

TOWN COUNCIL MEETING NO. 609, AUGUST 28, 2002

ROLL CALL:

The meeting was called to order by Mayor Davis at 8:00 p.m. Mayor Davis led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers G. Comstock, K. Comstock, Driscoll and Merk, and Mayor Davis  
Absent: None  
Others: Town Attorney Sloan, Town Administrator Howard, and Admin. Services Dir. Powell.

ORAL COMMUNICATIONS

Mike Bautista, Canyon Drive, discussed problems he had been having because of his neighbor's construction project. He sent letters to the Council and Town Administrator--none of which had been responded to. A complaint had been filed against the Town, and he might have to sue in order to get the problems resolved. He read statements from his letters written to the Town and discussed rumors he had heard about a Councilmember's involvement with the Building Department. Responding to Mayor Davis, he said the letters he quoted from were dated June 26, June 29 and July 16. Responding to Mayor Davis, Ms. Sloan said she was not aware of the letters and that these types of questions were normally addressed by staff. Now that a claim had been filed by an attorney, her office would be working with the attorney. Mr. Bautista said he would be attending future Council meetings to discuss the impacts of his neighbor's construction project.

CONSENT AGENDA

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

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

- (1) Warrant List of August 28, 2002, in the amount of \$109,516.58.
- (2) Resolution No. 2011-2002 Approving and Authorizing a Third Amendment to the Agreement Between the Town and the Law Offices of Jorgenson, Siegel, McClure & Flegel, LLP, per Town Administrator's memo of 8/20/02.

REGULAR AGENDA

- (3) Minutes of the Town Council Meeting on August 14, 2002 (Removed from Consent Agenda)

Councilmember Merk made changes to the minutes of the August 14, 2002, meeting. By motion of Councilmember Merk, seconded by Councilmember K. Comstock, the minutes were approved as amended by a vote of 5-0.

- (4) Amendment to Animal Control Services Agreement

Ms. Powell reviewed the staff report of 8/15/02 on the audit conducted of the Peninsula Humane Society's

(PHS) services and costs. She said the Town would have benefitted if a different methodology for assessing costs had been chosen by the County and cities; the best scenario for the Town would have been a population-based methodology.

Referring to the DMG Maximus report, Councilmember K. Comstock said he felt it was flawed. He thought that service cost had a strong correlation with population. If anything, the calls per household in Town should be lower than in a highly congested, urban area. That issue had not been addressed in the report, and he was surprised by the outcome. Ms. Powell said the consultant reportedly looked at an entire year of data to determine the level of service for all of the towns and for the County. Based on that, the Town's usage had been calculated. Using a methodology that was based on usage could make the cost vary greatly each year. Councilmember K. Comstock said the report did not have enough data; the Town was being asked to accept the outcome on faith.

Ms. Sloan commented that not everyone with a Portola Valley address lived within the Town. Mayor Davis agreed noting that he had once been asked by the animal control people where an address was in Town that was actually in Ladera. He agreed with Councilmember Comstock's comment about the lack of data in the report; it was questionable whether the service levels were as high as implied in the report. Responding, Ms. Howard said every service call was counted equally. If people from Town dropped off injured birds, which there was a lot of, PHS considered that a call; any contact with PHS by a resident was considered a service call for the Town. She noted that Ken White had made a big effort to make the reporting information readable. Responding to Councilmember Merk, she said a printout of the call addresses had been requested and that, for the most part, the addresses were within the Town. She said other sources that could provide the services had been looked into over the years, but none had been found. She said it was possible that PHS might look at providing Woodside and Portola Valley with a separate contract.

Councilmember Merk questioned how dropping off an injured bird equated in service to having two people drive to Town to pick up a deer on the road and cremate the carcass. Ms. Howard said PHS used a list of all the different services and simply made an unweighted tally.

Councilmember G. Comstock felt there were negative and positive offsets. He did not feel that any analysis had taken place to nail down an appropriate figure. What was proposed, however, was probably as good as any. Councilmember Merk agreed it was probably as good as the Town could get. Ms. Howard noted that the Town's percent was less than 1% of the total cost.

In the future, Mayor Davis asked that the Council receive a report that had the incidents and the addresses so that any incidents not in Town could be weeded out.

Councilmember Driscoll moved approval of Resolution No. 2012 -2002, Approving and Authorizing Execution of a First Amendment to Agreement for Animal Control Services Between the Town and the County of San Mateo. Councilmember Merk seconded, and the motion carried 5-0.

