than were possible under current zoning. He did not think the facts warranted trying to rewrite the Town Attorney's description. It was important to let this issue go to the voters.

Steve Dunne, 225 Pinon Dr., said those in favor of the referendum were very agnostic as to what the use of the property was--business, commercial, retail or residence. All that was cared about was the simple mathematics around the density. If you did the math, the number never changed. The average of .13, .13, and .18 was .1457 density. If the Council had stayed at that density average with no bonuses, it would have been a non-issue, and this would not be going to the voters. Those opposed to the ordinance had agreed with the Council and Planning Commission that it would be wonderful to have a coordinated effort with a reasonable mix of use on the properties. That was not the issue. The issue was the density. The referendum should read: "Do you want to increase the density from .1457." Secondly, we should not be excluding anything--carports or whatever. As soon as that message was loud and clear, the issue went away. With respect to the referendum petition, he said his personal residence had been the mailing address. A substantial percentage of the referendum documents that were submitted were from people who downloaded the form from the Web, filled it out themselves, and mailed it in. There were some gathering points, but a lot of the forms had been done by people themselves. He had also been stopped by many people who wanted to know how to get the form, when it had to be submitted, etc. A lot of people in favor of the rezoning wanted to see this go to an election because they thought there was tremendous support for the rezoning. There was, however, a tremendous amount of support for not doing the rezoning. Whether it was rescinded or went to a vote, it was important to understand that the issue was density.

Philip Vincent reiterated for Mr. Silver that there should be some input on the phrasing of the referendum by some of those who had worked on it. The referendum had been phrased in a particular way, and those who proposed the petition should have some input.

Greg Franklin said the Council would be doing the community a service by describing tonight how the wording for the referendum came about, who gave the instructions to whom, etc. This seemed to be just one more in a string of controversies over this particular issue.

Ed Wells, 15 Naranja Way, said over 150 people in Westridge signed petitions. What they said was, "Let us vote on high density." That was the message. The package that we have now was born of fear of more offices. The people in Town deserved the right to take this to a vote to vote against high density. When the ballot measure was crafted, it was important to make sure there was no doubt what a yes or no vote would mean. High density was not wanted in Portola Valley.

Steve Toben, Planning Commissioner, supported the Council's referral of this matter to a vote in November. He also urged the Council not to open up the language of the proposed ballot measure. Mr. Wells's comments underscored the importance of letting the Town Attorney do her business in crafting a neutral, sterile ballot measure and letting the partisans on both sides use their ballot arguments to present the kind of phrasing that they thought best served their objectives. Mr. Wells's characterization that this was all about high density carried a particular charge in this Town. As one of those who had worked on this matter for many years, he strongly disagreed with that characterization. He thought it was therefore appropriate for those on both sides to work out their rhetoric in the space allotted in the voter pamphlet, which would undoubtedly be very important in enabling residents to make up their minds. He also had great confidence that the residents of this Town could conduct this campaign in a civil and deliberative fashion--working the issue very hard but refraining from attacks on individuals. He called on those who supported the rezoning to demonstrate the same kind of restraint he hoped to see on the part of those who opposed the rezoning. He urged the Council to stay the course, which was difficult. Dramatic changes had been made to the recommendations of the Planning Commission that resulted in a much better product; the collective wisdom of ten was greater than the collective wisdom of five. He saluted the Council for the hard work.

Bob Adams said if this was phrased such that some people felt something was being slipped by or tilted in

the election, this would become one of the most divisive places to live. That would be a destructive outcome that he did not want. He asked that the Council look at this. The Town Attorney was trying to do a good job, but she was paid by the Town and not by those who solicited for the referendum. The Council needed to be awfully careful of how this was put out there. Every word used by those supporting the petition focused on density. Not to have that be part of the language set the Council up for the most divisive election and result--regardless of who won.

