

TOWN COUNCIL SPECIAL MEETING NO. 704, OCTOBER 11, 2006

ROLL CALL

Mayor Toben called the meeting to order at 7:33 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin, Driscoll and Merk (arr.7:34), and Mayor Toben
Absent: None
Others: Town Planner Mader, Town Administrator Howard, Public Works Director Young, Town Attorney Sloan, and Asst. Town Administrator Willis

ORAL COMMUNICATIONS: None

CONSENT AGENDA

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

Ayes: Councilmembers Davis, Derwin and Driscoll, and Mayor Toben
Noes: None
Abstain: Councilmember Merk (due to payment to PVCF)

(1) Warrant List of October 11, 2006, in the amount of \$159,385.45.

WRITTEN COMMUNICATIONS

(2) Town Council 9/29/06 Weekly Digest

(a) Town Hall Conversation Meeting

Referring to Sen. Speier's letter of 10/14/06 (Council packet only), Councilmember Derwin said Sen. Speier would be hosting a town hall meeting at the Schoolhouse on October 14, 2006.

(3) Town Council 10/06/06 Weekly Digest

(a) Wireless Silicon Valley Initiative

Councilmember Driscoll referred to the ACLU's letter of 9/29/06 on the Silicon Valley wireless system and suggested it be forwarded to the Cable and Undergrounding Committee. Responding to Councilmember Merk, he said all of the cities in the County were members of Wireless Silicon Valley as indicated in the correspondence from the Joint Venture in the 9/29/06 digest. Ms. Howard confirmed that there were no dues and that the Town was not an active participant.

(b) San Mateo Council of Cities Meeting

Referring to the notice of the Council of Cities dinner/meeting on 10/27/06, Councilmember Davis said he would not be able to attend and encouraged another Councilmember to attend.

(c) Resignation of Marilyn Walter

Councilmembers expressed gratitude to Marilyn Walter for her service on the Conservation Committee, noting that a letter of thanks would follow.

REGULAR AGENDA

(4) Town Center Project Phase 1 – Bid Packages

Mr. Young reviewed his memo of 10/11/06 on the Town Center bid packages and recommendation to authorize the Town Administrator to enter into agreements for each bid package with the bidders indicated in his memo. Responding to Councilmember Derwin, he confirmed that the Town was within the \$20 million project budget range. Responding to Mayor Toben, he said the two high bidders on bid package 9 for paving were very large companies. The Town's estimate of how long the work would take and the number of workers required was closer to the Jos J. Albanese estimate. The bid provided by Albanese had been reviewed with the firm to ensure nothing had been missed. He said this was a very good company, noting that they were comfortable with their numbers. With respect to bid package 10 on salvage and milling, he said Roldan's numbers were also closer to the Town's estimate. Responding to Mayor Toben, he said this was a two phased process: 1) verifying all the bid documents; and 2) acceptance by the Council of those contracts. Once Council accepted the contracts, the contractor would be asked to provide the performance bond, payment bond, insurance, etc., and sign the contract. Those documents were then reviewed by the Town Attorney and Public Works Director. The Town Attorney signed them and forwarded them to the Town Administrator for signature. If there was something wrong with the paperwork, the staff had the choice of going to the second lowest bidder or going out for bid again. Ms. Sloan noted that the protest period ended today, and there were none.

Clair Jernick suggested that the Town consider relocating the town offices and building department to the now vacant John's market in the commercial district—an area that was dying. The Town Center could be left as open space and playing fields. That would accomplish several things: 1) the beautiful corridor would be preserved by having mostly playing fields and open space; 2) the business of the Town would be located in a business district, which would rejuvenate the current vacancies and provide a real downtown; 3) it would get the contractors' trucks and strangers away from the children and playing field area and reduce traffic; 4) the town could use the parking already in existence in the business district; and 5) it would be cheaper in the long run. She encouraged the Council to consider this new opportunity, preserve the rural beauty of the corridor and Portola Valley, increase the safety of children, and reduce traffic.

Mayor Toben said the whole question of where critical Town functions should be located had been the subject of an extended committee process a few years back. Over the course of several months, the conclusion was reached by those involved that consolidating the various Town functions on this site made the most sense. The John's market site was private property and the owner wanted to receive a market rent for the use of that space. Use of the Town Center space was free and clear, and it would be fiscally irresponsible to lease privately owned property versus having town business conducted here. Safety had also been looked at carefully and was one of the reasons for the perimeter driveway design, which would keep vehicles out of the center of the campus. The playground had been designed by a number of parents who had similar safety concerns. He believed that all the various points made by Ms. Jernick had been analyzed at one time or another. Responding to Ms. Jernick, he said the Town didn't think it was prudent to spend over a million dollars for a site when this site was already available.

By motion of Councilmember Davis, seconded by Councilmember Derwin, Council adopted the following resolutions to authorize the Town Administrator to enter into agreements with the lowest responsible bidders for each bid package indicated, plus a 5% contingency, by a vote of 4-0, with Councilmember Merk abstaining:

Resolution Number 2270-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 1 (plumbing and underground utilities) to Preston Pipelines, Inc. for \$94,900.

Resolution Number 2271-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 2

(concrete and concrete reinforcing steel) to Luciano Concrete for \$74,500.

Resolution Number 2272-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 4 (rough and finish carpentry) to Roger Bowers for \$191,600.

Resolution Number 2273-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 5 (painting) to George E. Masker Painting for \$13,818.

Resolution Number 2274-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 6 (doors, frames, and hardware) to Trim Tech Construction for \$17,426.

