

TOWN COUNCIL MEETING NO. 721, JUNE 13, 2007

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 Davis, Derwin, Merk and Toben, and Mayor Driscoll
Absent: None
Others: Town Administrator Howard, Town Attorney Representative Leigh Prince, Public Works Director Young, Asst. Town Administrator Willis, Admin Services Officer Nerdaahl, and Assistant Clerk Hanlon

ORAL COMMUNICATIONS

Craig Buchsbaum, Tinturn Lane, said several weeks ago, the Council passed a resolution about Caltrain. The person who addressed the Council, Terry Nagel, was interested in getting more stops in her community. Kelly Ferguson in Menlo Park shared the same kind of concerns. Caltrain was trying to take a regional look at the service. He regularly rode Caltrain and felt they were doing a great job. He was concerned that resolutions like that passed by the Council would: 1) have an effect on the politics; and 2) be a step back in furthering the baby bullet service. He asked if the Council would consider revisiting this issue if he submitted a letter. Mayor Driscoll said the Council would be happy to review a letter.

Bill Lane, Westridge Dr., submitted and read a prepared statement dated 6/13/07 thanking: 1) the Town, Woodside Fire Protection District, and CA State Forestry Service for the roadside chipping service; and 2) CERPP, which continued to dedicate volunteer service for emergencies in Portola Valley and Woodside. He discussed the threat of fire in Town, surrounding areas and the State. He said the new Town Hall was an absolute top priority in the new Town Center for volunteers, staff and consultants to govern with maximum safety and operate a state-of-the-art Emergency Preparedness Center. He discussed the Lanes' gift to the new Town Center and his support of the project.

CONSENT AGENDA

By motion of Councilmember Merk, seconded by Councilmember Toben, the item listed below was approved by a vote of 5-0:

- (3) Resolution No. 2331-2007 Ordering and Calling a General Municipal Election to be Held in the Town on November 6, 2007, for the Purpose of Electing Two Members of the Town Council, and Making Provision for the Conduct of the Election and Providing for Notice, per Assistant Clerk Hanlon's memo of 6/1/07.

REGULAR AGENDA

- (1) Minutes of Town Council Meeting of May 23, 2007 (Removed from Consent Agenda)

Councilmember Merk submitted a change to the minutes of the 5/23/07 meeting. By motion and second, the minutes were approved as amended by a vote of 3-0, with Councilmember Davis and Mayor Driscoll abstaining.

- (2) Warrant List of May 23, 2007 (Removed from Consent Agenda)

Responding to Councilmember Merk, Mr. Young said the seating material had to be replaced on the benches at Rossotti Field; salvaged redwood had been used.

By motion of Councilmember Toben, seconded by Councilmember Davis, the Warrant List of 6/13/07 in the amount of \$254,135.77 was approved with the following roll call vote:

Ayes: Councilmembers Davis, Derwin and Toben, and Mayor Driscoll.
Noes: None
Abstain: Councilmember Merk

(4) Trail Use Discussion Group Report on Dogs on Coalmine Ridge Trails

Mayor Driscoll said there had been a disappointing competitiveness in correspondence received on this issue in the last month. Additionally, there was some misunderstanding and misrepresentation of the facts. This issue was about what was best for the Town—not about winning or losing. He asked that people listen very carefully to what the other side was saying and try to work this out in a civil way. He asked that comments be limited to three minutes.

Councilmember Toben reviewed his memo dated 3/18/07, noting that the correct date of the memo was 6/2/07. He discussed: 1) the process used by the Town to address this issue; 2) Town trails and dog accessibility; 3) the trail map of Coalmine Ridge, Portola Valley Ranch and Blue Oaks; 4) historical exclusion of dogs on Coalmine Ridge trails; 5) purpose of the Trail Use Discussion Group (TUDG); (6) interests at stake; 7) three points agreed to by the TUDG; 8) recommendation to place an advisory measure on the November 6, 2007, ballot asking voters whether the Council should allow dogs on leashes on the Coalmine Ridge system; and 9) rationale for an advisory ballot measure. He said he was concerned that if the Council decided this issue tonight without an advisory measure and a community-wide education process that addressed the costs and benefits of permitting dog access to these trails, the result would be rejected by many residents. He said the first step would be to focus on whether it was appropriate to place an advisory measure on the ballot. If the Council decided not to place a measure on the ballot, the second discussion would focus on the pros and cons of dogs on these trails.

Bob McCowan, Horseshoe Bend, read a letter from Joseph Whelan that referenced the importance placed on the protection of wildlife when the Ranch was planned and his intent when deeding the trails to the Town to maintain Coalmine Ridge as a dog-free nature preserve. Mr. Whelan believed that permitting dogs on Coalmine Ridge trails was not a good idea. With respect to the advisory measure, Mr. McCowan said a public referendum with letters in the paper, etc., would draw attention to this area. There was no doubt that there would be a huge influx of people coming in from out of Town to use these trails. He thought it would be a terrible mistake to ask residents whether they wanted to allow dogs on leash. As was well known, people who used those trails did so without leashes. Unless the Town was prepared to have some sort of policing, he thought it would be a terrible mistake.

Gene Chaput, Alamos Rd., suggested putting the issue up to a vote—“yes” or “no.” He questioned the value of an advisory measure. Either the residents wanted dogs there or not.

Lise Buyer, Sandstone, said the meetings had been well publicized. People who cared were on both sides of the issue and were present. They had read the memo and learned about the issue. She thought it should be decided by the residents who used the trails.

Nancy Powell, Canyon Dr., said she had been a member of the San Mateo County Trails Committee for a number of years and a member of the Portola Valley Trails Committee. She felt an advisory vote would be used if the governing body liked it. She asked that the Council state that they were committed to honor the

advisory vote. Otherwise, it would be just a mockery of the system. She supported an advisory vote. Additionally, she asked if you could limit the trail use just to the Town's residents' dogs. No one wanted all the dog owners in the world on the trail. Her understanding was that the Town could do what it pleased unless there was State or County funding. Another issue was whether a dog could be given a tag indicating that it was obedience trained, with volunteer dog groups monitoring and testing the dogs and determining that they were social. There was some self-policing which also meant that the dog people were involved in the process. The risk in rejecting dog people was that there wouldn't be respect for the rules/system.

