

TOWN COUNCIL MEETING NO. 628, JULY 9, 2003

ROLL CALL

Vice Mayor G. Comstock called the meeting to order at 8:03 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers K. Comstock and Merk, and Vice Mayor G. Comstock  
Absent: Councilmember Davis and Mayor Driscoll  
Others: Town Planner Mader, Town Administrator Howard, Town Attorney Sloan, Public Works Director Young, and Dep. Clerk Hanlon

ORAL COMMUNICATIONS: None.

URGENCY ITEM

Ms. Howard asked that a report on the referendum petition against Ordinance 2003-350 be added as an urgency item. By motion of Councilmember K. Comstock, seconded by Councilmember Merk, a report on the petition was added to the agenda by a vote of 3-0.

CONSENT AGENDA

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

Ayes: Councilmembers K. Comstock and Merk, and Vice Mayor G. Comstock  
Noes: None.

- (1) Minutes of Regular Town Council Meeting of June 25, 2003.
- (2) Minutes of Special Town Council Meeting of June 30, 2003.
- (3) Warrant List of July 9, 2003, in the amount of \$171,183.67.
- (4a) Resolution No. 2067-2003 Approving and Authorizing Execution of the Amended Fifth Amendment and the Sixth Amendment to the Lease Agreement Between the Town and Stephen Browning, per Dir. of Admin Services memo of 6/26/03.
- (4b) Resolution No. 2068-2003 Approving and Authorizing Execution of the Amended Fifth Amendment and the Sixth Amendment to the Lease Agreement Between the Town and Bonnie Novesky, Shirley Mariani and Susan Prickett, per Dir. of Admin Services memo of 6/26/03.
- (4c) Resolution No. 2069-2003 Approving and Authorizing Execution of the Amended Fifth Amendment and the Sixth Amendment to the Lease Agreement Between the Town and Adele Seltzer, per Dir. of Admin Services memo of 6/26/03.

REGULAR AGENDA

(5) Report from Town Administrator on Petition for Referendum (Added as Urgency Item)

Ms. Howard said a fax had been received from the Chief Elections Officer of the County of San Mateo on Monday indicating that the referendum petition had been certified and that there were sufficient signatures for the petition to be brought forward to the Council on July 23, 2003. Ms. Sloan added that as a result of the certification, the Council would have two options at the July 23 meeting: 1) repeal the ordinance; or 2) adopt a resolution putting the ordinance to a vote of the people in November.

(6) Consideration of Resolution in Support of Midpeninsula Regional Open Space District (MROSD)

Ms. Howard reviewed her memo of 6/27/03 and recommendation to approve a resolution supporting MROSD's proposed extension of its boundaries. John Escobar, Asst. General Manager-MROSD, introduced himself and offered to answer any questions.

Councilmember Merk moved adoption of Resolution No. 2070-2003 Supporting and Endorsing the Midpeninsula Regional Open Space District's Proposed Extension of Its Boundaries to the San Mateo County Coast to Preserve Open Space and Agricultural Lands. Councilmember K. Comstock seconded, and the motion carried 3-0.

(7) Consideration of a Joint Use Agreement Between the Town and the Corte Madera School District

Ms. Howard reviewed her memo of 7/2/03 on the Joint Use Agreement for use of Town land by the Portola Valley School District to enable expansion of an athletic field. Because the School District was already in the process of constructing a soccer field adjacent to the proposed baseball field, she said the timeframe to complete the Agreement was short. She said the School Board had approved the agreement this morning, and a Site Development Committee meeting had been held this afternoon. An ASCC meeting was scheduled for Monday, July 14, 2003, and a special Planning Commission meeting would be held on July 22. Responding to Councilmember K. Comstock, she said the Council could: 1) make its approval of the agreement contingent on approval by the ASCC and the Planning Commission; or 2) decide not to approve the agreement at this point and re-agendize it for the meeting on July 23.

Ms. Sloan noted that Section 4 of the Joint Use Agreement had a Condition Precedent that the District obtain a site development permit, pursuant to the Town Municipal Code. Additionally, the Use Agreement referred to Exhibit A, which was an exact survey of the land the School District wanted to use and add to their field. Since Exhibit A was not yet complete, she recommended the Council discuss the agreement and then continue it to July 23, 2003. That would allow any changes made during the site development permit review process to be incorporated in the agreement. Responding to Vice Mayor G. Comstock, Ms. Howard confirmed that three Councilmembers would be present on July 23.

Councilmember Merk said he wanted to hear from the public on this issue. Additionally, he understood that dirt was already being imported to the School for the field. He asked if holding off a decision for two weeks would be too long. Responding, Ms. Howard said the School indicated that they would need an answer by July 25 at the latest.