Doug Aikins agreed with the previous speaker. He asked if the ordinance--whether repealed tonight or in November--would reinstate the pre-existing General Plan zoning. Secondly, he said it was routine for the city attorney's office to vet the non-partisan ballot statement through proponents and other neutral and partisan observers, with the city attorney and town council having the final say. This ballot statement was patently in violation of the Elections Code because it was indeed partisan.

Sharon Refvem, 223 Corte Madera Rd., strongly supported the ordinance. She encouraged the Council to let it go to a vote. It was important to have a diverse housing stock in Portola Valley. It was a goal worth going for and needed to be done to get the below market housing that the State required. She had been approached at the Town Picnic to sign the referendum to put this to a vote; it had been proposed as a way to get this to a vote.

Linda Elkind, Planning Commissioner, said the word "density" was a flash point in this Town. The absence of that language in the measure kept the measure neutral. A thorough discussion of what density meant to each side could be discussed in the context of the arguments in the ballot measure. The language drafted by the Town Attorney was factual and neutral. To get the best understanding among the voters, it made sense to deal with the density issue in the arguments.

Jon Silver said he hoped everyone would conduct themselves the way Mr. Toben suggested. Having been actively involved in the Town for 28 years, he had managed to stay good friends by getting to know people through disagreements. However, in the last few months, he had received obscene mail, anonymous phone calls, and e-mail that speculated his support for the rezoning stemmed from a hidden money trail. He had never taken a penny for any kind of public service and gave away the pay he received as a County Planning Commissioner. He hoped that this was not the kind of thing people would stoop to in the weeks ahead.

Lee Clark said the last few words in the question proposed for the ballot measure were "...residences smaller and less expensive than typical residences in Town." That was in direct violation of the Elections Code as it was a value opinion.

Bernie Bayuk said those who had spoken who wanted to keep the wording of the ballot measure were those who were in favor of the initiative the Council passed; those who wanted to change the wording were those who brought about the referendum. Clearly, that was an indication of bias.

Mayor Driscoll closed the public hearing. With respect to the language, he noted that the Town Attorney's office drafted the language. Responding to Mayor Driscoll, Mr. Siegel confirmed that if the ordinance was repealed in November, the zoning would revert to the previous commercial/office zoning. Responding to Mr. Aikins, Mayor Driscoll confirmed that once the new zoning was repealed, the property owners could apply for a General Plan change in zoning.

Councilmember Davis asked Mr. Vlasic to respond to the comments made that indicated: 1) the new ordinance was extraordinarily higher density usage of the land; and 2) the new ordinance would assure that

other properties within Nathhorst would eventually be converted to the new zoning--similar to a domino/cancer effect. With respect to density, Mr. Vlasic reviewed the staff report of 7/23/03 and the table

that compared the existing C-C/A-P zoning to the proposed S-R zoning. Responding to Mayor Driscoll, he confirmed that the numbers in the table included carport coverage as driveway rather than as floor area. He felt the numbers would not be dramatically affected by including carports; footprints could be modified, etc. With respect to comments that the S-R zoning would be applied to other properties in the Nathhorst triangle, he reviewed the Town Planner's memo of 7/18/03. He noted that Ms. Sloan had provided additional comments about this issue in her memo of 7/22/03.

Councilmember Davis urged people to remember that Nathhorst had always been zoned as a high-density zone and the highest density zoning in Town. The new zoning was either slightly less or much less--depending on what scenario was used--by any criteria you wished to use. If Mr. Aikins was correct and one of the owners didn't join with the other two, there would be high deductions in impervious surface, building areas, etc. People had also expressed concerns about the scenic corridor and that the new zoning would be more injurious than the old. As indicated in the various material provided, homes had the property of being away from the road. Commercial property tended often to be close to the road in order to be seeable; it also had larger mass. Driving down the street, homes would have much less visual impact than commercial buildings. He encouraged residents to review the staff reports.