Resolution Number 2275-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 7 (electrical systems) to Bob Wire Electric for \$42,500.

Resolution Number 2276-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 8 (roofing and waterproofing) to Western Roofing for \$14,901.

Resolution Number 2277-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 9 (earthwork, grading, asphalt paving and striping) to Jos J. Albanese for \$172,715.

Resolution Number 2278-2006 Awarding a Contract for the Town Center Project Phase 1-Bid Package 10 (salvage and milling of salvage wood) to Roldan Construction for \$201,425.

(5) Presentation by Siegel and Strain Architects on the Design of the New Town Center Project

Susi Marzuola referred to the packet material on the new Town Center design and used overheads to discuss: 1) chronology of the project review during the last few months; 2) selection of the fence post caps; 3) design of the equestrian trail and fence in the front of the parking lot at the Schoolhouse; 4) the Church lot fence, berm and retaining wall; 5) athletic fencing and screening; 6) tennis courts; 7) trail/paths through the redwood grove and fencing; 8) play yard and surface; 9) surface treatment of the central path and primary trails; 10) possible entrance and landscaping at the Schoolhouse; 11) number and location of trees proposed; 12) utilities and undergrounding; 13) replacement of the septic system and leach fields; 14) energy and temperature models; 15) charging stations; and 16) mailbox location. She noted that an interior package for the project would be presented to the ASCC in November. Responding to Nancy Bovee, she said maximum distances that balls could be hit or kicked from playing fields had been considered in the design.

Larry Strain used overheads and discussed: 17) reduction of the paved area in the plaza and seat walls; 18) paths from the library; 19) grades and stepping; 20) views of and from the site; 21) changes to the library interior areas; 22) changes to the Town Hall spaces and electrical room; 23) community hall spaces, views and shading; 24) maintenance building spaces and heating; 25) restroom building; and 26) flagpole location. He reviewed the status of the LEED certification process as set forth in his memo of 10/6/06 (p. 10). He said the project met gold certification points, and there were an additional 7 points which were feasible without extra cost or difficulty. He noted that the use of reclaimed wood might result in an additional LEED point. He also felt that the LEED certification process helped to keep the contractors focused. Responding to a resident, he said the maintenance shed had a storage area for storage of athletic equipment.

Responding to Bernie Bayuk, Mr. Strain said the number of parking spaces would replace what currently existed and were spread around the site more. There were 117 spaces in addition to some parallel parking. Carol Graham said she did not feel the parking would be adequate for the library and community hall; the community hall had the capacity for 210 people, and there were only 32 parking spaces. Responding,

Mayor Toben said for special events, shuttles might be used or Christ Church might provide access to their parking lot. Responding to SallyAnn Reiss, Mr. Strain said space was available for temporary parking on the open meadow area, but native grass was proposed for that area. Ms. Marzuola said it could be mowed for a big event such as Blues and BBQ during the summer. Responding to Bernie Bayuk, Mr. Strain said there was a pretty good kitchen in the Community Hall, which he described. Caterers could bring in carts and work from them; they could also use the patio for cooking. Ms. Marzuola described the service road where vans could park.

Mr. Strain discussed building materials, including reclaimed redwood siding. He noted that Mr. Young found a local source for reclaimed wood from water tanks in Woodside. He added that all of the wood would have to be of the same character. He described surfaces that could take stain and hide scratch marks. He added that either of the wood sources identified was acceptable; the advantage to Mr. Young's source was that it came in longer lengths, which would mean fewer horizontal joints. As indicated in his memo, he said the wood proposed for sunscreens was reclaimed Alaskan Yellow Cedar which would shade as well as reflect some light into the buildings. He discussed the roof and fence materials.

Referring to Mr. Strain's memo of 10/06/06 (p. 3), Councilmember Merk said he was concerned about the material proposed for the playground, which apparently needed to be maintained. Responding, Ms. Marzuola said the manufacturer recommended the product be placed in a pit with drains that would filter the water away. That was the primary maintenance. Occasionally, it would have to be turned and replenished. It was similar to what was in the play yard today. Responding to Councilmember Driscoll, she said the material would only be in the fall zone of the equipment. Referring to sheet L0.0, Councilmember Merk said the plants that would be in the church section were not called out. There were coffee berries, toyons and wax myrtles proposed in that area which was very shady. He did not think that was a good selection for screening. Ms. Marzuola noted that the new planting area was out from the existing tree line and would get morning sun. She said she would speak to the landscape architect about the concern. Responding to Councilmember Merk's question on sheet L1.0, she said upgrading the Schoolhouse entry would not be included until it was known whether the funds would be available, and it would not be a temporary upgrade. Referring to sheet L4.1, she confirmed for Councilmember Merk that the speckled area was the existing native garden which would remain. On sheet LA.0, she said the shading had been identified in a previous landscape drawing as "existing to remain."

Councilmember Merk said the Emergency Preparedness Committee was concerned about water storage for emergency domestic use. He thought a tank might be built on one side of the restroom building. Councilmember Davis suggested the Committee provide some details of what would be required.

Referring to sheet A2.01M, Councilmember Merk questioned why the people that would be using this building needed an ADA compliant bathroom. What was missing were basic safety facilities like a safety shower and eyewash in case someone was splattered with battery acid. Ms. Marzuola said because ADA compliant restrooms were provided elsewhere in Town Hall, she would check with the Plan Checker on the requirements for the maintenance building.