Dan Quinn, Bear Paw, said he was a 30-year resident and member of the Trails Committee. He said Joe Whelan and the Ranch people in control at the time made a mistake with the grant easement that said what was allowed (e.g., walkers, equestrians) and didn't address dogs. He understood that back in the '70s and '80s, dogs were not allowed. He felt this should be decided now to keep faith with everybody's understanding. The Town should not go back on a clear agreement that the Town made with the people of Portola Valley Ranch at that time. It should not be changed.

Majda Jones, Longspur and TUDG, said she did not think a referendum was a good idea. There had been a year and a half of discussions including the TUDG. She agreed there should be an educational process. But, she felt the Council should vote tonight as intended. That was the basis of the TUDG; there would be a discussion, and then the Council would vote. Then, there could be an educational process after the vote to possibly bring the community together.

Ann Baldwin, Los Trancos Rd., felt the Council should vote on the issue. If there was a referendum, those who lived outside of the Town border would not have a chance to express themselves in that vote. She had lived on Los Trancos Rd. since 1965. During all that time, she walked dogs on those trails. She tried very hard to obey the Town rules, used a leash, and picked up after her dog. She did not think her dogs had ever been a problem to anyone. She thanked the Council for making it possible for her to walk out of her front door and walk onto a trail system. It was very difficult to walk on the roads where there were no sidewalks with a lot of traffic. It was very important for her to walk on the Town trails, and she was grateful for that. She would like to be able to walk on the Ridge Trail down as far as the meadow. That did not involve going into Portola Valley Ranch.

Bill Kaspari, Willowbrook, said there was a conflict of interest issue. Anyone on the Council who had a financial interest in an issue should recuse himself or herself. That meant anyone who owned property on the Ranch, which included Coalmine Ridge, should not be able to vote on this. That included Mayor Driscoll and Councilmember Davis. Responding, Mayor Driscoll said this had been addressed by the Town Attorney who concluded that Councilmembers from the Ranch had the right to participate in these conversations because more than 10% of the Town was in the same category. Mr. Kaspari said a petition had also been signed voting for no dogs on trails. That was not a very unbiased representative.

Hiroki Kato, Sandstone, thanked Councilmember Toben and the volunteer group that spent so much time and energy pondering over this issue. He thought it would be unwise to put the issue to a referendum. According to Councilmember Toben's hope/expectation that this would be an educational process, he thought the opposite would happen. The people would be voting on the basis of their emotions and short-term personal interest rather than in the interest of the community. Many people felt that Proposition 13 was a disaster because people voted for their short-term personal interest. The public education system had been destroyed in the State. This was the kind of thing that could happen. Opening up this issue to a referendum would be opening up the issue to demagoguery and the opportunity to vote for short-term interest.

Linda Elkind, Hawk View, said she was concerned about a public referendum process. Part of a democracy was for people to be able to be informed. Unfortunately, the Town had recently seen a tremendous volume

of disinformation and oversimplification of the issue in the Nathhorst election. She agreed that public education should follow the decision made by the Council. She hoped that the Council would make a decision tonight. Furthermore, this issue had a fair amount of emotion and complexity. To Councilmember Toben's credit, some of the subtleties were made open and visible as a part of the process the Town underwent. A good compromise had been suggested and could be discussed later if the public referendum was turned down.

Bill Lane, responding to the comment about Councilmembers voting on an issue if there was self-interest, said the trails in Westridge were private trails on private land. They were maintained by assessments, and the Town had no responsibility for maintaining those trails. Secondly, by removing one Councilmember from Westridge and two from the Ranch, a quorum would be eliminated.

Carol Goodstein, Portola Road, said she used to train dogs before she trained horses and had four dogs of her own. She joined the horse park in Woodside so she could take her dogs there. She read a notice from the horse park about actions taken because dog handler and horse rider conflicts had increased liability. New dog-related memberships were on hold, hours had been initiated for professional dog walkers/trainers, a no tolerance policy for aggressive dogs was adopted, etc. As a dog trainer, she said two dogs off leash was a pack.

Carol Kornfeld, Wintercreek, felt the Council could vote tonight. She did not see any benefit in letting it go any further. The discussion had gone amongst the Council, and she felt they were ready to vote.

Janet Mountjoy, Echo Lane, said she did not have a strong feeling one way or the other about a referendum. If there were 36 miles of trails and only 6 were denied to dog owners, she questioned why there was such a concern about letting it leak that the Town might be allowing dogs on these 6 miles of trail.

Steve Halprin, Hawk View, said he was not a fan of the California referendum system. Too often, people did not take the time to fully read and explore the background documentation, and the votes were casual. He had a lot of confidence in the Council. Councilmember Toben had done a great job trying to bring out all of the considerations, and good information was available for everyone in the Town who chose to participate. He had confidence that the Council had read everything and was fully prepared--more so than the community at large could ever be. He would like to see them vote tonight.

Victoria Klein, Longspur, said she wrote the Town about her concerns about safety and equestrians. It was very difficult to control dogs on trails and mixing with horses. She was very impressed with the work Councilmember Toben had done and the compromise provided. She urged that the Council make a decision tonight.

Paul Heiple, Conservation Committee, said this issue had been looked at by the Committees for months now. Most of these issues had already been brought up. To let this fester through the summer would only be divisive. The referendum would only be advisory, and the Council already had a great deal of advice.

Joel Saal, Vista Verde, said to speak against the idea of opening up this issue to a popular vote was against the democratic process. He was sickened by the comments that it should be put in the hands of those who were more knowledgeable and responsible than the citizens. The country had moved away from the constitution/monarchy system for exactly that reason. This should be put to a binding vote of those people who voted in Portola Valley precincts on the November ballot. The voters would have just as much intelligence in voting for that referendum as they did for all the other measures put on the ballot. The rationale for not putting this on the ballot would be the same rationale as removing everything from the ballot—including voting for a president and senators.

Jeff Purvin, Sandstone, asked why the treatment of private land was being discussed. Responding, Mayor Driscoll said it was private land, but the Town had been granted an easement on the land. That easement legally permitted the Town to change the rules and allow different groups on that easement. A trail easement was granted to the Town, and the landowners gave up that right on those easements. A resident said that point was controversial and not shared by the attorneys for the Ranch. Mayor Driscoll agreed there was some dispute on that subject, but the Town Attorney felt that the easements had been legally granted, and the Town had the right to make a decision on these trails. All of the land outside of the trail easement, which was about 10-15' wide, was private property.