(5) Feral Pig Problem and Exception to Code to Permit Hunting, Trapping and Discharge of Firearms Within the Town's Limits

Ms. Howard reviewed the staff report of 8/21/02 on the feral pig problem. Her recommendation was to hire a trapper from Rural Pig Management Inc. to set traps near Rossotti's Field and on private property in the 4600 range of Alpine Road. A resolution had been prepared to grant an exception to Section 9.08 of the Municipal Code to permit hunting, trapping and discharge of firearms within the Town's limits for this specific purpose. Responding to Councilmember K. Comstock, she said the time period specified in the resolution

was 45

days, but the contract with the trapper would be for 30 days. She said the Town would also be coordinating with MROSD who would be increasing their trapping in October. Responding to Mayor Davis, she said the trapper felt 30 days was adequate to trap the pigs that had come down to the Town.

Councilmember Driscoll said the Conservation Committee supported staff's recommendation.

Responding to Councilmember G. Comstock, Ms. Howard said the agreement with Rural Pig Management Inc. was for an amount not to exceed \$3,000. In addition to that, there would be a fee of \$25 for each pig captured. The trapper expected to catch about 10 pigs; they were disposed of at a facility in San Jose.

Neil McKennon, Parks and Rec, said he understood that the pigs were difficult to trap. He asked if there was something that should be done to protect Rossotti's Field; money had already been spent re-sodding areas that had been damaged. He added that the fall soccer season was coming up.

Bill Pickering, Chair-Parks and Rec, felt the pigs would be difficult to get rid of. The restoration of Rossotti's Field was coming up, and it was a big project. He asked the Council to consider not only the general pig problem causing damage in the Town, but also the specific Town fields that needed to be protected. From what he read, fencing could keep the pigs out of certain areas. He suggested installing temporary fencing, or putting up the permanent, replacement fencing that was part of the restoration project now. He wanted to ensure the pigs would be kept off the field before spending several hundreds of thousands of dollars putting in a new field.

Responding to Councilmember Driscoll, Ms. Howard said the pigs tore up the turf to find grubs. Councilmember Driscoll suggested trying to cut down the number of grubs. Ms. Howard noted that one suggestion was to stop watering the field. Also, she said staff had spoken to several experts who felt that temporary fencing would not stop the pigs. Staff had also discussed fencing the entire field when the permanent renovation was done. Councilmember Merk described fencing designed to stop pigs. He added that he had spoken with an experienced pig hunter in Town who felt no matter how many were trapped, there would be more. He agreed that the fields needed to be fenced. While he supported the staff's recommendation to hire a trapper, he did not feel this was the solution. After discussion, Council agreed to agendaize the field fencing issue for the next meeting. Responding to Councilmember G. Comstock, Ms. Howard confirmed that the Dept. of Fish and Game used the term "pig" rather than "wild boar".

Councilmember K. Comstock moved adoption of Resolution No. 2013 -2002 Allowing Exception to Municipal Code Chapter 9.08 Regarding Trapping on Private Property. Councilmember Merk seconded the motion. Responding to Councilmember Driscoll, Ms. Howard said the trapper felt use of a firearm to harvest the pigs was preferable to the use of cross bow. Mayor Davis called for a vote, and the motion carried 5-0.

(6) Agreement with PRZ Consulting for Assessment of Rossotti Soccer Field

Ms. Powell reviewed the staff report and recommendation--by staff and the Parks and Rec Committee--to retain PRZ consulting to make an assessment of Rossotti Soccer Field to determine what type of field would be appropriate for that location. Councilmember K. Comstock said Parks and Rec had researched and discussed the issue at length. He felt the consultant could assist in assessing the impacts of the various field types so that a decision could be made.

Responding to Councilmember G. Comstock, Ms. Powell said she did not know the number of days the consultant would spend doing the assessment. If he was experienced, Councilmember G. Comstock

thought he might need only a couple of hours; that would be about \$2,500/hr. Responding to

Councilmember Merk, Ms. Powell said recommendations to hire Larry Musser had come from Beals Sports Cooperative and Jensen, a local company who did field installation and maintenance. Responding to Councilmember Merk, she said a soils analysis had been done. Responding to Councilmember G. Comstock, she reviewed the services the consultant would provide as set forth in the memo.

Responding to Councilmember Merk, Mr. Pickering said a landscape architect would be needed to design the replacement retaining wall and irrigation system, draw up the specifications for the different types of materials that would be needed, etc. This consultant, Mr. Musser, would make a recommendation based on the soil composition and offer a maintenance plan. He added that in other towns and cities, comprehensive studies of fields were almost always done and cost \$12,000-\$14,000. The Parks and Rec Committee had reviewed these studies and gathered a lot of information but did not have the same knowledge as someone who actually did the studies. One of the concerns was whether a soil-based field could provide enough drainage. He described advantages and disadvantages of sand-based versus turf fields. He said this consultant would provide some answers. Responding to Councilmember Merk, he said there was usually a 10-year analysis of a field which provided the cost per year. Councilmember Merk noted that Rossotti's Field was over 20 years old.