Responding to Mayor Toben, Mr. Strain said there were portable evaporative coolers that could be rented and used in the office area or community hall during hot spells, which had been discussed with the consultant. He did not think this would be necessary, but he recognized the concern. The Town Hall also had the space to add a second air conditioner to pre-chill ventilation air; only a duct would need to be added.

With respect to the siding, Councilmember Driscoll said the maintenance building was 300' away from the other buildings. While he understood the desire for consistency, he thought the building could be clad in something that was more utilitarian, required less maintenance, lasted longer, and wasn't quite as costly. Hardy shingles colored to match might be a more economical choice. Responding, Mr. Strain said the

estimate for complete installation of the maintenance building was \$53,000 or \$28/sf. Not using the redwood siding would be about \$23,000 savings on the maintenance building. Responding to Councilmember Merk, he said the siding on the bathroom building was hardy shingle to match the shingle on the Schoolhouse. Councilmember Driscoll said the maintenance building could be consistent with that as opposed to being consistent with the other buildings. Mr. Strain felt the maintenance shed and the building right next to it should be the same. As proposed, the maintenance shed with redwood siding would be built first, and people could see how it worked; it was a preview of the Town Center buildings. Responding to Councilmember Merk, Ms. Howard said the siding materials were specified in the bid packages. Mr. Young said the material could be changed by negotiating with the contractor.

After discussion, Councilmembers said they preferred consistency in all of the building siding. Councilmember Driscoll suggested pursuing the redwood siding proposed or some material akin to it. There might be differences in delivery costs, etc. If the pricing was substantially different, longevity/maintenance over time needed to be a considered. Responding to Councilmember Davis, Mr. Strain said he could not guarantee that brine-cured wood was more durable. He also did not know about the water tank wood. The specification specified grain type and size of acceptable knots. Responding to Councilmember Davis, he said wine cask wood would be excluded with the way the specs were written. He confirmed for Councilmember Davis that the wood from the water tanks would meet the specifications. The square foot price for the proposed redwood siding was known; the price of the water tank wood was apparently lower. It was likely that the water tank wood, which was local, could be significantly less. Responding to Councilmember Driscoll, Mr. Young confirmed that the Town would have to come up with a proposal for the purchase of the wood. The spec as written could go out. Ms. Sloan confirmed that there was a sole source exception to the code. If the Town wanted only used water tank wood, you could say that there was a sole source, which would not require going out to bid.

Ms. Marzuola added that Mr. Strain had looked at the proposed lumber and was very impressed with the quality of the stockpile. Until last week, no alternative had been found. She felt staff should be given direction to keep pursuing this. The same research needed to be done for the local wood and study possible arrangements for procurement. Mr. Strain said the wood did not need to be purchased in the next month or so. He would like to see the wood purchased before it went to bid. He did not think that most contractors wanted to deal with trying to find suppliers, etc. They would tack on a hefty overhead to do it. If the Town and architects did it, the contractors would only have to worry about installing it.

After discussion, Council agreed that durability, delivery costs, labor, storage, etc, of both the proposed and local redwood siding needed to be compared and asked staff and the architects to continue their research.

With respect to the Alaskan Yellow Cedar, Councilmember Merk said he had been concerned about long-term maintenance. He felt this was an amazingly good answer. The wood was very stable and full of oil. Without paint, it turned a beautiful grey color over time. Mr. Strain noted that there was some concern about securing the Alaskan Yellow Cedar because it took a long time to find the source. Councilmembers agreed it was a good solution.

(6) Amendment to Resolution 500-1974

Mayor Toben stepped down from the dais because the Resolution affected his property. Vice Mayor Driscoll took the gavel.

Town Planner Mader reviewed the staff report of 10/6/06 and the staff report to the Geologic Safety Committee of 9/21/06 on the revisions to Resolution 500-1974. Responding to Councilmember Davis, he confirmed that the Resolution applied only to existing buildings on existing parcels. Responding to Councilmember Davis, Ms. Sloan said if people hadn't developed their land, they were usually bound by stricter regulations when they made their proposals. If someone already had a building and they wanted to

do something with it, that was a very justifiable distinction between uses. In some cases, people would not be allowed today to build their existing homes. The thinking was to accommodate these people to be able to modernize rather than just have the property deteriorate.

Responding to Councilmember Davis, Commissioner McKitterick said the geologists said the greatest risk to Portola Valley was not landslide but rather fire and earthquake. For some of these homes, the homeowners did not have any incentive to do any type of upgrade because they were not of a size that made it worthwhile unless they could increase the floor area. As part of achieving a 25% increase in the floor area, the homeowner would have to show what other things would be done to make the structure safer. If an owner could achieve an engineered solution, such as putting piers down into bedrock, and they wanted to rebuild within all the other constraints, they would be allowed to do that. Ultimately, the goal was to get people in safer houses and give them an incentive to do that within all the other constraints of building.

Responding to Councilmember Merk, Town Planner Mader said there were 205 developed parcels in Town that had some piece with an Md or Pd classification (i.e., unstable ground). A detailed analysis of the impact of allowing a 25% increase in Woodside Highlands had not been done. A lot of the houses up there were on stable ground, and they could build the maximum anyway. There was a small subset that might use the 25% increase. He added that the Commission had been concerned about increasing occupancy up there and putting more people in harm's way. It had been pointed out that landslides did not generally do that, but they did a lot of property damage.