Councilmember K. Comstock said he too wanted to hear from the public, noting that comments would also be taken at the ASCC and Planning Commission meetings. Overall, he said he would like to see this project work. The opportunity to have some expanded use of an athletic facility was a good thing, and he supported

the activities that went on on these fields. He said he was aware of concerns about parking, concession stands, etc. With respect to parking, he said the School had a substantial amount of area for parking in order to keep cars off the street. While it would be a challenge for the Little League to get the parents involved in the process, his expectation was that people would perform in a manner that did not create parking problems for the neighbors. He added that this was a daylight activity, and noise from the field would be over at sundown. Additionally, the diamond would be facing away from the neighborhood, and neighbors would not be hit by balls. He wanted to allow the normal process to move forward through the reviewing bodies and have it come back to the Council on July 23.

Responding to Vice Mayor G. Comstock, Bill Vermeere, 4660 Alpine, said he wanted people to be able to express their opinions tonight. There was 1,000+ cubic yards of dirt being moved into an area that was reserved for the local kids and the neighborhood. Vice Mayor G. Comstock asked for additional comments.

Marilyn Walter, 20 Coyote Hill, said this was something that no one knew about but would affect a lot of people. She suggested Mr. Young show on a map exactly what was happening and where this land actually was. Additionally, she wanted to know whether this was going to involve other than the young people in the Little League. A few years ago, a plan had been presented to bring in the junior players. That would have involved a great deal more attraction to the area.

Harold Hanerfeld, 4690 Alpine Rd., said he lived directly across the street from this field. He felt the Council had been railroaded into this situation. There had been no public information other than what had appeared in *The Almanac*. Ordinarily, an applicant went before the appropriate committees first. It should have gone on to the Traffic Committee, Trails Committee, and the Conservation Committee as well as the Planning Commission. Over the last thirty years, a lot had gone on with that field; 15-20 years ago, the Town got together to plant trees and landscape the field. Some of the landscaping died, but some of the trees lived and new trees sprouted. This would destroy that past Town effort. More than that, what was planned violated the major community goals set forth in the General Plan, which included keeping the Town and neighborhoods free from traffic and noise. The Land Use Element was also being violated as was the Alpine Parkway section of the Town. There must be 12-20 sections in the General Plan that spoke specifically to this question. All of the neighbors on Alpine Road were against this because of noise, inconvenience, and the parking that would occur up and down Alpine Road. Furthermore, the School had not made good use of the money that they had. They paved a good deal of the land that could have accommodated the needs of the Little League. There were eight basketball hoops, and he could not conceive of the School having eight basketball groups. The School had not been a good neighbor; a lot of garbage had accumulated which no one from the School had taken the time to clean up.

Responding to Ellen Vernazza, Mr. Young used an aerial photo to show the location of the existing trail, fence line, and property line. He confirmed that if the proposal went through, the trail would be rerouted. Responding to audience members, he used the map to describe the fence line, extension area and dimensions, slope, trail, frog pond, drainage, and changes that had been discussed at the Site Development Committee meeting today. Responding to Councilmember K. Comstock, he said the School would bring in about 2,000 cubic yards of dirt for the new soccer field. Councilmember K. Comstock reiterated that this was a work in progress; the ASCC and Planning Commission would have input as well.

Danna Breen, 4680 Alpine Rd. and Conservation Committee member, said she attended this afternoon's meeting and talked to various people about the project, which she had only heard about in the last month. She was stunned to learn that it would involve 80'. While she too would like to see a multi-function facility at the School, the School was remiss in having paved over what used to be the baseball field. She also agreed that they had not been a good neighbor. They promised there would be no exterior lighting on the

back side

of the School towards the neighbors; it was so lit, it was terrible to look at at night. This meadow was the neighborhood park. This was not Westridge with its fenced yards for dogs; it was Corte Madera with 250 houses. People met in the meadow at 6 in the morning with their dogs off leash; horses also galloped through that meadow and jumped logs. She asked at what point Little League took precedence over a neighborhood park where people sat and enjoyed the late afternoon. Additionally, the School hadn't gotten it together with its \$17 million and planned accordingly; they had decided that they didn't want a baseball field. She wanted to know why the Town needed to bend to the School instead of the constituents who relied on the Council to protect the open space. She did not want the neighborhood park hydroseeded. She described how she and Hartha Hanerfeld had been stewards of the land and taken care of it as if it was their own. In terms of conservation, it was also a place for wildlife--especially at 3 in the morning; animals fed in the frog pond, and there was a lot happening there at night. Additionally, there was already a Little League field. Little League brought in people from outside of Town, and she did not think that should take precedence over her neighborhood's little tiny space.