Attorney Prince added that the Town Attorney's office had looked into the issue and the Town could only do an advisory measure. This was not an appropriate subject for an initiative, which was for legislative acts. This was an administrative act. The Town already had a code that allowed the city to set rules and regulations for use of the Town trails.

Mike Green, Franciscan Ridge, said the Council knew there was an enforcement problem for dogs off leash. If the Council used an advisory measure route, he felt the residents should also be asked if they wanted to fund enforcement by a parcel fee. Instead of extending the problem about enforcement, it could be stopped right now. If the Town voted to pay a fee for enforcement: a) dogs would be on leashes; and b) there would be the funds for it. If it worked, it could be extended to the rest of the trails so that dog owners abided by the laws. Putting an economic leveler on the measure would allow people to say whether it was worth the money to have the right to have the dogs on the trails.

Eva Juhos, Fremontia, said she had been looking at the issue very much from the standpoint of what was good for the Town. She attended the discussions with the same frame of mind. She was proud to live in Portola Valley and proud of the concept of protecting the environment and doing the right thing. She felt a ballot measure would be divisive. This problem had been festering in the community for a long time and was pitting people against people. The information that started to float down was already misleading. People were not reading Councilmember Toben's memo, which clarified the issues. They interpreted statements and misinterpreted information and it was already spreading. It would get worse if it was put on a ballot and would poison the Town. Portola Valley used to be an idyllic paradise. The Council had the information from the discussion group and committees. It would take courage to do what was right for the city—not for the individual residents. When Whelan gave the land and trails to the Town, the homeowners gave up their acreage to make it a permanent nature preserve. That was a gem for the whole Town. She wanted to keep the gem, make the decision, and stay away from the ballot. The whole peninsula and dog people would come and publicize misinformation—as bad as if you were running for senator or president. She had been disheartened by the last election. The people in Town used to care about the environment and each other. She wanted to maintain that. The Council should vote tonight on the issue.

Nancy Wilke, Coyote Hill, said this was a representative form of government and the Councilmembers had been elected as the residents' representatives. She felt everyone was represented sufficiently by the Councilmembers.

Kirke Comstock, Coalmine View, said the Council should not put this on the ballot. Putting something like this on the ballot was heading down a slippery slope. He urged the Council to do its job, set policy for the trails, and move onto other issues.

Lynne Davis, Sandstone, urged the Council to make a decision this evening. This had festered far too long. She had been involved with it for more than a year. She felt it was time to put it to bed.

Bill Ashton, Westridge Dr., said he had ridden his horse and walked his dog on all the trails for many years--long before Portola Valley Ranch was there. He said he walked his dog on a leash. He found the Portola

Valley Ranch residents quite vehement about what was in their best interest. He felt if it didn't go to a referendum, a lot of the residents in Portola Valley would be disenfranchised.

Gene Chaput estimated that about 30-40% of the trails were in Westridge. Those trails were all maintained by the residents of Westridge and paid for solely by the residents of Westridge. For the Town to spend tax money to maintain trails at the Ranch and not to be able to use them was inexcusable.

Sue Chaput, Alamos Rd., said there could be two new Councilmembers at the next election. She questioned how the advisory ballot measure would work with two new Councilmembers. The flip of that was that many citizens had expressed an interest in having an initiative ballot. She was so sorry that a compromise couldn't have been reached. Many of the ideas that had been suggested could still be used and were workable. She felt it could be worked on and made to work without all the publicity. There had been 10 people on the TUDG, and it was difficult to come to a compromise. It was unfortunate that a lot of the residents and three of the Councilmembers did not know what went on during the TUDG meetings. Everybody didn't know everything, and there were new people here tonight that were coming into this with a clear eye, questions and comments.

Mayor Driscoll suspended the public hearing to allow Councilmember do discuss an advisory ballot measure.

Councilmember Davis felt there would be a lot of polarization with an advisory measure. Much of the sensitivity represented in the documents would be lost. He preferred to vote now or in the near future.

Councilmember Merk said when he first read through the material and the suggestion to have an advisory measure on the ballot, he was concerned that a description of the Town/trails/open space and the advisory measure would be covered on the 10 o'clock news and encourage every dog walker in the area to walk on the Town's trails. Those people couldn't be stopped from coming here, but they would be invited by publicizing this. This was something that needed to be settled by the Councilmembers who were elected by the residents to handle this kind of thing. As the Town Attorney's representative pointed out, this was not a legislative action but a policy action. There was a lot of history, information, and a lot of e-mails. He was still interested in what the public had to say about the issue. But, he was very uncomfortable about a ballot measure. Additionally, the idea of a parcel tax would have to be separate. The trail use could only be an advisory vote, and a taxing issue would be legislation and require a 2/3rds vote to pass.

Councilmember Derwin said she disagreed with Councilmembers Davis and Merk and supported Councilmember Toben's suggestion. She served on the TUDG with Councilmember Toben. She had heard every argument and had been inundated with e-mail. A fabulous argument could be made in either direction. If you believed the ridge was intended as a nature preserve and that dogs would alter that habitat, you would support the status quo. If you believed you lived in a Town that: a) was distinguished by its laid-back attitudes about where you can and cannot walk your dogs; b) prided itself on cooperation and inclusiveness, etc., you would support allowing dogs on the ridge. When she saw people of the quality of Linda Elkind arguing with the people of the quality of Jane Mordell, the Town was in trouble. This issue was a mess no matter what was done at this point. If the Council voted tonight, there would be a large group of people who would be angry. That was why she supported an advisory measure. It did sound a little like a cop out, and she was tired of this issue. But, maybe people would learn something. She came to a different point of view having worked on the TUDG. If she could see on which side of the issue more people fell, it might be easier to come to a decision.