By motion of Councilmember Merk, seconded by Councilmember K. Comstock, Resolution No. 2014 -2002 Approving and Authorizing Execution of an Agreement Between the Town and PRZ Consulting was approved by a vote of 5-0.

Councilmember Driscoll asked staff to convey the Conservation Committee's concern about the creek and capturing any pesticides/herbicides that were used on the fields to ensure they were property drained off.

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

##### (7) Policy for Inclusion on Town's Website Calendar

Councilmember G. Comstock reviewed Michele Stern's memo of 8/22/02 on the Web Site Team's recommended policy for inclusion of calendar items on the Town's Website. He supported the recommendation. Councilmember K. Comstock noted that the policy was similar to what the Council had decided for banners. Ms. Howard noted that that policy had been used as a starting point.

Responding to Councilmember Merk, Ms. Sloan said she had edited item #2 due to CERPP which was not a public agency. Responding to Councilmember Driscoll, she said ABAG would qualify under item #2. Councilmember Driscoll suggested adding a phrase "...and whose interest involve areas around the Town..." or splitting item #2 into two parts. He felt the event should predominantly affect the Town. Ms Sloan suggested: "2. Programs/events of other public agencies whose jurisdictions include the Town; and 3. Nonprofit organizations whose governing body...." Councilmember Driscoll wanted to add something about the event affecting the Town. After discussion, Ms. Sloan suggested working with the amended statements #2 and #3 and then changing the language later if necessary. She noted that the Web site would list the events but would not provide links. Ms. Howard clarified that there would be links elsewhere on the Website to the school and library.

Mayor Davis noted that the policy endorsed commercial events in terms of the art gallery and studios (#5). Councilmember Driscoll noted that this was a form of advertising for the artists.

Councilmember Merk felt item #6 was discriminatory because it did not refer to synagogues, temples,

shrines, mosques, etc. Councilmember Driscoll suggested "places of worship." Ms. Sloan suggested

"religious institutions." After discussion, Councilmember Merk suggested "...open to the public at religious institutions (or places of worship), private schools or institutions in Town." Ms Sloan did not want to use "places of worship" which she said could include residences. Councilmember Merk noted that the Sequoias could be included as a religious institution. He suggested "...open to the public at private schools or religious institutions in Town."

Responding to Councilmember Driscoll, Ms. Sloan said as drafted, Alpine Hills Swim and Tennis Club would not be able to use the calendar for a tennis open house. Responding to Councilmember Driscoll, she said homeowners' associations would also be excluded as they were not open to the public. Mayor Davis said he preferred to err on the side of openness; if there were problems, the scope could be reduced later. Responding to Councilmember Merk, Ms. Sloan said it was important that the events be open to all the public. Responding to Councilmember Driscoll, she confirmed that an event held by MROSD would fall under item #2 since MROSD was a public agency. Mayor Davis noted that homeowners' associations at times held events that were open to the public.

Councilmembers discussed what might be included in the definition of institution. Councilmember K. Comstock suggested item #6 read: "Educational or cultural events held in Town that are open to the public."

Responding, Ms. Sloan said that would permit people to calendar events taking place at their house. Councilmember Driscoll noted that financial planning seminars and other commercial ventures were often described as educational events. Mayor Davis felt item #6 should permit institutions in addition to religious institutions. Councilmember Merk suggested: "Educational or cultural events that are open to the public at religious institutions, private schools, and other institutions in the Town." Councilmembers agreed.

(8) Reports from Committee Liaisons

(a) Town Center Committee

Councilmember Driscoll said the Town Center Committee was talking with Stanford on potential sites. Additionally, he said he had been asked by a member of the Committee for Green Foothills what he thought about plans to move Alpine Road sideways 5' from Ladera up to Mr. Murdock's facility; reportedly, a plan was being circulated by Stanford that would move Alpine to make room for a trail. Mayor Davis said he saw the plan with a proposed trail, but it did not involve moving Alpine except near the intersections.

(9) Next Agenda

Councilmember Merk asked that trenching at Town Center be agendized as soon as possible.

WRITTEN COMMUNICATIONS

(10) Town Council 8/16/02 Weekly Digest

(a) Housing Element Bill - SB 910

Referring to Ms. Lambert's memo (8/14/02) on the recommendation from the Town Planner's office that the Town oppose the Housing Element Bill before the State Assembly, Councilmember Merk supported the recommendation. Mayor Davis said the bill had died.