Dave Denier, Little League Field Commissioner, described the Alpine/West Menlo Little League which included about 800 kids, with boys and girls from ages 5-6 through 16. In Portola Valley, the Little League originally used Ford Field, the Town Center, and the field at Corte Madera. There had not been a field at Corte Madera for quite a few years; that field was a 90' field used by the big kids. The Little League persuaded the School that a smaller field was needed for the younger kids for a number of reasons including: 1) the Town Center field would be lost; and 2) there was a growing girls' softball program, which had doubled in the last year. There was also a growing adult softball program that played on a Little League size field. When the School District plans were discussed a year ago, the soccer people did not want the baseball diamond intruding on the soccer field. To fit the baseball field adjacent to the soccer field without overlapping the infield on the soccer field required a small portion of the Town land. While a dimension of 80' had not been in the initial drawings, there had been concerns about berms, etc., which required more land to be donated. Without the donation of a portion of land, the baseball field would not fit and would not be built. He discussed the shortage of baseball fields, noting that this problem had been reported in *The Almanac* on a monthly basis. The Little League was not asking the Town to create more baseball fields; the League wanted the three baseball fields used in the past maintained. He noted that Menlo Park provided 4-5 baseball fields and that Woodside had one field. Currently, the girls' softball program had to rent space from the private schools who were starting to charge a lot more money. Additionally, those schools didn't want their fields used until 6 pm. He thought it was appropriate for all three of the communities to contribute fields towards Little League baseball. Ford Field was used by residents of Menlo Park, Woodside and Portola Valley; the fields in Menlo Park were used by residents of Portola Valley, Woodside and Menlo Park; and the one field in Woodside was also shared. If only Town residents could play on Town fields, there would not be much of a Little League. With respect to parking, he said there was no reason to park on Alpine Road where there was no access. There were plenty of places at the School which is where people would have to park. The Little League would have no problem regulating that. With respect to concerns about baseballs flying over the fence, he said it was 100-150' to the nearest residence, and the balls would be hit in towards the school; even the best players didn't foul balls off that could hit houses 50-60' away. As to noise, he said there was already noise from the schoolyard, and any noise from the field would be during daylight hours. There were no plans to ever have any lights on the fields as the league played only day games. He offered to answer questions.

Gary Morgenthaler, 4678 Alpine Rd., said his home would be the most affected by this field. He said Mr. Denier had not addressed the fundamental issues. This architectural plan was flawed, as was the process. Fundamentally, it showed a disregard for the neighborhood by the School District to seek action and impose upon the city and the Town Council, with total disregard for the interests and sentiments of the people most

affected in the neighborhood. This had happened before, and this same community had risen in protest

against a bus turnaround which would create traffic and parking problems. This plan was equally flawed. It moved the bleachers 300' closer to the neighborhood than they were previously. It also moved the bleachers from the far end of the field by the school to the near end of the field by the street and the neighbors. No one had talked to the neighbors. This had fallen on the city at the 11th hour; 2,000 cubic yards of dirt were about to be moved in without any consultation of anybody in the area. With respect to the parking issue, there was adequate parking, but it would not be used. The closest space to the drop-off for children and parents to go to the bleachers would be along Alpine Rd., which would be used for parking. It was unrealistic to expect people to drive to the other end and walk all of the way across the field to the bleachers. It was ill considered, poorly architected, and had been sprung on the Town at the last moment without any consultation of people in the neighborhood. He urged that the Town slow down the process and examine it carefully. While the neighbors enjoyed the sound of baseball and children playing, this plan and process were flawed and showed great insensitivity to people in the neighborhood.

Nancy Trueblood, 1 Hawk View, said she was concerned about the traffic going up Valley Oak/Indian Crossing and parking. She also wanted to know how many games there would be and the intensity of the scheduling.

Rich Ponce de Leon, 345 Corte Madera, said his property backed up to Alpine Rd. During the soccer season, parents parked illegally on both sides of the road; it was 40-50 people yelling for three hours at a stretch. When the games switched and a new group came in before the old group left, cars were parked everywhere. When the police were called, they just warned people and did not ticket them. With the soccer field, it was a huge parking and noise problem. When the baseball field was there, it had been even worse. The neighborhood ended up trying to enforce the rules. Putting a backstop and bleachers next to Alpine Road was unacceptable. The neighbors were already under attack from the soccer group, and he did not want baseball as well.