Referring to the definition of "appraised value" (p. 3) of the revised resolution and responding to Councilmember Merk, Town Planner Mader said appraised value would be dealt with on an individual basis if it came up. The zoning ordinance used similar language, and it was not a precise value. Ms. Sloan said you could get a professional appraisal from someone who was a member of the MAI, but it was expensive and the Town did not want to be too rigid. Town Planner Mader noted that staff could approve most of these or they could refer it to the Planning Commission. Currently, someone could bring in a number and staff would see if it was reasonable. He did not feel it would be a huge issue.

Referring to the Deviations section (p. 10, #4), Town Planner Mader confirmed for Councilmember Merk that the 25% addition applied to the scenarios listed in both Sections A and B. Referring to Section XIII, (p. 11, #3) and responding to Councilmember Merk, he said the language called for "minimizing" drainage, which was similar to when a new house went up on a vacant parcel.

Commissioner McKitterick said there were three objectives the Commission wanted to achieve in revising the Resolution: 1) improve safety in terms of fire and earthquake; 2) provide fairness to all residents; and 3) clarify Resolution 500 and the subsequent modifications to improve understanding. The biggest issue was whether to include reiterations of issues that were already in the current Portola Valley construction guidelines such as minimizing disturbance of vegetation, drainage, etc. The prevailing thought was that the Resolution should reiterate these things; that also served as a means to restrict the 25% increase, which was a maximum for those who were not using an engineered solution. Additionally, the Commissioners did not feel the revision would result in a wholesale change in the way Woodside Highlands or Wayside looked.

Councilmember Driscoll opened the public hearing.

Jean Isaacson, Santa Maria, noted that there were over 200 properties in the valley affected by the Resolution and only 20 in Woodside Highlands. Secondly, the word "landslide" was used in such a way that it was scary and intimidating. She had been in the neighborhood for 40 years and in her current house for 30. Her house was 80 years old and on a landslide. It did not have a crack in it. She described landslides in Town over the years, which were few. Her home was typical. It was on 1/3 acre and about 1,200 sf. It was functional but there were ways to make it a more functional home. She did not think that adding space for a dining area would make it more dangerous. With respect to drainage, she said that came up with any

place you built in Town. As far as adding people, she said more people didn't necessarily come with a bigger house. The biggest houses in Woodside Highlands ranged 3,000-4,000 sf and had two people. The smaller houses had young families with babies. The size of the house was not related to the occupancy. She felt that the Resolution would encourage a few people to improve their houses and make them safer. In terms of the 25% increase, she noted that houses were further limited if they were in a flood hazard zone.

Responding to Jon Silver, Portola Road, Town Planner Mader said many of the parcels that had an area in an unstable category had good places to build on them. It would be a small subset of the total that would be affected by Resolution 500.

Councilmember Driscoll suspended the hearing.

Councilmember Derwin thanked the Commissioners for the extraordinary job they did working on this Resolution. The Commissioners had analyzed this document at a molecular level. This painstaking process produced a document that just about everyone could live with. The tricky part had been the liberalization of the potential increase in floor area from 10% to 25%. She said Woodside Highlands was not originally intended for year round inhabitants. The land was not the most stable in Town, the roads were narrow and winding, and many septic systems were failing. But, lots of families lived up there all year. They had been very vocal about wanting to improve their homes, make them safer and a little larger. The Planning Commission spent months listening, debating, deliberating, editing and re-editing to come to a very competent and thoughtful solution that balanced geology and public safety with what the public wanted. She supported the revision and reiterated her thanks to Commissioners, Town Planner Mader, and Ms. Lambert for their very hard work.

Councilmember Davis said he was pleased to vote for something that modestly reduced the restrictions on size in order to encourage people to improve their safety. He hoped people would take advantage of it. He would feel better knowing that those homes had been made safer.

Councilmember Merk concurred with Councilmembers Derwin and Davis and expressed his thanks to the long and many hours of work that had gone into this. He was pleased with an excellent answer to an extremely difficult problem. He hoped that the number of the amended Resolution 500 could be the same. There was a lot of valuable history that went along with that number. Ms. Sloan said the revision was a rewording of all the amendments, which were integrated into the basic document. She suggested: "Resolution No. _____-2006, amending Resolution 500."

Councilmember Driscoll said he concurred with all the comments supporting the revised Resolution.

Councilmember Derwin moved approval of Resolution No. 2279-2006, Amending Resolution No. 500-1974, Approving and Adopting "Geologic Map" and "Movement Potential of Undisturbed Ground Map" and Establishing Land Use Policies for Lands Shown On Said Maps. Councilmember Merk seconded, and the motion carried 4-0.

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Councilmember Driscoll noted that the following two dog issues on the agenda would be discussed tonight and continued to a subsequent meeting to ensure widespread notification to all. Mayor Toben rejoined the Council.

(7) Trails and Paths Committee Reports on Dogs on Coal Mine Ridge Trails

Mayor Toben said the Trails Committee had submitted two reports about dogs on Coal Mine Ridge trails and had not been able to reach a consensus. Using a map of the trail system, he discussed the trails open

to dogs on leash and the Coal Mine Ridge trails on private property at the Ranch where dogs were not allowed. He noted that: 1) the Board of Directors of the Ranch had voted unanimously to oppose allowing dogs on the Coal Mine Ridge trails; and 2) the Conservation Committee voted unanimously to keep the present prohibition of dogs on those trails. He said there were a number of residents who had made use of these trails with their dogs despite the prohibition. Some months ago, the Council approved a pilot program to enable the Sheriff's Dept. to make limited patrols of the Coal Mine Ridge trails to enforce the existing prohibition of dogs on the trails. A report had been received recently from the Sheriff's Dept. indicating that there were dogs both on leash and off leash on the trails in the spring months of this year. There was not a high volume of activity that did not conform to the trail policy. No patrols were conducted for the months of June and July. More data would be collected on the dog activity on the trails during the fall months. On the coast side, the Sheriff used citizen patrols in areas that were not readily accessible by the Sheriff. The Council had not taken any action to endorse such a program for the Coal Mine Ridge trails but wanted to find out more about the program. Dogs off leash was a problem that the Council had to deal with. Tonight, the issues would be articulated and refined so that they could be taken back to the community in preparation of a conversation that would take place in the future.