(b) Calls from the Press

Mayor Davis referred to Sharon Driscoll's letters of 6/15/02 and 7/31/02 on the Town's policy with respect to calls from the press. He said Ms. Driscoll had also telephoned in June to report that she was having difficulty reaching the Town's consultants. The Town Planner had indicated that budget constraints prohibited him from spending much time on press calls. She had also apparently been told that her questions should be directed to the Chair of the Planning Commission. He felt that the consultants--given a reasonable set of questions from the press or public--should respond. After receiving Ms. Driscoll's 7/31/02 letter, he said he spoke with the Town Planner who agreed that he should respond to the press and public and would do so in the future. Mayor Davis said he had also asked staff to contact the Town Geologist's office.

Councilmember Driscoll suggested writing a memo to the Town's consultants saying that if they felt budgetary constraints would not allow them to answer reasonable questions from the press, they should contact the Town Administrator. It was in the Town's best interest to get the reasons why the Town was doing something into the press. Additionally, he felt this should pertain to the Town's primary consultants: the Town Planner and Town Attorney. The Town Geologist was more of a technical specialist/scientist. He recommended those questions go through the Town Planner.

Councilmember Merk said for many years, the Town did not give out the phone numbers of the consultants who could be inundated with questions; their time was very valuable. What seemed like a simple question could require 20-30 minutes to respond to with an answer that would go into the press. In the past, questions went through Town Hall, and he was surprised to know that people were calling the consultants directly. Responding, Mayor Davis said the Town Planner's number was public and that he had been receiving calls for over ten years. He did, however, agree that the Town Planner was a different situation than the Town Geologist. Councilmember Merk said he felt the press should be able to speak with the Town Planner, but it should not be an open book.

Ms. Driscoll said she called the Town Planner because he had the answers; calls were generally about 10 minutes, and she did not expect a "yes or no" answer. Often, she was looking for an explanation of a difficult policy that the Town Planner or a member of his staff had written. She noted that this had not been a problem until the budgetary constraints arose.

Councilmember K. Comstock said he would prefer an open channel with the Town Planner notifying the Town if things were getting out of hand; more might also be added to the budget for this type of thing next year. Councilmember G. Comstock suggested the Planner's budget include a line item for press calls. Responding, Ms. Howard said the Planner received a \$45,600 retainer, and calls were generally billed under the retainer. If it related to a specific project, calls could be billed to the project. Councilmember Merk suggested the Planner's office keep track of time spent on public calls since calls were being logged any way.

Councilmember Driscoll suggested asking the Planner to: 1) let the Town Administrator know if he felt he couldn't take a press call because of budgetary constraints; and 2) keep a rough tally of how much time he was putting in on press calls. Responding to Councilmember G. Comstock, Ms. Sloan confirmed that general questions from staff or the public that did not relate to specific projects came out of the Town Planner's retainer. Mayor Davis felt this was what a retainer was for. He was concerned that an increase in the number of people calling might lead to an increase in the retainer.

Councilmember Merk said he was comfortable with Councilmember Driscoll's suggestion. Councilmember K. Comstock agreed and suggested Ms. Howard relate the Council's discussion to the Town Planner.

(11) Town Council 8/23/02 Weekly Digest

(a) Peninsula Democracy Corps Program

Referring to the County's letter of 8/19/02, Councilmember Merk said he supported the Peninsula Democracy Corps program which would allow public employees to serve as poll workers. Councilmember K. Comstock agreed the Town should participate. Councilmember G. Comstock questioned whether the Town was being asked to supply its employees to polling places outside of the Town. Responding to Councilmember Merk, Ms. Howard said the proposal indicated that Town employees would be eligible to participate. Responding to Councilmember Merk, she said if the Town staff participated, they would be paid out of the Town's budget.

After discussion, Councilmember K. Comstock suggested the Town express interest in the program and ask for more details. Councilmembers agreed.

(b) SEMS Training

Ms. Howard noted that the SEMS training had been rescheduled for September 10. Councilmember Merk and Councilmember G. Comstock said they would like to attend.

(c) Newsletter

Referring to Lisbet Nilson's flyer of 8/21/02, Ms. Howard noted that the deadline for Newsletter articles was September 20.

ADJOURN TO CLOSED SESSION

CLOSED SESSION

- (12) Conference with Real Property Negotiator (Govt. Code Section 54956.8)  
Property: Blue Oaks Subdivision - Below Market Rate Lots  
Negotiating Parties: Town Attorney and Palo Alto Housing Corporation  
Under Negotiation: Price and Terms of Property Acquisition

- (13) Public Employee Performance Evaluation (Govt. Code Section 54957)  
Title: Town Administrator

REPORT OUT OF CLOSED SESSION – NOTHING TO REPORT

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

\_\_\_\_\_  
Mayor

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