Bill Vermeere, 4660 Alpine Rd., said several years ago his wife requested a stop sign be put in at the Alpine/Corte Madera access point because of children running back and forth across the street in the afternoons. The Town turned down the request the first time, but the neighborhood signed a petition, and the stop sign was approved. His concern was for the children. The abuse of that area would be doubled if two fields were put in there--with cars parked up and down the road every night. As he watched Rossotti's being restored, he could envision that same sort of activity at this field. Additionally, his grandchildren were now getting ready to start school. He questioned whether anyone had looked at the chemicals on the field or the soil. Where he worked, he had to evaluate any soil brought in to make sure it would not contaminate wildlife. He referred to a letter written by the Town Planner dated 7/9/03 that listed fourteen items of concern--including a statement that normally, a site development application for over 1,000 cubic yards would go to the Planning Commission for approval. He questioned why that was not being done. The whole procedure needed to be slowed down in order to get everyone's input. The Town was rushing pell-mell into a disaster.

Town Planner Mader noted that the Town Attorney and Councilmember K. Comstock each suggested deferring any action on the agreement until after the ASCC and Planning Commission meetings. Councilmember Merk noted that at the last meeting when it was agreed that this issue would be put on the agenda, all five Councilmembers were concerned that this needed to go to the Planning Commission; there was never any intention to try to run around the Planning Commission.

Lawson Fisher, 4670 Alpine Rd., said his biggest complaint was with the process. The School had no credibility after they tried to railroad through the bus stop/turnaround. They were doing the same thing here.

There was no harm in delaying this a year, doing it right, and following the process. The integrity of the Town and the process was more important than a year of baseball. He was surprised to learn that a field could fit

in there without having to steal any land from the Town. That was something that should be explored a lot more thoroughly. He questioned why such a big compromise was being made just because soccer players didn't want to play on dirt. This was a major sacrifice that the neighborhood would be making that was completely unnecessary. Additionally, there had never been any resolution to the parking problem on Alpine Road. The School had never done anything about the drop-offs, turnarounds, illegal U-turns, cars barreling down Alpine Road, etc. Those issues would just be increased with a baseball field. He also wanted to know what it would take for the Council to step up and enforce the laws.

Councilmember Merk noted that the Town had no control over the Schools who operated under a different set of rules. They did not have to follow the ordinances or any of the Town's established guidelines. He said the Town had little leverage with the School--except, to a small degree, in a situation like this.

Hartha Hanerfeld, 4690 Alpine Rd., agreed with Ms. Breen's comments about stewardship. She urged the Town to continue the good stewardship that the neighborhood and the General Plan shared in terms of the belief that the natural aspects and Alpine corridor should be preserved. None of the trees and shrubs in the area were there thirty years ago. Through efforts in the Town, people got together, planted the trees and watered them for several years. She named those who had contributed to making that a beautiful spot which fit the goals of the Town and made for good stewardship for the future of the Town.

Ron Wilson, 45 Bear Paw, said the Town now had a hammer over what the School did. The Town shouldn't give an inch of its land until the plan was approved by all of the neighbors that lived on Alpine and in Town. Having lived there since 1977, there was a lot of racket and noise on weekends and nights. While you got used to it, it was very noisy. It was also filthy dirty; trash was everywhere and was never picked up. He thought the School should shape up before the Town gave them anything.

Michael Carter, 4600 Alpine Rd., moved here so his daughters could attend a nice, small middle school. He described the area, which he walked every day for the last four years. He noted that the football and baseball players hadn't had a problem sharing Candlestick park. His main concern was that there was a really nice park at this site--with a lot of nice people and dogs there every morning. He was not against baseball but was against taking away a park that a lot of people in the neighborhood used.

Marilyn Walter said not only were 5-6 neighbors affected by the parking on Alpine, but there were 200 families who had been very badly affected by the problems of parking at the school. There was no oversight or way of changing the system, and she did not want a situation similar to Ford Field in her neighborhood.

Gary Morgenthaler reiterated his comments that the plan and process were flawed and that the neighbors had seen this *modus operandi* from the School District before. The process was flawed because the School created an arbitrary constraint that it then requested the Town to honor by ceding land and ceding rights that belonged to the Town. Before, the constraints were that it was unwilling to obtain pick-up and drop-off times for different classes at different times. By staging those, the problem was solved nicely for everyone concerned. One more time, the School District had created an artificial constraint. That constraint was that they had built basketball courts and paved lands. As a direct result of that, they had painted themselves and the Town into a corner where the Town was expected to yield a park that was of great value to the people in the neighborhood.