Councilmember Merk said the trails map did not show: 1) the difference between the trails owned/maintained by the Town and the trails owned/maintained by the Westridge Homeowners' Association; and 2) all of the trails on MROSD property, which made it misleading in terms of the amount of trails available. A resident added that all of the trails on MROSD were open to dogs on leash.

Councilmember Driscoll said some of the e-mail received suggested that he might have a conflict of interest because he resided at the Ranch. Coal Mine Ridge was a commonly owned space by all the residents at the Ranch. He and his wife owned roughly 1/200th of it as did Councilmember Davis and his wife. Ms. Sloan confirmed that there was no conflict of interest because more than 10% of the residents of Portola Valley were at the Ranch; the "public generally exception" applied to the conflict of interest code. There would be a conflict of interest if a Councilmember's individual lot was within 500' of a trail.

As liaison to the Trails Committee, Councilmember Driscoll said there was a majority and minority report because there was a diversity of opinion when the vote on the issue was taken at the end of the Committee's discussion. There had been some confusion about the wording of the motion, and the Committee felt the Council would benefit more if it heard both sides of the arguments.

Mayor Toben asked for public comment.

Nancy Bovee, Vista Verde Way, said those trails were of particular interest to her because they were within walking distance of her house and connected to all the other trails. She was not interested in driving and parking somewhere else to hike trails that allowed dogs. The trails in the Coal Mine Ridge area were actual trails that people had used as trails for years. She added that there was not much usage of these trails and that she had not seen any dogs off leash. She had however seen dogs off leash at Town Center, Ford Field, and anywhere there were people.

Gene Chaput, Alamos Road, said it was important to get a consensus of opinion from all the residents on this issue. Having attended the Trails Committee meetings and read the reports, he felt the expertise was somewhat lacking. The primary argument had to do with the pristine nature of Coal Mine Ridge. The Conservation Committee said they did not want to introduce a new organism into that area. Citing Nancy Lund's book, he said there had been some incredible organisms on Coal Mine Ridge over the 200-300 years the trails had been up there. He went up there every day and walked his dogs on a leash as he had done almost his entire life. The Ranch developers, in their zeal to make a buck, gave away the trails to the Town. The Town was given easements with no conditions, and they did not preclude dogs. Nothing had changed. The Council had made a decision to outlaw some of the trails to dogs. In terms of all the trails, these were the choicest trails in Town. He didn't walk along Alpine Road, in Westridge or where there was

traffic because of the possibility that he or his dog would be hit. He wanted to walk where you could enjoy nature. During the Trails Committee meetings, input from the residents was overwhelmingly in favor of allowing dogs on trails. One horse person spoke against dogs on the trail, and that person was from Menlo Park. He would continue to go up there because he was not intruding on anybody's privacy and looked after his dogs. Additionally, a dog was the best protection against dangerous people or attacking wildlife. Yosemite welcomed dogs and was a very pristine area. The national parks allowed dogs. He did not know what the Ranch's argument was. His only conclusion was that they were concerned that if word got out that there were wonderful trails up there, the area would be inundated and their property values would go down. He hoped the Council would be objective about this and not make an orchestrated decision.

Danna Breen, Alpine Rd., said if the Sheriff was going to be up there, the Town should also look at a trial opening of one of the trails for a certain period of time during the day--especially if the data came back indicating that people had been responsible in terms of watching their use on the hill. She found a punitive response involving people up there watching for dogs troubling. She wanted to look at a different option.

Sue Chaput, Alamos Rd., said she had been collecting articles about this issue and information on how other communities, parks, etc., were handling this. She offered to provide that information to the Council. She said the one word that appeared in all her research was compromise. In Town, there was a lot of enthusiasm from people who wanted to work it out. Suggestions included: 1) opening up the trails Monday, Wednesday and Saturday afternoon from 1 to 5 so families could go up with a dog on a leash and use the trails; and 2) a special leash issued to dog owners that indicated the owner would be responsible. She described her experiences at Pebble Beach, Carmel, and Lake Tahoe which all allowed dogs leashed or not leashed. Furthermore, she suggested there be some loops to get down from the trails if necessary. Mayor Toben noted that the Committee's minority report requested specific loops that would be available to dogs; the entire trail would not be opened up. Responding to Ms. Chaput, he said from the comments tonight, a list of questions would be compiled and residents would be asked to respond very specifically. The intent was to sharpen the conversation the Town would have down the road.

