

TOWN COUNCIL MEETING NO. 685 JANUARY 11, 2006

ROLL CALL

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

Present: Councilmembers Davis, Derwin, Merk and Driscoll, and Mayor Toben  
Absent: None  
Others: Town Administrator Howard, Asst. Town Administrator Powell, Town Attorney Sloan, Planning Manager Lambert, and Deputy Clerk Hanlon

ORAL COMMUNICATIONS

Ed Wells, Naranja Way, said the Town's 7.5% UUT was the highest city utility tax rate in San Mateo and Santa Clara Counties. Most of the cities in the two counties had no UUT including Ladera, Woodside, Menlo Park and Atherton. This tax put the retail businesses and building contractors at an economic disadvantage compared to similar businesses in nearby areas. He congratulated the Council on their successful treasure hunt.

Sapana Shende said she was from Assembly member Leland Yee's office and would be attending Council meetings when there were any overlapping County issues.

Bill Henderson, Brookside Dr., said a new on-line newspaper would be launched at pvtrojanhorse.com soon. He said the Town was rich and now had \$915,000 in back taxes from the County sitting in the bank account. The UUT revenues continued, and there would be huge revenue increases stemming from higher energy prices. The Town could expect even more money from the County, which would fill the coffers to the tune of \$1.5 million. There was also the money that the County might be liable for for not paying what was owed over a number of years. The city was in a good position, and there was no worry about funding the new Town Center. The Council had pledged not to spend any public money on the Town Center, and the Town Center would be built with private money. The \$1 million already spent on consulting fees and other expenses by the city could be paid back to the city by the private funders of the new Town Center. The project could then be truly private and not publicly funded. He noted that \$5,000 had been spent on the Town Christmas party. *The Almanac* reported that the Town would hold a public meeting on 1/25/06 or 2/8/06 to discuss what to do with the money from the County. The matter would also be referred to the Town's Finance Committee for discussion next week. At the 12/14/05 meeting, Ms. Howard indicated that there was no need for the Finance Committee to review this matter. But now, it was on the table for discussion. The Town appeared to be moving in the direction of just keeping the money. Ms. Derwin suggested saving it for emergencies or a rainy day. Mr. Toben wanted a detailed discussion of lowering the UUT but not until the 2006/2007 budget talks. These were delaying tactics and no decision would be made until May or June. The money belonged to the Portola Valley taxpayers. He urged the Council to move with all speed to make the necessary adjustments to offset the huge revenue inflows. The taxpayers would not be put off by delays, stonewalling, and endless debate and discussion about what to do about the excess money. If the Council failed to adjust the tax imbalances with a fair and equitable plan of action very soon, people would be forced to take the appropriate steps to force the Council to make a decision.

(1) PRESENTATION: Recognition of Kersten & Heckman Land Donation

Mayor Toben discussed the background of the 12-acre land donation for open space by John Montgomery Kersten and Sheryl Lee Heckmann. He said the donation created a legacy for current and future residents that everyone could be proud of. He introduced Mr. Kersten and Ms. Heckmann and read the proclamation in their honor.

Mr. Kersten thanked the Town for the proclamation. He discussed options that had been considered for the use of the land noting that neighbors had suggested donating land for open space. After a lot of thought and careful analysis, it was decided that the land should be donated to the Town. Town staff, consultants and others had worked tirelessly to make it happen, and he thanked the Town and neighbors as well.

(2) PRESENTATION: Recognition of 15-year Anniversary of Town Administrator, Angela Howard

Mayor Toben commended Ms. Howard for her 15 years of service to the community. He described her rise through the ranks to become Town Administrator in 2000. He said highlights of her service included: 1) helping the Town enter the 20<sup>th</sup> century with the installation of the first computers and accounting software in 1990; 2) formalizing many of the Town's policies and procedures; 3) rigorous oversight of the Town's budgeting and expense process; 4) negotiating franchise agreements; and 5) recruiting and retaining dedicated professional employees. He presented the 15-year service award with gratitude and appreciation.

Ms. Howard said she was proud to work with a great staff and was thankful to have been given an opportunity for a great career with the Town.