Mayor Driscoll noted that Councilmember G. Comstock submitted his comments in a memo dated 7/17/03. In summary, he said Councilmember G. Comstock favored putting the issue to a vote as opposed to rescinding the ordinance.

Councilmember K. Comstock said he felt the wording of the referendum was sufficient. The only way to eliminate any controversy would be to say, "Do you want to vote yes on the ordinance adopted by the Town." He felt the proposed wording reflected the content and impact of the ordinance in fairly generic language.

Councilmember Merk said if a coordinated project did not happen, the ordinance was a major reduction in density. Even if a coordinated or combined project occurred, there was still a reduction in overall density. This zoning was not out of character for the Town. This was shown by the subdivisions at Woodside Highlands, Wayside Road, Windham Road, Brookside Park, Brookside Orchard and Sausal Creek. Additionally, a comment had been made that there were no professionals working on this ordinance. The award-winning Town Planner, who was known worldwide for his work, had worked extensively on this issue.

His computations showed that in the five different scenarios set forth in the table, coverage was less and there was more open space than in the old zoning. The proposed ordinance was an overall reduction in density. As such, he suggested changing the wording to indicate, "Shall Ordinance 2003-350 be adopted to add a Special Residential District and reduce density..." because that was what was being done.

Councilmember Davis said he felt the wording of the referendum described the purpose. If density was mentioned, he felt it would swing the wrong way for those individuals who were pressing that it mention density. Councilmember Merk agreed and felt it should be left alone.

Mayor Driscoll said the comment had been made that the last phrase was a value judgement and therefore wrong. Mr. Siegel reiterated that the language was within the purview of the Council. He pointed out that the language came directly from the fifth "Whereas" clause of the ordinance; it was not new language. There was case law that said that was a permissible way to write the ballot language.

Mayor Driscoll said he was disturbed at the perception of bias. The whole issue of this being about density

was a mirage and perception. From his analysis, it was not higher density; it was about the same if there was complete buildout. An appearance had been given to a large segment of the population that this was somehow about high density. He could not figure that out mathematically. It was smaller buildings, much less parking, and at the worst buildout case, a potentially slight increase in the square footage of buildings.

The overall use of the property, at a worse case, was about the same. The Council needed to be perceived as fair as possible, and he did not want to be perceived as having spun this.

Councilmember K. Comstock said there was a conundrum here in that the Councilmembers had all voted for the ordinance. With the comments from the community over 3-4 years and the study the Planning Commission did, it was evident that there was not going to be a way to satisfy everybody. The Council's action had been perceived by some people to be unfriendly, which was part of the process; there was no way out of that. All the Council could do was what it felt was best based on the best professional advice.

Mr. Aikins said the Code allocated to the city attorney the responsibility of drafting a neutral ballot statement--not to the Council. In order to attain neutrality, the legislators should be kept out of it and a neutral author should write the statement. Mr. Siegel said there were two different issues. One was the language that would go on the ballot. The Resolution was up for a vote by the Council to approve or change. Second, there was an impartial statement that would be put forth by the Town Attorney's office, which was due this Friday at 5 p.m. Mr. Aikins said the Town Attorney should be asked what changes to the language would eliminate a perceived bias. He proposed deleting the final words in the statement.

After discussion, Councilmember Merk moved that the Council adopt Resolution 2075-2003 Ordering and Calling a Special Municipal Election to be Consolidated with the General Election of November 4, 2003, for the Purpose of Submitting to the Voters of the Town a Ballot Measure Amending the Zoning Ordinance to Adopt a Special Residential District. Councilmember K. Comstock seconded the motion.