Mayor Driscoll said he understood the motivation of an advisory measure. It made it a lot easier and took the spotlight off the Council—for a while. If it ended up being resounding one way or the other, it put the Council in a position of having to accept that. Even then, he had been on the Council for 14 years and

watched two referendums/initiative actions go on. Being relatively familiar with the details and facts in both of those situations, he was very disappointed by the level of accuracy in the election. In the Nathhorst Triangle situation, there was a mailing two days before the election describing a high-density apartment house that had been approved in Portola Valley. That vote could have been turned by the mail. In the last election, people were saying the Town was secretly negotiating with southern California bond dealers, which was a complete fabrication. That vote almost went down because of that. He did not believe in legislation by ballot box. That unfortunately meant the Council was in the hot seat. He was not trying to disenfranchise the citizenry who were welcome to speak tonight and not vote for him in the next election if he chose to run.

Councilmember Toben moved that the Council advise the Town Attorney to prepare a measure for the November ballot requesting the advice of the citizenry regarding the accessibility of dogs on leashes on Coalmine Ridge. Councilmember Derwin seconded the motion, and the motion failed by a vote of 2-3 (Councilmembers Davis and Merk and Mayor Driscoll opposed).

Councilmember Toben said the TUDG considered six different options. Using maps, he described each of the options and discussed the pros and cons as set forth in his memo.

Responding to Councilmember Merk, Councilmember Derwin said the possibility of hiring an MROSD ranger on an after-hours basis to assist with enforcement had been explored. She said MROSD had been approached by other entities, and the Attorney General's office in Sacramento had been asked to look into it. MROSD was not interested. Ms. Howard also spoke to the Sheriff's Dept. about using the Sheriff's reserve, but they would have to be accompanied by an officer.

Mayor Driscoll re-opened the public hearing and asked for comments on the six options.

Marilyn Walter, Ranch resident, said she was on the Conservation Committee when Joe Whelan came with this development. She said the Council and everyone worked very hard to figure out what the best use of this land was. Currently, no one was talking about the value of having this large wilderness preserve in Town. Windy Hill had kept Razorback Ridge from having dogs. It was a very wooded wild area and in direct line with Coalmine Ridge. The whole idea was that if there were 205 homes on that land, there should be a planned unit development with 2-acre zoning, etc., and all the rest should be saved. There were no fences and only native plants were allowed in order to maintain the same look as if there were no homes there. A big part of that on Coalmine Ridge was to maintain an animal free migration pattern. The Council might remember that when Blue Oaks wanted to move the low cost housing over near the fire emergency road, all of Los Trancos rose up and said that was an animal migration pattern. That was what Coalmine Ridge was. She did not think the value of having a natural area without predators, including dogs, was being considered. A horse was not a predator, but a dog was a predator. A survey had been done, and 80% of the people that went up there let their dogs off leash. Options b, c, d, or e without a ranger would be a mistake. Without a ranger, people did what they wanted to do. If the Town was going to lay a pattern of trails through private property without enforcement, the people who loved that land would bear the costs.

Dan Quinn, Bear Paw, agreed with Ms. Walter. The main benefit of keeping Coalmine Ridge dog free was to maintain it as a nature preserve. That area was important. The scent and actions of dogs would have an impact on the wildlife. He did not like any of the options. He also agreed with the suggestion in the memo to close Alpine Trail at Alpine Road to eliminate confusion for dog walkers who started up the hill only to find that Toyon and Old Spanish Trails did not allow dogs. A squad car could park there and watch the trail for people with dogs coming down. Making it a no dog trail would simplify things and solve a lot of problems.

Nancy Powell disagreed. She said when there was construction on Alpine Road, it was physically impossible without endangering yourself and your dog to walk along Alpine Road. Walking on Alpine Road

meant risking your life. She strongly opposed closing off that trail. She did not have a dog, but she felt those trails should be open to dogs.

Gene Chaput said the key issue was that easements were given to the Town without restrictions. Joe Whelan cannot rewrite history. The Trails Committee in 1997 made some arbitrary decisions without resident input as to which trails allowed which kind of users. There was no discussion, and it was a unilateral decision. The current Trails Committee held a special session over a year ago in April 2006 to do what people were doing tonight—to gather resident input and find out what the sentiments were. It was overwhelmingly in favor of allowing leashed dogs on all Coalmine Ridge trails by a 2 to 1 margin. The Trails Committee did not reach a consensus on the issue. Nevertheless, there was a majority opinion and a minority opinion. The majority opinion was subsequently found to be based on some irrelevant science. To Councilmember Derwin and Councilmember Toben's credit, they tried some mediation sessions. The people opposed to the dogs were disingenuous. They had an agenda to stay the course. They were unwilling to offer any compromise. His sense was that the Trails Committee majority report should be rewritten. It was based on science subsequently shown not to be relevant to Portola Valley. He was in favor of putting it to a vote—one way or another. He hoped that the Council would allow the residents/taxpayers of the Town to decide the issue—not a small group in a small area.

Majda Jones said there had been a lot of discussion about values of Portola Valley. She felt this issue went to the question of values. Her understanding after 8 years here was that this was a green town. A green Town Center was being built, and everyone was proud of that. She couldn't think of anything greener than for the Town to preserve 250 acres that were close to pristine. It was a resource for the whole Town. There had been remarks that taxpayers paid for it but couldn't use it. That was not true. All people were welcome there, and there were a lot of people who ran and walked those trails. It was extremely green to act locally and think globally. She wanted the natural environment preserved and this was a chance to reinforce that in our local community. The experiences described for the horse park were interesting. Actions had ripple effects. She wanted the Council to think clearly about bringing a lot of dogs up there—many of them off leash. Riders were endangered when dogs were loose. For safety and green, she wanted the Council to continue to protect Coalmine Ridge as it was.

Paul Heiple, Conservation Committee, said the Committee recommended that no change be made. He reminded the Council that when there was an attempt to enforce the regulations in place, it caused a tremendous outcry. He wanted to come up with something that the dog people and the conservationists could live with. If that wasn't done, people would ignore the laws and continue to run the dogs unless draconian enforcement was done.

Marge DeStaebler, Santa Maria, said option e with the caveats listed under "Alternate Outcomes" seemed like a compromise that was workable. It gave the Los Trancos people easy access to the Blue Oaks trails, which were very natural. With option e, there was some parking so that people could go down into Blue Oaks from Los Trancos. She did not want people with dogs to enter either of the Coalmine Ridge trails from Willowbrook; they could go up into the Windy Hill area, which was open.

Mike Green suggested that if option e was adopted, once a quarter, the dog walkers should be inventoried. If more than 1 in 10 did not use leashes, the permission would be rescinded. That would tell people that violators were the reason why the right had been taken away.