CONSENT AGENDA

By motion of Councilmember Davis, seconded by Councilmember Driscoll, the items listed below were approved with the following roll call vote:

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

- (3) Warrant List of January 11, 2006, in the amount of \$233,844.00.
- (4) Resolution No. 2226-2006 Approving and Authorizing Execution of a Use Agreement (alternate EOC) Between the Town and the Benedictine Fathers of the Woodside Priory, Inc., per Asst. Town Administrator's memo of 12/16/05.

REGULAR AGENDA

(5) Minutes of Town Council Meeting on December 14, 2005

Mayor Toben submitted a number of changes to the minutes of the 12/14/05 meeting. After discussion, Councilmember Merk said he would like an opportunity to listen to the tape. Approval of the minutes was continued to the meeting on January 25.

(6) Amendment to ASCC Ordinance Regarding Term Limits and Policy Adoption for Both Planning Commission and ASCC

Ms. Lambert reviewed the staff report of 12/22/05 and recommendation to: 1) adopt the ASCC and Planning Commission Policy Statements; and 2) introduce with first reading by title an ordinance amending provisions related to ASCC membership and term limits of office. Responding to Councilmember Derwin, she confirmed that "term limit" meant a 4-year term. Mayor Toben suggested removing "limit."

Mayor Toben opened the public hearing on the Ordinance.

Responding to Bill Henderson, Mayor Toben said the appointments would be for a 4-year term. At the end of that, any incumbent who wanted to re-apply would be interviewed by a subcommittee of the Council.

Their candidacy would be considered, and there would also be an invitation to the public to apply for the seat that the incumbent presently held. In the past, the practice had been to continue the appointments indefinitely without any formal opportunity for new candidates to step forward. The intent was to introduce more possibility for newcomers to apply for these positions. Every other year, 2 or 3 positions would become available. Responding to Mr. Henderson, he said appointees could not be dismissed at any time for no cause. In January 2007, 2 or 3 seats on both the ASCC and Planning Commission would become available for application. If those candidates wanted to re-apply, they could make that desire known. Those vacancies would also be noticed to the public who could contest a re-appointment of a particular Commissioner. He confirmed that the first openings would come up in January 2007. Every two years there would be an opportunity for application to both the ASCC and Planning Commission. Councilmember Merk clarified that in the past, the Council had had discussion about the re-appointments of certain members of both the Planning Commission and ASCC when there were questions.

Responding to Mr. Henderson, Ms. Sloan said there was nothing in the Ordinance that said someone could be dismissed before the 4 years were up. That could be included. But, if the Council wanted to dismiss someone, he/she probably wouldn't have a right to complain. The intention of the Ordinance was that the Council would not be looking over Commissioners' shoulders after every meeting. The applicants chosen would stay for 4 years. Mr. Henderson said good oversight and good review was necessary. He felt 4 years was too long. If the ASCC was not doing the job that should be done and there were complaints, he did not think the Town should be stuck with a 4-year term. There should be some way to pull that appointment. In his neighborhood, there was some unhappiness about some of the decisions made by the ASCC.

Councilmember Driscoll said it was not the intent that someone could choose an incumbent against which to run. If two positions were open and there were two incumbents and one new applicant, the Council could choose two among those three. Secondly, he thought there should be a mechanism to remove an incumbent after two years if they weren't doing the job. Currently, there was a 1-year rubber stamp re-appointment to the ASCC as long as the applicant wanted to continue. Going to a 4-year term gave up the annual ability to review commissioners. Councilmember Davis noted that the Planning Commission had an historic 4-year term. The question was whether to apply that to the ASCC.

Mayor Toben said he presumed there were statutory grounds for removal of councilmembers that might not be enshrined in the code but functioned as a backdrop if there was a problem. Presumably, those same grounds could be applied to the removal of a Planning Commissioner or ASCC member. Responding to Mayor Toben, Ms. Sloan said any length terms could be set up for the Planning Commission and ASCC. Something could be written in to clarify how a member could be removed before their term was ended. For example, "members shall serve 4-year staggered terms unless the Council decides to remove a member from the commission before that member's term has ended."