Eva Juhos, the Ranch, said she was a part owner of Coal Mine Ridge. She was offended by the comment that the developers wanted to make a quick buck 30 years ago. Today, there were 200 homeowners there who were very proud of Coal Mine Ridge and had spent many man hours maintaining those trails on private property. The developer gave the easement to the Town. But, the world 30 years ago was a different world. You didn't have to spell out every little detail of what that nature preserve meant. A nature preserve meant that you walked gently, softly and silently and tried to preserve it as it was. That was what the Ranch homeowners did. It was cherished, babysat, cared for, and managed as a labor of love. It might be "convenient" for her to go through someone else's property to get to the library or Town Hall, but she would not trespass on other people's property just because it was convenient or it gave her a nice view. Twenty-five years ago, you didn't have to make rules because people respected other people's property. There were no fences in the development; it was an open community because everyone expected that the Ranch would be respected as a private community. Now, people wanted to use your land and your property. The Town was fortunate to have Windy Hill at its doorstep and 30 miles of trails in Town that allowed dogs. She questioned why people had become obsessed with taking dogs on 6 miles of trails, which were in the pristine area in Portola Valley. It had become a political issue. She noted that 180 signatures had been collected from Ranch homeowners, which was a significant majority. She reiterated that when the easement was given to the Town, it was considered a nature preserve. In a nature preserve in the State and national parks, dogs were allowed in the campgrounds and not on the trails. Stanford also didn't allow dogs on the trails. It was well known that dogs had a major impact on preserves. Additionally, if the area was opened to dogs, it would be open to the County and the rest of the world. There would be no one out there to police it. Once you opened the floodgate, it would be impossible to reverse that.

Majda Jones, the Ranch, said there were some really critical reasons why dogs should not be on these six miles of trails. First, these trails traversed lands that were meant to be in their natural state. Thirty years

ago, it was a completely different environment in terms of definitions, etc. Less was known about wildlife, and there had been an increase in environmental concerns in the last 10-15 years. Those concerns were rising astronomically as people found out more about the unintended consequences of things that people did and how it impacted neighborhoods and wildlife. One of the things going on in Town and the surrounding areas was development including Arrillaga and Blue Oaks. Those had driven wildlife down into the central Portola Valley area. One of the last remaining places for wildlife to be driven to and be relatively undisturbed was the Coal Mine Ridge area because there were no dogs allowed there. Conservation was her avocation, and she knew enough to know that the reason there were no dogs on national park trails or county parks was because dogs had an impact. She could guarantee that those decisions were not made lightly and were based on science. She cited a Nature Conservancy ad indicating that in a one-half acre, there could be 120 species living in an environment that depended on each other and interacted undisturbed. Coal Mine Ridge needed to remain a relatively unimpacted area in Portola Valley and a sanctuary for remaining wildlife where humans could go but dogs couldn't. She was a former dog owner and had a great affinity for animals including dogs. This was not a pro dog or anti dog issue. She hiked 3 times/week in Coal Mine Ridge with neighbors who were afraid of dogs; this was a place where they could walk without fears of dogs lunging at them. Since the meetings with the Trails Committee in the spring, the number of dogs on those trails had declined. That had made everyone who hiked those trails and respected that sanctuary very happy. Prior to the Trails Committee's decision, there was a huge amount of violations of the "No dogs" signs. She was verbally assaulted twice on the trails in the presence of others because she announced that this was a no-dog trail to a dog owner with no leash. She also questioned how a provisional trial would be monitored. She did not think opening the trails could be reversed. A lot of dog walkers she encountered had their dogs off leash. Self-policing did not make sense. She noted that the Ranch had just installed cans with plastic bags at the main entrance because many people came to the Ranch to walk their dogs on the sidewalks. The bags were not being used, and Ranch residents had to clean up after the dogs. If the Coal Mine Ridge trails were opened, there would be dog walkers from all over the peninsula on Coal Mine Ridge. She noted that Woodside trails that allowed dogs were also available. Woodside did not advertise their trails because they did not want to be overrun by people coming from all around the peninsula. She said compromise had been suggested. From her perspective, this was a compromise. There were dogs on the sidewalk trails and a number of trails that went through the woods. There were 30 trails where they were allowed, and six where they were not. No further compromise was needed. She regretted that this was a polarizing issue in Town. There were enough polarizing things going on in the country. But, there was something to be said for taking a stand. She read from the Town Conservation Guide that indicated that the Town encouraged the maintenance of wildlife corridors and encouraged and facilitated the preservation of permanent open space such as Coal Mine Ridge.

Responding to Jon Silver, Portola Road, Ms. Sloan confirmed that the Town had adopted a uniform animal control ordinance with leash laws that had been suggested by the Humane Society and County. Communities were free to amend the ordinance as the Town had done in dealing with dangerous animals. Mr. Silver said he was not advocating amending the ordinance to allow dogs off leash. But, he personally favored the minority report that supported allowing dogs on some trails. If there was some limited use of the trails by dogs, self-policing would work better under that type of situation than it did now. If dog owners knew this was a trial period, they would be more mindful. Dog people also policed other dog people in terms of cleaning up after their pets; he also picked up after other people's dogs when he was out on the trails. Additionally, MROSD was an agency that tried to leave as small a footprint on the land as possible and did allow dogs. He doubted that people would come to Portola Valley because these trails were opened to dogs. If they wanted to come, they would already be coming to the open space preserve on Windy Hill. MROSD publicized their preserves and trails, and he felt the dog walkers were well behaved. When the Ranch was approved, the easements were reviewed thoroughly, but he did not remember any discussion about dogs. The inference that it had always been intended to be dog free was not his recollection.

Nancy Bovee said the off-leash problem should be eliminated from the decision about these particular trails.

Dogs should be on leash on every trail. If they were not, it was wrong, but that was a separate problem. Additionally, she said it sounded as if the trail use was going down, and she questioned whether the Town wanted to discourage trail use.

Majda Jones said the number of dogs in the US in the '60s was 28 million. The number today was about 68 million. That could be why the issue had not been mentioned 30 years ago. Secondly, her observation was that the number of runners of the trails had gone up. She saw a lot of runners and many women alone.