Councilmember K. Comstock read a statement:

"This evening the Council will decide whether or not to repeal the ordinance. I will not vote to repeal the ordinance. I will vote to proceed with the election. I will also do everything in my power to see that the ordinance receives an affirmative vote. This ordinance is the end product of thoughtful study, deliberation, and countless public hearings. The record is clear in this regard. The ordinance finally adopted by the Council also contains a number of changes to reflect community concerns. This ordinance has created innovative provisions that include incentives for affected property owners to develop cooperative proposals. This is understandable when one considers that the underlying properties and adjoining properties have for some time been a mixture of residential and commercial/office uses. The reason we have these two alternative proposals in front of us this evening is because a group of citizens petitioned the Council to place the matter before the public. This can only be done by calling the election to ensure that all will be heard on this matter. I've had some communication from people who express concern that the election will be divisive. I do not agree, and I will give my reasons in a moment. I've also heard reports that some people signed petitions "just to get it voted on." I don't know whether that's true or not. It doesn't really matter. The election is not for the purpose to examine the motives of the signers. It's because the required number of signatures were collected. Now, I wish to offer some suggestions to both parties to this issue. Hopefully, this will minimize hard feelings or behavior. First, keep your work and your focus on the issue. This election is not about some Councilmember or some resident. Drifting into these kinds of personalized issues is not only divisive, it is unproductive. Voters are going to want to be informed on the issue itself--what the pros and cons are and so on. This is not only a good idea, but it is a way to show respect to the community. Second, this election is not about us on the Council or certain citizens. This is about an issue. The more we stay away from personalizing this

disagreement, the more productive we will be. Third, do not invoke Armageddon. This is a very local zoning issue. No matter which way the election turns out, the sun will come up the next day, and the birds will sing, and Mighty Casey will not have struck out. The San Andreas Fault will have not erupted. Neighbors will greet each other as they pick up the morning paper. Don't get overly

aggressive emotionally on this issue. We still need each other for whatever the future brings. Fourth, try not to think of it in terms of winners and losers. This relates to the thought that the residents of the Town are basically respectful and considerate of each other. Be magnanimous however you fare. Fifth, take a deep breath as you go through this process. Take a moment to laugh. Lighten up. Walk the dog. Appreciate a sunrise. Take a break. Keep your perspective. Tell the kids a bedtime story. In all ways, don't let this take over your life. This is just a moment in the life of the Town. Sixth, mistakes will be made. People will goof up. Things will slip out that weren't meant to be heard. We are only human. Be a big enough person to accept responsibility and to apologize or whatever else is appropriate. After all, we want to keep on living with each other for a long time. Thank you for still believing in democracy."

Mayor Driscoll said he believed that the intent of the petition signers was to vote on this. As a consequence, it was an appropriate action to take at this point. The risk was that if the voters voted against it, the Town would be stuck with the office zoning for some time. As far as the wording issue, he was troubled by the perception of bias. This was limited to 75 words; 30 were devoted to defining what the name of the ordinance was. Now, there would be an impartial analysis of 500 words done by the Town Attorney. Then, each side would be given 300 words to make a primary argument and 250 words to rebut. When compared to 550 biased words from both sides, he did not think the 30 words represented a serious bias issue. He called for the question, and Resolution 2075-2003 passed by a vote of 4-0.

Ms. Howard reviewed the deadlines for submission of arguments and rebuttals as set forth in the Resolution. Mayor Driscoll encouraged residents to obtain copies of Ms. Sloan's memo of 7/24/03 on the referendum process. Greg Franklin suggested posting the memo on the Town Website. He asked for a figure of how much the Town had spent through July 31st on this issue. Mayor Driscoll said these three parcels had been considered on numerous occasions over the past 15-16 years that he had been involved with the Town. The parcels were a central area in Town and more money would be spent discussing them than parcels elsewhere. He did not think it would be worth staff's time to try to calculate or recalculate this information. Ms. Howard noted that the staff could not be involved in either side from this point on. She offered to make copies of any existing information on file.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(9) Reports from Commission and Committee Liaisons

(a) Town Center Citizens Advisory Committee

Mayor Driscoll said the Committee should have its report ready for the August 27, 2003, meeting. He described the work done by the Committee. Bill Lane complimented Mayor Driscoll as moderator of the group. He discussed the importance of the Town Center.