Councilmember Driscoll said the current system was effectively a lifetime appointment. There was no mechanism whereby citizens were given an opportunity to apply against an incumbent. That was being fixed. But, if the job was highly changeable and not stable, ASCC members might not get the benefit of experience. It also sent a message of distrust. He thought the tenure could be a little longer in return for the need to re-apply. Four years seemed like a long time, and he suggested two years.

Councilmember Derwin said these were volunteer jobs that required mastery of complex land use policy/laws, etc. She felt 4 years was reasonable.

Councilmember Driscoll said the intent was to be more responsive to the public with the notion that being appointed to the ASCC was not a lifetime appointment anymore. Ironically, what was proposed would give the ASCC members a longer immunity period. He was not yet comfortable with four years unless there was some mechanism for the in-between period. Additionally, the current system had worked for over 40 years.

Councilmember Merk said he had voted against this proposal two months ago along with George Comstock. He thought it was extremely unfair to the people on the ASCC and the Planning Commission to intimate that their re-appointments were rubber stamps or that they were receiving a lifetime appointment. It was hard work being on either of these commissions, and these people suffered a lot. Those who stayed on were re-appointed because they were doing a good job. Over the last 41 years, there had been a lot of people doing very good jobs on the ASCC and Planning Commission. He did not think the system was broken and needed fixing. If there were questions, they should be dealt with at the time of re-appointments or when a problem occurred.

Councilmember Driscoll said initially, he had been in favor of instituting a regular term process for the ASCC in order to give the public a chance to apply for positions even though the incumbent wanted to continue. Now, he was concerned that it would end up with unintended consequences. He thought the Planning Commission was a separate issue and that those commissioners needed a longer perspective. While the system seemed to be working, he felt the Council should be doing a more careful job annually of talking to the liaison and seeing how the commissioners and ASCC members were doing.

Mayor Toben said most of the surrounding communities had a policy of fixed-term appointments for Planning Commissioners and ASCC members. He felt there were plenty of other mechanisms that governed behavior of ASCC members and Planning Commissioners in the course of their appointments. By their very nature, the ASCC and Planning Commission processes were "give and take" involvement with members of the public. He thought this would be a healthy mechanism for injecting some fresh air into a process of reconsideration and possibly new appointments. He supported establishing a term for ASCC members and staggering those terms every two years. He also felt there should be consistency in the mechanism for both the ASCC and Planning Commission.

Craig Taylor, Santa Maria, said it was valuable to have vacancies open and advertised. That was the way to get new people and new blood and not stagnate. If it became more of a regular process, people would realize that it was happening. But, 4 years was a long time. Some people might not want to apply for 4 years. Two years might be more attractive for people. Mayor Toben noted that there had been few vacancies of Planning Commission and ASCC seats in mid-term. People were dedicated and knew they were signing up for 4 years.

Councilmember Driscoll said the Town should not create a situation where appointees to commissions got into some controversial issue and found themselves running against one side for the position. The team should not be interrupted or disturbed by any individual event. There needed to be some stability in the group, and that argued in favor of a longer term.

SallyAnn Reiss, Golden Oak, said she honored the system that had been in place for 41 years and the volunteers who signed up for 4 years. At the same time, it was important to tweak the process as it evolved to make sure it ran in unison with what the community wanted. She had heard people question how the decisions were made and who made them. She liked the proposed ordinance which created some accountability and a procedure for the community to understand. It might not change the people who served on these bodies.

Gary Nielsen said he thought there was some merit in a 4-year term. It would also bring attention to the fact that there was an opening that people could apply for. Bringing in new blood was valuable to think about. He agreed that both the Planning Commission and ASCC were tough jobs.

Responding to Mayor Toben, Councilmember Driscoll said he did not support adding language that would articulate grounds for removal. Additionally, he felt a commission and a committee were two different things. A commission made decisions whereas a committee was more advisory. There should be some immunity for commissioners for four years. He moved to introduce with first reading by title and waive

further reading an Ordinance to Amend Chapter 2.16 [Architectural and Site Control Commission] of Title 2 [Administration and Personnel] of the PV Municipal Code. Councilmember Davis seconded, and the motion carried 4-1 (Merk).