Councilmember K. Comstock clarified that the School all along was going to build a soccer field, which

required them to bring in a lot of dirt to level it out. The Little League wanted to see if it would be possible to make some adjustments in order to have their program operate there. He did not think the School cared one way or the other; they were going to build their soccer field anyway and were not really the ones who were

pushing the idea of having a baseball field attached to the soccer field. Once the Town showed some interest in trying to help the Little League with their problem, discussions began to go back and forth about how this should be done. At this point, more meetings were scheduled in front of people who understood the plan language better than the Council. It had started because the Little League needed more places to play. The School would probably get some benefit out of a mutual program because they wouldn't have to work so much dirt, but the soccer field was being built right now. At some point, time would run out. The Town was trying to help solve a problem with what it had in front of it which was a School District that made their own rules. The Town tried to help people out without running over the neighbors; the Town had processes to protect their interests and keep the Town from doing things arbitrarily. His interest was to see if this could be taken through this process and work. The comments indicated that this piece of undeveloped land was important to people, and he suggested that that message be taken to the Planning Commission and the ASCC. He hoped that this process could produce something that everyone could live with. That was why he did not want to arbitrarily veto this project at this point.

Danna Breen suggested that it might be less expensive and less involved if the school removed some asphalt on the other side where the baseball field used to be in order to accommodate the field. Secondly, the Town was well known for having ample field space. Third, she said the Citizen's Advisory Town Center Committee was talking about integrating fields into the new Town Center. There was a real possibility that there would be another field down here.

A speaker *[unidentified]* asked why the Council was not more concerned with the provisions in the General Plan that argued against what was proposed. Councilmember K. Comstock reiterated that the Planning Commission would be discussing this.

Town Planner Mader noted that the Planning Commission would be addressing the site development permit. If the direction was to consider whether this was the right location for that use, that was a broader issue. He asked whether the Planning Commission was being asked to discuss: 1) the design and site development permit; or 2) the policy question of allowing that use in that location. Councilmember K. Comstock felt the Commission should also address the broader issues of what would be the impacts on the piece of property that was under control of the Town and what the tradeoffs were.

A speaker *[unidentified]* said he had had no idea that this was even happening until a neighbor had called. He suggested the Town put out some kind of directive indicating what was proposed. Another speaker *[unidentified]* said he received a letter today, which was the first he heard of this.

After discussion, Councilmember K. Comstock moved that the process continue to the ASCC and Planning Commission to specifically deal with issues about appropriate use as well as the site development requirements. Councilmember Merk seconded, and the motion carried 3-0. For an audience member, Ms. Howard reiterated the dates and times of the upcoming ASCC, Planning Commission, and next Council meeting.

#### COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### (7) Reports from Commission and Committee Liaisons

a. Blue Oaks Homeowners' Association

Councilmember Merk relayed an incident reported to him by a Ranch resident as a result of her walking along the emergency access road from the end of Buck Meadow down the fire lane to get to Sunrise Trail.

She reported that a woman came out of the house where the fences had just been approved and informed the resident that she was on private property; the woman told her to get off of her land and out of her yard. The Sheriff had been called and the resident questioned. Councilmember Merk said the resident had been walking that road since it had been created, and he thought there was therefore some right to walk on that road. Of more concern, was the attitude of the homeowner that the fire road was her private property. Councilmember K. Comstock suggested Bob Anderson and the Sheriff be asked to talk to the homeowners' association to reinforce where the public right-of-way/trail was.

Responding to Vice Mayor G. Comstock, Ms. Sloan said the emergency access road was not a trail. In a new subdivision, if the Town wanted a trail in the same place, it was made very clear on the map. Councilmember K. Comstock noted that there were sections of the emergency road that the trail ran along which were marked. Ms. Sloan agreed some clarification would help. Responding to Councilmember Merk, she discussed law relating to land used as a trail by the public for a certain amount of time; she noted that that would be a private versus Town matter. She said she would need to look at the maps to see whether the property owner or the homeowners' association owned the land that had the emergency access road on it.

b. BMR Housing Sub-committee

Vice Mayor G. Comstock asked that the question of the BMR housing survey and Palo Alto Housing Corporation/Habitat for Humanity be agendized for the next meeting when all Councilmembers were present. Ms. Howard said the item would be agendized for the August 27, 2003, meeting.

WRITTEN COMMUNICATIONS

(8) Town Council 6/27/03 Weekly Digest: None.

(9) Town Council 7/3/03 Weekly Digest: None.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

\_\_\_\_\_  
Vice Mayor

\_\_\_\_\_  
Town Clerk