Anne Baldwin, Los Trancos Rd., said she walked with her dog from Los Trancos Woods and would be very happy with option e, which was a fair compromise. That would be reasonable even from the point of view of conservation. It would open the area that was closed to a densely populated region.

Kirke Comstock said he and his kids grew up with dogs and he was not an anti-dog person. But, dogs' DNA

was built on pursuit and eating. It also needed to be considered that there would be a percentage of dogs off leash. He said he walked all the trails in the Town and lived in Portola Valley—not the Ranch, not Westridge. He did not like the feeling that there was adversity depending on what part of Town you lived in. He had friends all over the Town and liked it that way. He urged that those who were concerned about this keep that perspective and try to work with each other.

Hiroki Kato said he had owned dogs all his life. But, he was opposed to allowing dogs on most of Coalmine Ridge except as enunciated in option e. He could support that as a compromise. Conservationists and running dogs were not mutually irreconcilable positions. Saying that one group opposed the other was not the solution. As it had been mentioned a number of times, there were 36 miles of trails many of which were open to dogs. He had never had any problems walking his dogs. Leaving 6 miles dog free for the sake of keeping the pristine environment would not be a huge sacrifice. He had not heard anyone say why those 6 miles were so important that they needed to be added to those trails where you could walk dogs.

Ruth Ramel, Sandstone, said this had become a polarization. Many people had chosen the Ranch to live because of conservation/environmental reasons. People were very restricted in what they could plant and grow, etc. As far as dogs went, she did not understand why people were so uptight about 6 miles of additional trails. It didn't make sense. There were lots of trails in Town and lots of trails for dogs all over the State. She did not think 6 miles of trails needed to be discussed. She agreed with option e and felt it made lots of sense for Los Trancos to be able to have better access and not be constrained. But, she did not see any purpose in changing most of what was now in place.

Steve Halprin, Hawk View, said no one had talked about the constituency of people who had an innate fear of dogs. While he was not one of them, he respected the fact that those people existed. It would be nice to maintain part of the trail system, or 6 miles of trails, so that those people could walk without being haunted by something that they couldn't emotionally handle. He had been bitten twice by dogs—once, separating his own dog from an off leash dog. He was not traumatized by it, but respected those who were traumatized. He was more concerned about poison oak than dogs. Having dogs on a narrow trail or a runner with a dog, he had to step aside. He didn't want to get poison oak. Having 6 miles for those who either feared dogs or poison oak was acceptable; they were a constituency that needed to be respected, honored and provided for.

Carol Kornfeld, Wintercreek, said she was one of those people who had a very bad childhood experience with dogs. She had been on Toyon Trail many times when all of a sudden a dog came running that was not on a leash. She agreed with Mr. Halprin.

Eva Juhos said she wanted to reiterate the safety issue. She was on Toyon Trail and had to grab her grandson and lift him in the air because two dogs were running and jumping at him. Currently, there was a balanced use by having the 6 miles versus the additional 30 miles and 8 miles on Windy Hill. You couldn't just hand over all the trails to people with dogs when you knew there were constituents who would love to be able to walk without the fear of dogs. What existed today was a win-win situation because there was a balanced allocation of trails. She urged the Council to keep that win-win situation. If you wanted to have a trail and use option e for the Los Trancos people, she felt it would be a nice compromise. You needed to maintain a balance and the Council had an opportunity to maintain that win-win balance. The forefathers had the foresight 30 years ago to dedicate this open space. It was for every Town resident. She was proud of it. It was not a matter of whether there were dogs or not. It was beautiful pristine land right in the middle of civilization. She wanted that maintained.

Sue Chaput discussed her experience on Mount Tam. A friend in Nevada said some of their trails were open to dogs with and without leashes. It was varied. She said she also sat on the Conservation Committee for 18 years. She did not recall this coming up as an issue. Jon Silver had said the same thing

when he served on the Council. It had become contentious everywhere and better behavior was needed. She hoped people could get back to getting along with each other, keep it out of the papers, keep the trails quiet, and make it work.

Mayor Driscoll suspended the public hearing.

Councilmember Merk said he grew up with dogs and had dogs until about 12 years ago. He was a dog lover. He didn't generally mind meeting dogs on trails where it was appropriate. But, the Town had received a huge number of e-mails and letters. He felt there might be more letters than users of these trails. He used these trails occasionally, and there were not that many people on them. He was amazed that this was such an issue and that so many people had written. He felt there was a balance of those who wanted to be able to have their dogs on all the trails and those who wanted to not have dogs on the 6 miles of trails of the Town's 36 miles of trails. There were also 8 miles available in Windy Hill and trails in Westridge where dogs were allowed. If half wanted it and half didn't, you'd think that half the trails would allow dogs and half wouldn't. He felt it was reasonable that the 6 miles that currently didn't allow dogs should remain so. He found it very distressing to see that over the last 6 years, the signs that were put up had been vandalized, torn down, thrown in the bushes, bent, etc. That made him very uncomfortable that there was that kind of energy on the ridge. That might be why the signage was confusing. On the other hand, almost everyone talked about compromise. He felt there was good reason to compromise, particularly in favor of the people who lived in Los Trancos Woods who were in the Town's sphere of influence and who wanted to be able to use the trails and have a pleasant trail experience coming down from the top. While his personal preference was to maintain the status quo, he felt option e was the way to go. To make option e work, that small section of trail parallel to Alpine Road needed to be signed for no dogs or make it very clear that in 200 meters from here, your dog could not go on this trail.

Councilmember Davis said the problem began when the Town decided to identify trails for certain users. The transactions that had been going on didn't suddenly change the day the Town decided to post signs. It was a formalization and certain people felt disenfranchised. He said he agreed with Councilmember Merk and supported e.

Councilmember Derwin said she felt people were excited about these 6 miles of trails because they were gorgeous trails. They were cool in the summer and ideal for people to walk their dogs. Her personal preference was to open all trails to dogs. But, you had to come up with something that both communities could live with; the current situation was not working. Responding to Councilmember Derwin, Councilmember Toben said with option e, there could be 2-3 low-key parking spaces in the right of way at the Lake Trail trailhead. There was also the ability to do some modest improvements to the parking in the right of way at the Old Spanish Trail trailhead up at the top. You would have to drive about 6 minutes to the trailhead. Councilmember Derwin said she had a problem with that because that was not green. She said she would reluctantly support e, but she was concerned about accessibility. Denise Gilbert, Trails Committee, noted that you could access the Blue Oaks network, which included the area in option e, through the Ranch. You could walk from there to the top of the ridge, which was equivalent in distance to walking from Willowbrook and Alpine up to the top of the ridge.