With respect to the policy statements, Ms. Lambert confirmed that the intent was that incumbents would meet with the Town Council liaison to determine interest in re-appointment at least sixty days prior to the end of the term so that notice could be provided of an opening.

Mayor Toben asked for public comment on the proposed policy statements, and there was none.

Councilmember Driscoll moved to adopt the policy statements, subject to the second reading by title and adoption of the Ordinance. Councilmember Derwin seconded, and the motion carried 4-0 (Merk abstained).

(7) Narcotics Task Force Amendment to JPA

Ms. Powell reviewed her memo of 11/22/05 on the narcotics task force and JPA. Responding to Councilmember Davis, she said the notice of termination of membership in the JPA had been changed to April 1 to correspond with budget preparations.

By motion of Councilmember Merk, seconded by Councilmember Davis, Resolution No. 2227-2006 Approving and Authorizing Execution of the Second Amendment to Joint Powers Agreement Establishing the San Mateo County Narcotics Task Force was adopted by a vote of 5-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(8) Policy to Aid in Enforcement of Trail Use Restrictions

Denise Gilbert, Trails Committee, said there were plastic placards on the trails to indicate which of the four constituents (i.e., pedestrians, horses, bicyclists and dogs) could use the trails. The Committee had become concerned about the disregard for the usage restrictions by bicyclists and dog owners--both of which were prohibited on Coal Mine Ridge trails. A pilot program was being proposed to enforce these restrictions and had been put together in conjunction with discussions with Officer Jones of the Sheriff's Dept. and MIDPEN who used the program for Windy Hill trails. It was set up to minimize the time officers would spend on the trails. She reviewed the proposal as set forth in the memo attached to Ellen Vernazza's e-mail of 12/21/05.

Ms. Sloan corrected information contained in her memo of 1/6/06. She said infractions, such as violating the Town's trail policy, could be processed the same way that traffic tickets were; no one from the Town Attorney's office would need to appear in court. Responding to Councilmember Davis, she confirmed that the traffic court was willing to handle infractions. They charged an assessment on top of the fine and kept the assessment for doing the administrative processing.

Councilmember Davis said one of the frustrations of the Traffic Committee was that bicycles carried no identification, and there was no way to physically cite them when they were speeding, etc. Dog walkers might fall into the same category—especially those who had not been responsive to being warned. Councilmember Driscoll noted that dogs were required to be licensed, and it would be possible to identify the dog/owner.

Councilmember Merk pointed out that the proposal just addressed dogs. He felt equal action should be taken against bicyclists. Ms. Gilbert confirmed that that was the intent. Responding to Councilmember Derwin, Ms. Gilbert said dogs were not allowed on the trails cited in the proposal. On top of that, there was a County leash law. Almost everyone she had seen had their dog off leash. The Committee's focus right

now was on those trails where dogs were not allowed. Additionally, all of these trails allowed horses except Toyon, and the trails were closed during winter.

Councilmember Driscoll said when PV Ranch, who owned the underlying land, granted the easements to the Town, the Ranch community did not want dogs or bikes interfering with wildlife. This was private property for which the Ranch had granted easements to the Town. Responding to Councilmember Derwin, Ms. Gilbert said Ranch residents and Trails Committee members had tried to inform violators about the restrictions; some people were verbally abusive. The Trails Committee felt it had escalated to the point where some enforcement was necessary. Additionally, she felt the numbers of violators and the intensity of violations had increased. The signs were also being vandalized, and staff/volunteers kept replacing them. She thought the problem was caused by 6-12 people; 50% or more were Town residents. She added that when MIDPEN started fining dog owners, word spread very quickly. It hadn't eliminated the problem 100%, but there had been a dramatic reduction. The hope was that with officers catching people in a few instances, that would have an impact.

Mayor Toben asked for public comment. Ms. Howard noted that e-mail had been received from Lynn McKinnon and Jayne Mordell dated 1/11/06.