(10) Town Fields Signage

Ms. Howard reviewed the staff report of 7/23/03 on the recommended field signage for Ford and Rossotti Fields. Responding to Mayor Driscoll, she said a memo in the digest addressed a driveway entrance to

Rossotti Field off of Alpine Road.

Councilmember Merk said he was still uncomfortable with the size of the signs and the fact that they said "Portola Valley." He also did not think that advertising the fields was a good idea; they were already used a lot, with more and more people wanting to use them. While he was pleased with the recommended positioning, he would vote against the signage because of the size.

Councilmember Davis said he felt what was proposed was a great solution to the parking problem on Alpine. Councilmember K. Comstock agreed and moved to approve the recommendations set forth in the 7/23/03 memo. Councilmember Davis seconded, and the motion carried 3-1 (Merk).

Councilmember Merk noted that there had been a holdup of the renovation of Rossotti Field because the sod was not available. With all the pressure to use the field, it was important to wait the recommended amount of time until the field was ready for use. He also wanted to ensure that the hog wire was installed concurrently with the laying of the sod or very soon thereafter. Additionally, he was concerned about dogs on the field. He suggested bilingual signs be placed at every entrance indicating that dogs are not allowed at any time. Ms. Howard noted that the sod was scheduled to arrive this Friday; the fencing would be installed shortly thereafter.

(11) Approval of 2003-2004 Planning Program

Ms. Howard reviewed the staff memo of 7/11/03 on the 2003-2004 Planning Program. Responding to Councilmember Merk, she said work on the Regulations for Riparian Corridors (item #2) would probably not begin again until next spring. Responding to Mayor Driscoll, she said last year's planning allocation was \$125,000 and had been augmented to \$132,000.

Councilmember Merk moved approval of the 2003-2004 Planning Program in the amounts shown in the attachment to the staff memo of 7/11/03. Councilmember K. Comstock seconded, and the motion carried 4-0.

WRITTEN COMMUNICATIONS

(12) Town Council 7/11/03 Weekly Digest: None.

(13) Town Council 7/18/03 Weekly Digest

(a) ASCC Vacancy

Referring to Steve Harrison's resignation letter of 7/15/03, Ms. Howard said the vacancy would be advertised in *The Almanac* and on the Web site as soon as possible. After discussion, Council agreed that the application deadline should be August 30, 2003, with the interview schedule to be decided. Mr. Silver noted that if there was no quorum of the ASCC and an application needed to move forward, the Planning Commission could hear the item if necessary. After discussion, Council agreed a special "thank you" letter should be forwarded to Mr. Harrison for his service.

(b) Request to Use Ford Field

Ms. Howard reviewed the request from the San Francisquito Watershed Council to use Ford Field on October 25, 2003, for its 10th anniversary celebration. Councilmember Merk noted that use of a sound

system was not permitted except for Little League opening day. Responding to Councilmember Merk, Ms. Howard said concerns from neighbors about opening day related more to parking and traffic. Councilmembers discussed possible parking solutions. Mayor Driscoll noted that Ford Field was one site being considered by the group. He suggested providing a tentative okay with the understanding that

concerns about parking, the sound system, etc., would need to be worked out through a Town hearing process. Council agreed.

(c) Proposed Construction at Blue Oaks

Noting that Mr. Fischer had spoken earlier about the proposed house on Redberry Ridge, Mayor Driscoll referred to Angela Siddall's letter of 7/10/03 voicing similar concerns. Responding to Mayor Driscoll, Mr. Vlasic used a map to describe the Blue Oaks lot in question, the building envelope, permitted floor area, and the history of the lot. With ASCC and staff direction, he said the one-story house was sited at the southern end of the building envelope--as far back as possible. The story poles were visible from below, with Coal Mine Ridge in the background, and the EIR recognized that there would be some visibility. A view analysis had been done, and it was determined that some additional landscaping and trees would be installed at the start of construction to help screen the views. There had also been modifications to color and other adjustments made to control lighting. He noted that the previous owners had looked at much more ambitious floor areas and scopes of development; this was a remnant of the Portola Glen Estates development that had been substantially scaled back with the Blue Oaks incorporation. Responding to Mayor Driscoll, he confirmed that the 15-day appeal period on architectural review action had passed.