Councilmember Toben said when he went into the TUDG, his intention was to see if the situation could be incrementally improved for all trail users. Option e opened up a new trail segment that created a loop that didn't exist before. The middle fork was currently closed to dogs, but it would be clarified that that was now open to dogs. There was also access to the fire road, which would create a more integrated set of trail experiences. The value of creating this new amenity, however modest, improved the situation compared to what it was before. It also preserved the value of minimizing traffic flowing into the Town to use the rest of the system. That was the one value that everyone agreed on. He thought there was a risk of opening up Old Spanish Trail or more. It could be a very popular terrain for out of towners. He said the Town needed

to present a dog-friendly face to the community and encourage people to find their way to the MROSD trails, which were also dog friendly, as well as the new trailheads, which would make for an improved facility. As indicated in his report, he would have preferred to illicit more from the Town as a whole, but he supported his recommended alternative of option e.

Mayor Driscoll said he thought the system was balanced at the present time. There were available options for people who wanted to walk their dogs on shaded, secluded off-street trails with good parking. People could park at Windy Hill parking lot, go up the Crowder Trail and over to the Sequoia Trail and back, which was the same in terms of length as the Toyon and Arroyo Trail. It also had the advantage of being patrolled in some areas. It was a rural trail, and it worked. It was easier parking, greener and more accessible to people in Westridge because it was closer than driving all the way out to Willowbrook. He always felt that this issue was a reaction to the Town pathetically attempting to enforce its rules. The Town had one police officer that had his hands full in trying to deal with speeders. This could not be enforced other than requesting the citizens to respect the rules. When the Town issued warnings, he felt reactions had been provoked by those who were feeling put upon. They wanted to change the rules and make themselves legal. That was not a good way to change rules. He was willing to support option e because it was an attempt to solve the Los Trancos Woods problem, and it provided them with a loop. He did not believe that putting 1-2 parking spaces at the base of Lake Trail would encourage a lot of people to drive out there. There were 30 miles plus 8 miles of options for dog owners. Preserving 6 miles in this one area was the right way to preserve open space—particularly since the underlying land owners were strongly in favor of keeping it that way. Additionally, they weren't allowed to walk their dogs there either. They were asking to give up a right and continue prohibiting something. He supported option e as a concession to people who found the current system awkward—particularly the Los Trancos people.

After discussion, Councilmember Merk moved to adopt option e with signage indicating that the trail was open between these two points, but none of the adjoining trails were open to dogs. Councilmember Davis seconded.

Mayor Driscoll said there had been a lot of problems with trail sign vandalism up there. If this option was adopted, he suggested asking the Town Engineer to make a recommendation for a sturdier way to post signs. A lot of problems had been caused by vandalism of the signs resulting in ambiguous signs that confused people. Councilmember Merk noted that the National Park Service had signs that bears couldn't tear apart. The motion and second were amended to include the suggestion.

Mayor Driscoll called for the question, and the motion carried 5-0.

(5) Review Proposed 2007/2008 Budget and Set Public Hearing

Ms. Howard discussed changes to the proposed 2007/2008 budget since the draft document was printed. Referring to the \$2 million Hasso Plattner donation to the Town Center project, she said if the donation did not materialize, the \$5,837,233 shown for revenue from PVCF fundraising would have to be adjusted up by \$2 million. The agreement with the accounting firm who would be doing the paperwork would be before the Council at the next meeting. Councilmember Merk said he had seen a copy of the contract, and he had significant concerns about the liability for the Town over the next 20 years. During those twenty years, it said that the Town warranted that it would do certain things. If the Town didn't, the \$2 had to be given back. He did not think the \$2 million should be included in the budget before the contract was brought before the public and seriously discussed. Mayor Driscoll said at the next meeting, the Plattner grant could be discussed prior to the discussion of the budget. Councilmember Davis suggested the Mayor and Vice Mayor meet with Ms. Howard before the meeting to discuss the issue.

Referring to page ii of the cover memo, Councilmember Merk pointed out a discrepancy between the PVCF

revenue in the table and the amount cited in the text under revenue estimates.

Councilmember Toben said he reviewed the budget with Ms. Howard and his questions were answered.

Responding to Councilmember Davis, Ms. Nerdahl said consultant services (p. 1) included \$25,000 additional fees for auditing the international donation, \$13,500 for the documentary on the Town Center construction, \$22,000 for website upgrade, and \$25,000 for special consulting for a turf study and Ford Field renovation study.

Responding to Councilmember Derwin, Ms. Howard said the Historic Museum Designation balance (p. 2) was due to money coming in through the years for the sale of Ms. Lund's brochure. At some point, the fund could be used for historical purposes. The Children's Theater Designation balance was money given to the Town a long time ago to enhance children's theater programs in the Town. Councilmember Merk noted that there used to be a very active group that put on shows.

On page 4, Ms. Howard said the 2007-08 total budgeted revenue was now \$16,251,000; the charts (p. 5) would change slightly. Responding to Councilmember Toben, she said future property tax revenues were derived from increases projected by the Assessor's office. It was usually pretty accurate.

Referring to page 6, Councilmember Merk said some of the numbers were missing lines pointing to their slice of the pie.

Ms. Howard said there were two changes in revenues. There was a new revenue source for State mandated expenses; last year the State reimbursed the Town, and staff hoped that would continue. Additionally, last year the Town became a donor city of the JPA, which meant the Town received more in revenue in property taxes than it cost to run the library. The Town received the difference, and this year it was about \$130,000. That money could only be used for library expenses.

On Franchise Fees (p. 11), Ms. Howard confirmed for Councilmember Merk that the franchise fees for cable services was based on 5% of what Comcast charged the users. When they raised their fees, the revenue crept up.

Ms. Howard described changes that would be reflected in the next version under Other Revenues (p. 15).