Amy Mackowski, Los Charros Ln., said she would feel safer having her dog with her when she ran on the trails by herself; there were coyotes and mountain lion sightings. Additionally, she felt the horses did much more damage. She thought enforcement should be focused more on cars and parking. There was a lot of litter and windows that had been broken. Responding to Mayor Toben, she said she was aware there was a prohibition of having dogs on those trails.

Marty Mackowski, Los Charros Ln., said he took his dog on the trails. He did not think police time should be spent trying to fine people for walking their dogs. In over twenty years, he could count the number of times he saw horses on the trails on one hand. He did not think there was any problem with horses and dogs. The wildlife argument was ridiculous. Nineteen out of 20 people could care less, and there were just a very few people concerned about the dog issue. There were far more than 6-12 people with dogs on those trails. He suggested allowing dogs two hours/day. Responding to Mayor Toben, he said Toyon Trail was a great trail for dogs in addition to the other trails where dogs were allowed.

Danna Breen, Alpine Rd., said she had in the past ignored the restrictions but not in recent years out of respect for the residents. Windy Hill was difficult with dogs. She said it was difficult to see any kind of exclusivity in nature. For the sake of the planet, she thought it was better for people to be out in the woods. She liked the idea of everyone sharing it. When you shared it, you learned to respect it and became more highly attuned to what you might come across. She thought there should be a way to better share the trails—especially on Coal Mine Ridge. People in the smaller lots needed to be able to get out with their animals. Responding to Mayor Toben, she felt one of the three trails should allow dogs.

Councilmember Davis said there were two issues: 1) whether the current usage should be altered; and 2) enforcing the existing restrictions. He suggested giving the proposal a trial run for six months and see what the effect was. As a separate issue, the Trails Committee could also begin a conversation with residents about the appropriateness of the current designations.

Responding to Councilmember Derwin, Ms. Gilbert said the Sheriff's office wanted to have some guidelines on when they would patrol the base of Toyon and/or Old Spanish Trail. They would determine when it was appropriate based on whatever other duties they had. They were quite clear that if while doing it they received a call, they would leave the trail. As proposed, they would be away from their cars no more than 15 minutes. It would be just one officer, and it would be random, spot checks during times when there was the most usage. Councilmember Davis noted that they would be parking the squad cars where the break-ins had occurred, which would be beneficial.

Councilmember Derwin said she was very sympathetic to the concerns about dogs on trails. But, she preferred: 1) the trails be shared; and 2) this could be worked out without bringing in the police.

Councilmember Merk said before entertaining the idea of changing the designation of a trail at the Ranch, the agreement with the Ranch needed to be researched to find out if the Town had the right to do that. It was his recollection that the Town did not have that right. The Ranch made the proposal and the Town had agreed that the open space was there for the protection of the wildlife, including the coyotes and mountain lions. While he was not 100% against changing the designation, he did not want to go back on a promise. He agreed a short trial period of 6 months was worthwhile. Additionally, it cost the Town money and volunteer/staff time just to keep the signs in place. Somebody was vandalizing the signs, and it would be very helpful if the Sheriff could find that person.

Councilmember Driscoll said there were 36 miles of trails in Town with about 5 of them on Coal Mine Ridge. The restrictions on those trails at the very beginning were the grounds under which private property was granted to the Town. There were 30+ miles of trails in Town that were available for dogs on leashes. The Trails Committee had struggled with this over multiple meetings, and what was proposed was a unanimous solution. He supported the Trails Committee's proposal. Additionally, he agreed some words should be added about bicycles. He also thought a 6-month trial period was appropriate.

Mayor Toben said any dialog about opening up additional trails to dogs should begin with the Trails Committee—provided there were no built in restrictions. He suggested the Trails Committee be asked to take a fresh look at the designations on Coal Mine Ridge and explore possible, creative alternatives—like opening it up to dogs for 2 hours/day. Responding to Councilmember Davis, he said in the past he had been an advocate for establishing some destination trails as joint use trails for cyclists as well as others. The Trails Committee supported that idea, and Lynne Davis came up with a system for classifying trails as safe for joint use (i.e., cyclists, equestrians and pedestrians). There had not been much community interest, but some work had been done in initiating a trail-by-trail review of suitability for bicycles.