Councilmember Derwin read a statement from an email she had received from Lynn McKinnon stating these particular trails were wonderful for hiking with dogs because they were dry in the winter and shady in the summer.

Mayor Toben said he would work out an outline for specific questions that the conversation could focus on.

(8) Parks and Rec Committee's Dog Park Proposal

Erica Hughes reviewed the Parks and Rec Committee's proposal dated 9/18/06 for a dog park at the Ford Field meadow. As set forth in the proposal, she discussed the benefits of dog parks for dogs and owners and discussed the proposed dog park facilities. It was recommended that the Town consider a dog park as a trial for 1-2 years under the supervision of the Committee to see what the usage and impacts were. She reviewed other options considered (p. 3-4). Mayor Toben expressed his appreciation for the thoroughness of the proposal. Councilmember Driscoll said he could not remember a staff report that was as detailed or carefully done as this had been. Mayor Toben noted that the Conservation Committee and Trails Committee had not yet had a chance to study the proposal.

Jon Silver, Portola Rd., said three years ago, a lot of people signed a petition in support of a fenced dog park. A site near Ford Field had been suggested, but the majority felt that was a nature preserve. He still felt it was not an appropriate location; it was part of the gateway to the Town and indicated to people that they could use every inch of unused land. In the time since the petition drive, more communities and parks were looking at dual use or multi use of existing facilities. With an amendment to the uniform animal control ordinance that the Town adopted, dogs could be allowed off leash with certain parameters. He felt the "No dogs" signs at the Town Center were unfortunate and should come down. The Town Center could be a trial location for 90 days for certain hours of the week; the use of the soccer field or baseball field might be appropriate when they weren't too wet. He frequently took his dogs off leash to this area, and the Town could legalize what was already taking place and see how it worked. He thought people would self-police because they would want to see the experiment succeed. Trying mixed use on these fields before they were redone would be a good experiment and cost under \$1,000.

Nancy Bovee suggested the base of the Betsy Crowder trail might be an alternative site. She did not think it would necessarily have to be fenced. Councilmember Merk noted that that land was owned by MROSD.

Denise Gilbert, Trails Committee, said the Committee briefly discussed the proposal at the last meeting and there were no objections. The only issue was that the Committee was in the process of discussing that section of trail as part of the C1 trail, and there might be an unpaved trail next to the path.

Nancy Bovee felt that a dog park at the Ford Field location might be used mainly by Ladera residents who walked their dogs on the paved trail.

Commissioner Breen said she appreciated all the work done on the proposal, but she could not support a dog park at that site. It was the gateway and a scenic corridor and gave the whole feel of what Portola Valley was about. She did not want to fence off that open meadow with that huge heritage tree. She felt it would diminish the experience of Portola Valley for the entire community. She thought shared use was

wonderful and should be tried. She worked very hard to keep her dogs in shape, and they had doggie dates all week long. She felt the ASCC would have a hard time with the fencing. She also thought it would be mobbed and questioned where people would park if there was a baseball game going on. She noted that the 1-2 acre area across from her house was unfenced and was used every morning by people running their dogs off leash. That was a great place for doggie play dates.

Responding to Councilmember Driscoll, Ms. Hughes said a dog park required fencing because of the existing leash law that required dogs to be on leash if not fenced. The leash law could be amended and have a dog park that was not fenced. She confirmed that the same site could be used.

Denise Gilbert said she would be very hesitant to allow her dog to run in the Ford Field meadow without a fence. In terms of shared use, she said she used the Menlo Park field, which was a ball field, in the morning. It was completely fenced. She suggested using Rossotti's Field in the morning because it had parking. It was a large field and completely fenced. Councilmember Driscoll noted that Rossotti's Field was already being overused. He would be hesitant to use that field. Neil McKinnon said that was true of all the athletic fields.

Jon Silver said Nate McKitterick thought the mixed use was a good idea. On the issue of fences, he said it depended on how close to the road the park was. He would look carefully at the Ford Field area before allowing his dogs to be off leash. He felt safer with his dogs at Town Center but would feel safer if the three entrances were closed off. There might be a better site for a formal fenced area later on. It might be good to have both.

Councilmember Davis said the current fields were overused. An additional use of dogs would be a bad decision. He also didn't think that fields that were large and unfenced would be good dog parks. He thought a new field that was much less expensive than the normal fields should be created now or later. Responding to Mayor Toben, he said he did not think Ford Field was a good location. Something could be created at Town Center or another location provided parking, etc., could be worked out.

Councilmember Derwin said she was very interested in joint use. She was not interested in a fenced dog park--especially since Town policy discouraged fencing. She did not like the Ford Field meadow location because it was in the Alpine scenic corridor, closer to Ladera, and there were parking concerns. She also didn't want the oak tree disturbed. She would be interested in pursuing existing facilities, including school fields. She described the Green Dog Off-leash Pilot Program in Brookline, MA, in which fields in town had been opened up for dogs on certain days of the week for certain times. She suggested involving the school district and Priory to come up with a facility that would work.

Councilmember Merk said there had been some informal discussion at the Conservation Committee about the Ford Field meadow location. The Committee had spent a good deal of time classifying all of the open space that the Town owned and gave that land the highest classification from a conservation/biology standpoint. He did not think the Committee would approve of that location. He was concerned about that area because it was: a) adjacent to Ladera; and b) so conveniently located to I-280 and easy access from farther away places. Once the word was out, use could be very high. He liked the idea of shared use but not for the soccer fields, which were already overused. The baseball fields received less use. The baseball field at Town Center might be a good option. The area suggested on Alpine road was very interesting, but parking was an issue. That was a negative but also a positive because if it was difficult to park, use would be less. If the Town was going to talk to the schools, MROSD should also be contacted and asked about the area below Sausal Pond. It was a fairly large area, and there was a parking lot there already.