Mr. Fischer described views from Valley Oak, Alpine, and Golden Oak. He reiterated that Palo Alto had not allowed building on the ridge in the Arrillagga subdivision--despite the fact that no one from Palo Alto would be impacted. Additionally, the story poles had gone up only 2-3 days before the ASCC meeting; that was not enough time for people to react. Mayor Driscoll agreed the process should be looked at to ensure the story poles were up long enough. Mr. Vlasic noted that often the story poles fell down if left up too long. He agreed, however, that there could be more of a formal process for the story poles. Referring to Ms. Siddall's photograph, Mayor Driscoll felt that the vegetation would improve the situation over time. Councilmember Merk agreed and described re-growth in the area.

(d) Relocation of CA Air National Guard 129th Rescue Wing

Referring to the letter from the Menlo Park Mayor of 7/15/03 on the relocation of CA Air National Guard 129th RQW, Council agreed no response was necessary.

(15) Town Council 7/25/03 Weekly Digest

(a) Public Utilities Easement on Lot #33, Blue Oaks, and Public Access

Referring to the correspondence from the Los Trancos County Water District (7/22/03 and 7/26/03) and a letter from Joan Wollenberger dated 7/14/03, Councilmember Merk said the recent Council action had basically given away some of the emergency right-of-way to a homeowner who was now running people off the property and locking the new gates. Mr. Vlasic confirmed that the property owner, John Lopez, was working out a solution with the Water District. In terms of the gates and emergency access over the property, he said the Town's actions made it clear that those gates had to be operable. In terms of public access, he said the Final Map of the subdivision stated very clearly that the public had right of access over all of the private roads, which were Redberry Ridge, Buck Meadow Drive, and Blue Oaks Court. The emergency access road was labeled as a driveway easement in addition to the emergency access

easement. Additionally, there was no public trail easement in that area. There was not the same authority for public access as there was for the private roads within the subdivision. Also confusing was that on the Town trails map, it did not show the private driveway easement; it showed a trail coming off the end of what appeared to be the road system. Responding to Councilmember Davis, he confirmed that the property owner had the authority to tell people not to walk that area.

Councilmember Merk said he understood that whether the pathway had been used long enough by the public to be considered a public right-of-way was a private matter and not a Town issue. What annoyed him was the attitude of the homeowner and the look of the signs. He recommended Councilmembers view the signs. Mr. Vlasic noted that the signs had not been approved by the ASCC and that that was being worked out.

Responding to Mayor Driscoll, Ms. Howard said a number of people (Town staff, the property owner, and the homeowners' association) had met to try to come up with a solution. Clearly, better signage was needed on the trail so that people knew where the trail ended and resumed again; the Town would take responsibility for getting the signs up. Also, the homeowners' association was taking some action to give the path less of an appearance of a trail so that people weren't inclined to use it. After discussion, Mayor Driscoll asked staff to inform Ms. Wollenberger what was being done.

(b) Additional Driveway Entrance into Rossotti Field off Alpine Road

Referring to Mr. Young's memo of 7/15/03 on the cost and feasibility of an additional entry driveway into Rossotti Field, Councilmember Merk said he agreed with Mr. Young's recommendations.

(c) Crime Activity Report

Councilmember Merk noted that the 200 block of Old Spanish Trail, Farm Road, and Lake Road were not in Portola Valley.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Mayor

Town Clerk