Councilmember Merk reiterated that it would be premature to make any statement to the Trails Committee about soliciting input from people about changing the designation of the trails at the Ranch until a determination was made as to whether the Town had the legal right to do that.

Marilyn Walter, Coyote Hill, said she was very familiar with the Coal Mine Ridge trails. She said there were also some very nice forested trails that were not on Coal Mine Ridge such as Sweet Springs Trail and all the way up Los Trancos. Secondly, she thought there should be a box for trail maps down at the entrance on Alpine Road. There should be a trail map posted like at MIDPEN and other agencies that showed what the trail usage was, what was allowed and what trails you could take dogs and/or horses on. All that was necessary was to have a police officer up there a few times, and people would think twice. She was very much in favor of trying this. She added that Stanford had had to close its trails because of the abuse by the public. She felt the Town was getting the overlay from that.

Bill Lane, Westridge Dr., agreed the Town needed to check the agreement with the Ranch on what the conditions were for having those trails. He noted that Westridge provided public trails, including dog trails, on private property which was maintained by assessments to the property owners—not the Town.

Danna Breen said she understood that the Blue Oaks trails were open to dogs, but it was very difficult to get to those trails without going through Coal Mine Ridge. Responding, Ms. Walter said Blue Oaks allowed access from Old Spanish Trail Road into a certain area of the Ranch. It was shown on the trail map.

Jeanette Hansen, Trails Committee, said it would be good to have the Sheriff up there to enforce the on-leash restrictions on those trails where dogs were allowed. She described Committee members' experiences with dogs off leash.

Amy Mackowski said other trail users would be interested in finding out when discussions about trails were being held.

Mayor Toben said he was less than satisfied by the brief presentation by the Trails Committee. It was less compelling to hear claims that there had been a number of complaints without documentation as to what the circumstances were, how many times these incidents occurred, where they happened, whether it involved dogs off leash, whether it involved horses, etc. Having said that, he was troubled by the vandalism and nasty confrontations. He would take it on faith that there were particular parties who were opposing the Town's concerns and creating fear and anxiety. On that basis, he would consider a trial period. He was also interested in finding out more about why dog owners persisted in using Coal Mine trails when there was so much terrain that was available to dog owners. He wanted to know what the cost would be in terms of law enforcement and diverted energy to this one issue. He liked the fact that the location for this activity was one of the more troublesome areas in Town with auto break-ins. He was concerned that enforcement of this policy on the Coal Mine Ridge trails might force the problem into other places in Town. That would need to be monitored. Additionally, he preferred a shorter trial period but would agree to 6 months. He also wanted to give the Trails Committee direction to set up a very public and transparent process where the system of trail usage in this particular contested area was subject to review—assuming there was some ability to amend usage designations.

Councilmember Davis noted that he proposed a 6-month trial period because it was January; 6 months would include usage for spring and the start of summer.

Council agreed to a 6-month trial period and review prior to adopting it as a permanent policy. Ms. Sloan said staff would follow up on Ranch PUD restrictions regarding trail usage.

(9) Portola Valley Community Fund (PVCF) – Approval of First Quarter 2006 Expenses

Ms. Howard noted that an updated memo had been distributed that clarified some of the first quarter projected expenses of the PVCF. SallyAnn Reiss reviewed the expenses. She said the PVCF was raising funds in the name of Portola Valley and its community center. The expenses needed to be made as transparent as possible in that effort. Gary Nielsen said he was also present to answer questions. Councilmember Driscoll moved approval of the projected first quarter expenses and Councilmember Davis seconded the motion.

Councilmember Merk said he was not present at the last meeting to express his concerns about this process. He did not understand the relationship between this Committee, the Peninsula Community Foundation (PCF), and the Town. The minutes were confusing. There were statements which he didn't understand and might be inaccurate. He was uncomfortable about taking any action when he was not clear that what the Town was doing was not only technically legal but fully above board, fully transparent, and fully compliant with the Brown Act. He couldn't approve the projected expenses because he was very uncomfortable with the process. Responding to Mayor Toben, he said he was unclear about how this was intended to work, how it actually worked, who was pulling the strings, etc. Until he could understand those things and who was in control of this Committee, he did not know what laws or disclosure requirements applied. He said he would speak with Ms. Sloan directly and listen to the tape of the meeting.