Councilmember Driscoll said he was never interested in a "dog park" and preferred a dog meadow—a large area that would not concentrate the impact of dogs in a small area. The Ford Field meadow appeared to be an area that would need additional fencing; it was used by SUVs to park. The oak trees would not be

damaged by dogs but would be damaged by SUVs. He liked the notion that fencing was not necessarily part of the solution. A relatively unused meadow needed to be located that had some parking area. He suggested the Parks and Rec Committee take a fresh look at this based on comments before sending it off to the Conservation Committee and Trails Committee.

Ms. Hughes said she would be happy to look into mixed use. Mayor Toben said a compelling case had been made about the value of this amenity for residents and their dogs. The Town needed to figure out where best to situate that. While he was a dog owner and dog lover, he had bad experiences with dogs off leash in situations where there were lots of diverse users. He had little enthusiasm for opening up some facility at Town Center even during specified times of the day. Councilmember Driscoll agreed and said he was not in favor of using active playing fields for mixed use. Mayor Toben said he could consider fully enclosing Ford Field and making that exclusively available to dog owners for a couple hours a day as was done in Menlo Park. He did not like the idea of open mixed use.

Councilmember Merk said there was private land in Town that was not being used for anything, such as the parcel behind the hardware store. It was fenced on three sides, and the owners might be open to negotiation. Councilmember Driscoll noted that the Jelich field was next to the Midpen parking lot, and most of that field belonged to Midpen. Ms. Hughes said it might be more difficult to negotiate with Midpen than someone in Town like the schools. Mayor Toben said a lot had been asked of the schools and the Priory in the last few years. He was hesitant to ask more from them. He liked the idea of one of the parcels in the Nathorst area as well as some of the other alternatives suggested.

Councilmember Driscoll suggested the Committee look at the entire Town and find spots where there was an acre or so of relatively flat land and make a bigger inventory of what the options were. Responding to Neil McKinnon, he said he would be happy to be the Committee's liaison in working with Town or outside entities.

Mayor Toben said the consensus of the Council was the Ford Field meadow concept was probably not the most desirable scenario. But, there was support for having this amenity. Council was interested in going forward and would be supportive of staff and the Committee in exhausting the other avenues.

(9) Status of Town Center Project

Ms Howard said the hazmat work had been done. The Phase 1 bids had just been approved. The Church work would be complete at the end of the month. The salvage would start as soon as the contract was signed. The next presentation would be to the ASCC on November 13.

Councilmember Driscoll said members of the Geologic Safety Committee had offered to build a seismograph for the library. Council endorsed the offer.

(10) Reports from Commission and Committee Liaisons

(a) Council of Cities Meeting

Councilmember Driscoll said the council was rewriting the by-laws and making good progress.

(b) Teen Committee

Councilmember Derwin said the Committee made \$793 dollars on their dance. They also wanted to know how they could help with the Town Center project. Councilmember Driscoll said there would be opportunities to volunteer such as helping with the playground installation.

(c) Library JPA

Councilmember Derwin said the JPA approved the budget. The "One Book, One Community" *Kite Runner* presentation would be next week at the San Mateo Performing Arts Center.

(d) Sausal Creek Advisory Committee

Councilmember Derwin said the Committee reached a consensus and recommended option 2 to partially open the creek channel. This item would be on the Council's next agenda.

(e) Planning Commission

Councilmember Derwin said the Commission discussed a storage locker that had been constructed without permits by Carter Warr outside his office building. Commissioners expressed harsh words, Mr. Warr would be fined, and the locker would be removed. The Commission also discussed amending a CUP that required the property owner to hook into a sewer that had recently been installed. The initial fee to West Bay would be \$333,000. She noted that Chris Buja felt it was critical for the Town to require sewer hookup.

(f) Community Events

Councilmember Merk said the Blues and BBQ event netted roughly \$68,900.

(g) Emergency Preparedness Committee

Councilmember Merk reiterated the Committee's concern about emergency water storage at Town Center.

(h) ASCC

Councilmember Merk noted that the ASCC had approved Mr. Warr's storage locker after the fact.

(i) Office of Emergency Services

Councilmember Merk said pandemic flu had been discussed and people were urged to be self-sufficient for six months because they would be restricted on where they could go. Obtaining a six-month supply of medication could be difficult. They were also coming up with an emergency alert system. It would initially be for first responders but would expand to individuals. Most of the funding for that was through Homeland Security.

(j) Climate Change Initiative

Mayor Toben said the community had been invited to talk about the initiative, and 25 people showed up on October 3. There were a lot of good ideas and different task areas were emerging such as metrics, building process/energy efficiency, and public education. A second gathering would be on October 24 at 6:45 p.m. After that, there would be confirmed interest, and a committee could be constituted. He and Councilmember Derwin offered to act as co-leaders, but participation by other Councilmembers was most welcome.

CLOSED SESSION

- (11) Conference with Legal Counsel – Anticipated Litigation
Government Code § 54956.9(c)
Possible Initiation of Litigation: one case

REPORT OUT OF CLOSED SESSION: None to Report

ADJOURNMENT

The meeting adjourned at 1:10 a.m.

Mayor

Town Clerk