Mayor Driscoll said he was trying to assist the Tae Kwon Do class in finding a space. Their lease was not renewed by Woodland School. The outgoing headmaster did not want to encumber the building for the incoming headmaster. They were negotiating now with Alpine Hills who wanted a significant increase in rent. He said he would be working with the new headmaster at Woodland School, and it was possible that the Town would need to assist with rent subsidy. The community valued this program as indicated by e-mail. Councilmember Davis said this was awkward because it was a commercial outfit. Mayor Driscoll said he viewed this as an enrichment program that was run by a San Jose police officer and it was not for profit.

Referring to Field Activity Fees (p. 17), Ms. Howard confirmed for Councilmember Merk that the Town did not collect enough money to recoup the cost of the fields. Parks and Rec had looked at this several times, and their recommendation was always to subsidize the use of the fields by giving very reasonable rates. Responding to Councilmember Toben, she said there had been a modest increase, and right now, there were fewer fields. Councilmember Toben said the Committee was still reviewing the issue, which was complex.

On Service Charges (p. 19), Ms. Howard confirmed that the two big projects at The Sequoias and The Priory had paid their construction traffic road fees.

On Use of Money (p. 26), Ms. Howard confirmed for Mayor Driscoll that when the PVCF money was transferred to the Town, the interest would go to the general fund before the money was expended. Mayor Driscoll suggested keeping track of the interest, which could be transferred to the project. He felt it was the intention of the donors that the benefit of their contribution would entirely go to the Town Center.

Ms. Howard confirmed that the Utility Users Tax figures (p. 29) had changed since the document was printed. Mayor Driscoll noted that the UUT and other tax revenues would need to be looked at some point in the next 1-2 years.

Responding to Councilmember Toben, Ms. Howard said the budget for street signs and safety (p. 47, #6) could be increased to include improving signage for bike safety. Councilmember Merk felt the proposed budget for street signs and striping was too low; the paint was worn out especially at the arterial stop signs. Council agreed to increase the item by \$5,000 for a total of \$18,000. Mr. Lane added that Westridge was getting a lot more bicycle and motorcycle traffic. The width did not allow space for bicycles. He spoke with some bicyclists who felt Westridge was more interesting to ride on. He thought more warning signs might be needed—particularly on curving roads. Mayor Driscoll suggested agendaizing the item for discussion. He felt there was a significant number of bikers using the roads in Town. Responding to Councilmember Merk, Ms. Howard said the Traffic Committee had come up with a specific recommendation that would be on the next agenda.

Referring to expenditures for Committees and Commissions (p. 36), Ms. Howard noted that Spangle and Associates had asked for a 6.6% increase for both the ASCC and Planning Commission retainers. The Historic Resources Committee wanted a new laptop for digital images of historic photos, maps and documents.

Ms. Howard said changes to Consultant Services (p. 39-41) included increases to Accounting and Auditing due to the auditing of the Town Center donation. Additionally, some money had been added for additional GIS layers and for improvements to the Website (p. 41). Parks and Rec requested two consultants for studies of synthetic turf and a renovation of Ford Field. Responding to Councilmember Merk, she said expenditures for miscellaneous consultants in 06/07 included legal consultants for the cable television franchise, consulting on road impact fees, and the records retention consultant.

On Service Agreements (p. 49), Ms. Howard said she had received a tentative proposal from Ken Jones for the cost of trail enforcement. He proposed \$75/hr per Sheriff, two at a time, and a minimum of 4 hours or \$600/day. Councilmembers discussed the frequency of patrols needed. Councilmember Davis was concerned that once people started being ticketed, emotions would rise. Responding to Councilmember Toben, Ms. Howard said if necessary, contingency money could be used for enforcement if the trail situation worsened.

For Services and Supplies (p. 51), Ms. Howard said Office Supplies had been increased; 100% recycled material was about 10% more expensive. Responding to Councilmember Merk, she said the increase in office equipment was for the purchase of new computers, which were budgeted but not purchased this year. She noted that the liability insurance had decreased 30%. The Town had not submitted any claims and had reduced liability because the Town did not own sewers, sidewalks or a police force. Responding to Councilmember Merk, she said telephone expenditures increased because last year the Town was not fully staffed for the full year. The average was \$450/month for phone bills. Responding to Councilmember Merk, she said there had been little staff development expenditures in 06/07. This year she asked staff members to provide lists of training/conferences they wanted to go to.

On Town Center Facilities, Councilmember Merk pointed out the jump in Landscape Supplies and Services proposed for 07/08. Responding, Ms. Howard said the increase was due to the arborist's recommendations

for Town Center, which would be implemented. She confirmed that this was part of the project; the trees would all be stressed with all the construction. The arborists had made very specific recommendations.

Ms. Howard discussed the Capital Improvement Program (p. 56-57) which included the Town Center project. She said the \$10,564,612 figure was based on agreements in place. If things took longer, they would not be paid for in the fiscal year. If something was moved up and built sooner, it would end up here. This was the best estimate for the next twelve months.

On Annual Trail Improvements (p. 56), Councilmember Merk noted that the \$35,000 budgeted for Los Trancos, Quilter and Palmer Trails had not been spent. Ms. Howard said this item belonged under maintenance. The only time trails would be included in the Capital Improvement Program was if it was a new trail or a completely refurbished trail. Staff's plans for Triangle Park improvements had been put on hold by Parks and Rec; and funds still available. Councilmember Toben said the Committee wanted to look at the whole aesthetic design of Triangle Park and how it tied into the surrounding elements. Mayor Driscoll suggested budgeting for the planning to get it worked out. Ms. Howard said that should come under consultant fees if that was what Parks and Rec wanted to do.

Ms. Howard said the items on p. 58 were equipment. The electric cart had been discussed for the new Town Center. The hybrid vehicle was included for primary use by the Building Inspector. Mr. Willis added that the Town was trying to comply with its environmentally friendly purchasing policy. Councilmember Davis discussed other options. Responding to Mayor Driscoll, Ms. Howard said the Building Inspector was reimbursed \$250/month for use of his car. Councilmember Merk said getting a vehicle that ran on electricity that the Town generated from its solar panels was the best possible outcome.

Councilmember Davis moved to set the public hearing on the budget for June 27, 2007. Councilmember Toben seconded, and the motion carried 5-0.