Mayor Toben called for the question, and the projected first quarter expenses of the PVCF were approved by a vote of 4-0, with Councilmember Merk abstaining.

(10) Discussion of Scheduling a Special Council Meeting Regarding the Council's Role in Emergency Preparedness for the Town

Ms. Howard reviewed her memo on Mayor Toben's request to set a meeting date to discuss emergency



preparedness in Town and the Council's role during an emergency. She noted that the Emergency Preparedness Committee was very excited about the opportunity to meet with the Council on this topic.

After discussion, Council agreed to hold the meeting on Tuesday, January 31, 2006, from 7-9 pm.

(11) Payment of Invoice for 2005/2006 Wood Chipping Program from Woodside Fire Protection District

Referring to Ms. Hanlon's memo of 12/20/05 on the invoice for the 2005/2006 wood chipping program, Mayor Toben said this was a much-valued service to residents this past year. Initially, the Council had had some concerns about the bill because the fire district received a more generous percentage of the property tax than the Town. The Town was now prepared to pay the fire district the requested \$7,000 to provide the service to residents this year.

Councilmember Merk was concerned about where the chips would go; the Town absorbed a lot of its own chipped material already and had been sued because chipped material had plugged up culverts, etc. Secondly, he recalled that last year there was some confusion among residents about: 1) the size of material that would fit in the chipper; and 2) where the chipper would be going. He thought there should be a better informational brochure sent out so people understood how the material should be set out, etc.

Denise Enea, Fire Marshal, said the response last year had been overwhelming. Some of the streets were narrow and stacking the brush on the curbside was a problem for that 1-2 day period. She realized it was an inconvenience for the neighborhood for a couple of days, but that might be necessary in order for the District to get at the brush. The chipper itself could chip up to 9 inches. There had not been much material that was larger than that. This year, more brochures would be put out with a mailing to neighborhoods the week before. The brochure would also be revised. She hoped the program could be sustained. Responding to Councilmember Driscoll, she said this year, the chipping would be done on site as much as possible. People could spread it around; some people last year wanted other people's chips. SallyAnn Reiss suggested establishing a list of those who wanted other people's chips.

Councilmember Driscoll moved to approve payment of \$7,000 to the Woodside Fire Protection District for the 2005/2006 wood chipping program. Councilmember Merk seconded, and the motion carried 5-0. Councilmember Driscoll commended the District for the program and said it was the most substantial thing that had been done in terms of fire prevention in Town. Responding to Mayor Toben, Ms. Enea said the \$7,000 from the Town and from Woodside would pay for the chipping crew. Woodside would also be maintaining the chipper at a cost of \$1,000/year. Two fire inspectors would be used on overtime at a cost of \$8,600. Responding to Councilmember Merk, she said the Open Space District had the means to do their own fuel management.

(11) Discussion of Permanently Changing Start Time of Regular Council Meetings

Ms. Howard reviewed her memo of 1/4/06 on the request to change the time of regular Council meetings. Councilmember Derwin said she recommended changing the starting time to 7:30 with the implied understanding that the meeting would end a little earlier. She felt more people would be encouraged to come.

Councilmember Driscoll said the start time had always been 8 pm, and the majority of Town residents who had lived here for the last 20 years knew the 8 o'clock start time. When the Council occasionally met earlier, a lot of people still showed up at 8 and were distressed that they had missed part of the meeting. A change should not be made without thorough consideration. He noted that starting earlier would mean that he might be late.

Councilmember Davis said historically, the meeting started at 8 because people coming back from work at

distant locations needed a chance to eat. He added that the Trails Committee and the commissions started at 8.

Councilmember Merk said what other towns did was irrelevant. There was a history of meeting at 8 pm, and he liked to have dinner before coming to the meeting. He also felt the meetings would end at the usual time no matter what time they started. There was no stopping time, and discussions took as long as necessary. He was not interested in coming to meetings earlier than 8 except on special occasions.