(6) Town Center Project Phase 2 – Bid Packages 10, 12, 13 and 17

Mr. Young reviewed the staff report on Bid Packages [Group 2] 10, 12, 13 and 17 and recommendation to authorize the Town Administrator to enter into agreements with the lowest responsive bidders plus 8% contingency. Responding to Councilmember Merk, he said acoustical ceilings and floor coverings applied to all buildings. Misc. specialties included the moving partition in the community hall, bathroom accessories and fire extinguishers for all the buildings. Councilmember Merk said in approving packages 10, 12, and 13, the Council was in essence making the decision to build the entire project without making a decision on the \$2 million international donation. Ms. Howard said even without the \$2 million donation, there was still enough money. There were also \$2 million in outstanding pledges. Responding to Councilmember Merk, she said the final bid packages including landscaping had not been done.

By motion of Councilmember Davis, seconded by Councilmember Toben, Resolution No. 2332-2007 Awarding a Contract for the Town Center Project Phase 2 Bid Package 10 (Town Project #2006-PW03B) was approved by a vote of 4-0, with Councilmember Merk abstaining.

By motion of Councilmember Davis, seconded by Councilmember Toben, Resolution No. 2333-2007 Awarding a Contract for the Town Center Project Phase 2 Bid Package 12 (Town Project #2006-PW03B) was approved by a vote of 4-0, with Councilmember Merk abstaining.

By motion of Councilmember Davis, seconded by Councilmember Toben, Resolution No. 2334-2007 Awarding a Contract for the Town Center Project Phase 2 Bid Package 13 (Town Project #2006-PW03B) was approved by a vote of 4-0, with Councilmember Merk abstaining.

By motion of Councilmember Merk, seconded by Councilmember Davis, Resolution No. 2335-2007 Awarding a Contract for the Town Center Project Phase 2 Bid Package 17 (Town Project #2006-PW03B) was approved by a vote of 5-0.

Responding to Bill Lane, Mayor Driscoll confirmed that the EOC was divided up into the various specialty bid packages.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(7) Status of Town Center Project

Ms. Howard said the ASCC reviewed the exterior finishes for the maintenance shed; painting started this week, and sealer would be applied next week. The gate specs had been revised, and gates should be installed in 2-3 weeks. The footings for the community hall and library were being done. Slabs would be poured next week. The underground fire alarm was 80% complete. There were no major budget or schedule issues at this point. Mayor Driscoll noted that at the last ADT meeting, moving up the construction of the baseball field had been discussed. If it could be started right after the Blues and BBQ event, it could be available next spring. C. R. Hodgson thought it was feasible with no additional cost, and he would verify that at the next ADT meeting. Councilmember Merk said seed planted in cold ground would grow slowly. He questioned whether it would be ready for spring.

Mayor Driscoll said he had been disturbed to notice that the water line and gas line to supply all the buildings was in a trench directly across the fault. The fire line also was directly across the fault and he had asked that two fire hydrants be put in at either end so flexible pipe could be put in to get the fire line back up in the event the pipe was severed. You couldn't do that with gas. He said commercial insurers required a gas cut off valve at the meter in the event there was a tear. ABAG didn't require that. Mr. Hodgson suggested putting a cut off valve at the meter at the street. Councilmembers agreed. Councilmember Merk said he thought there should be something similar for the water line. Water could also do a lot of damage if there was a break. Councilmember Toben said he was concerned that this wasn't caught earlier.

Councilmember Merk said the native garden had been decimated. It had been weed whacked. All the Douglas iris were cut off. The *Garrva elliptica* silk-tassel had been cut back so that it would take 2-3 years to recover. Mr. Young said the maintenance crew had unfortunately weed whacked some natives when they were cleaning up the area. Councilmember Merk said it was his understanding the existing native garden would be expanded. It was not destroyed, but it was destroyed for all of next year and for some of the plants longer than that. Mayor Driscoll said he would bring it up at the next ADT meeting when the landscaper would be present.

(8) Reports from Commission and Committee Liaisons

(a) Climate Projection Task Force

Councilmember Toben said the group was preparing reports for presentation to the Council on July 11.

(b) Planning Commission

Councilmember Merk said the Commission discussed their budget, which had to be readjusted to allow for the biological/fire hazard study next year. They had a long discussion on creek setbacks. One of the main opponents was now behind what was being proposed and was willing to write a letter to the creek side property owners.

(c) ASCC

Councilmember Merk said the basement issue was coming along.

(d) Town Picnic

Councilmember Merk said the picnic was well attended and people liked the venue. People at the tables were inundated by the sounds of the band. Parking did not seem to be a significant problem, and lots of kids attended. Mayor Driscoll asked staff to draft a thank you letter to Anne Campbell thanking her for use of the facility. Mr. Lane agreed the music was very loud. He said he spoke with Ira Ruskin who said good things about the Town. He suggested staff write a letter to Assembly member Ruskin thanking him for attending.

(e) Library

Councilmember Derwin said the JPA approved a \$24 million budget. They elected a new Chair and Vice Chair.

(f) Teen Committee

Councilmember Derwin said they Committee's dance was attended by 130 kids, and they made about \$400.

(g) Traffic Committee

Councilmember Derwin said the Committee discussed signs and a proposal would be coming to the Council. There was also some talk about improving some of the trails for safety of kids going to/from schools. Two new members had been recruited.

(h) Stanford C1 Trail

Mayor Driscoll said he and members of the Trails Committee met with Larry Horton to see the most recent proposal for the C1 Trail. It had been simplified and was significantly set back from the road in a number of places. They would also be doing improvements around the creek to prevent undercutting. The Trail Committee was happy with the outcome. It would be coming to the Council at the next meeting.

WRITTEN COMMUNICATIONS

(9) Town Council 5/25/07 Weekly Digest

(a) Concerns about Chaput Owned Preserve Property

Referring to the letter dated May 19, 2007, from Gunther Steinberg, Councilmember Toben suggested referring the parties to the PCRC.

(10) Town Council 6/1/07 Weekly Digest: None

(11) Town Council 6/8/07 Weekly Digest

(a) Retirement of Steven Willis

Referring to Mr. Willis's letter of June 7, 2007, Mayor Driscoll said the Town was sorry to hear of Mr. Willis's plans to retire. Ms. Howard confirmed that recruitment had begun.

ADJOURNMENT

The meeting adjourned at 12:10 a.m.

Mayor

Town Clerk