Mayor Toben said not much good decision-making happened after 11 pm. He favored a 7:30 start time and felt that with enough notice to residents, it could be accommodated.

Responding to Councilmember Driscoll, Ms. Howard said most of the staff didn't have time to go home before the meetings and stayed here. Councilmember Merk noted that there was a provision in the staff policy that the Town would pay for staff's dinner at a local restaurant.

Councilmember Davis said he could accommodate a 7:30 start time but felt there should be some consistency among the Council and commissions/committees. He didn't think the half hour would have that much of a benefit. He preferred 8. Councilmember Driscoll suggested that 8 be the standard policy. If the agenda was longer than normal, then 7 pm could be used more frequently. He felt it should be the purview of the mayor. Mayor Toben said judging the length of the meetings was difficult.

After discussion, Council asked staff to see if there was any support from the two commissions for a start time of 7:30 and report back.

(13) Status of Town Center Project

Ms. Howard said the design team was preparing for the 1/23/06 ASCC meeting. That meeting would focus on the site plan itself with emphasis on fencing, fields, lighting, etc. An ad would be placed in *The Almanac* and some banners would be put up the morning of the meeting. After that meeting, it should come back to the Council in February.

Councilmember Driscoll said the fundraising team was making progress. They were continuing interviews and would be providing a report to the Council in about 45 days.

(14) Reports from Commission and Committee Liaisons

(a) Liaisons

Mayor Toben said the liaison assignments would be ready for the next meeting. Councilmembers discussed who would be handling the January meetings. Mayor Toben said committee re-appointments would also take place at the 1/25/06 meeting. He also thought there should be a discussion of volunteer recruitment.

WRITTEN COMMUNICATIONS

(15) Town Council 12/16/05 Weekly Digest

(a) Building Official Recruitment

Ms. Howard said preliminary interviews for the Building Official were conducted this morning, and there were three qualified candidates. Councilmember Merk said the temporary building official had been very professional and very good. When asked, he offered to participate in interviews.

(16) Town Council 12/23/05 Weekly Digest

(a) Mid-peninsula League of SF Symphony Event

Referring to Noyon Berg's letter of 12/10/05, Ms. Howard said the garden tour fundraising event was planned to take place at 25 Navajo Place, which was located at a small dead-end street. She was concerned about the ability to accommodate parking for 200-300 people, and had suggested that they contact neighbors immediately. Ms. Berg had indicated that they had a lot of experience with this event in Woodside and Atherton where there were similar street issues. She [Berg] also indicated that the guests were used to coming in groups. If there were concerns from neighbors, Ms. Berg said they would be willing to have parking elsewhere and do a shuttle. Councilmember Davis requested that the group go through a thorough thought process to ensure they had solutions to potential problems—similar to the planning done for the PV School Foundation's gala event. Councilmember Merk said he would also like to know more about the "volunteer parking people" such as how many there would be, whether they would be wearing vests, whether they knew there were dirt trails along the sides of roads, etc. Ms. Howard said she would report back.

(b) Permit Fees for Photovoltaic Systems

Referring to the *San Jose Mercury* article on fees for solar systems, Councilmember Merk said there was a Solar Access Law in CA that the Town might want to consider. It gave a person with photovoltaics or a water heating system the right to require that a tree be topped if it had grown into the solar access.

(17) Town Council 1/6/06 Weekly Digest

(a) PG&E Work To Restore Power After Storms

Councilmember Driscoll noted that PG&E crews were out in force in Town after the storms. Ms. Howard said Howard Young had put in a lot of hours and let PG&E know that the Town was a priority. Councilmember Driscoll suggested putting a memo in his file recognizing his extra effort.

CLOSED SESSION

- (18) Conference with Legal Counsel  
Government Code § 54956.9(a)  
Jacobson vs. Town of Portola Valley  
(Real Party in Interest: Sausal Creek Association/Lodato)

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting adjourned at 11:15 p.m.

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Mayor

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