

TOWN COUNCIL MEETING NO. 601, APRIL 10, 2002

ROLL CALL:

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

Present: Councilmembers G. Comstock, K. Comstock, Driscoll and Merk, and Mayor Davis
Absent: None
Others: Town Attorney Sloan, Town Administrator Howard, Administrative Services Director Powell, and Deputy Town Clerk Hanlon.

ORAL COMMUNICATIONS: None.

CONSENT AGENDA

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

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

- (1) Warrant List of April 10, 2002, in the amount of \$88,517.48

REGULAR AGENDA

- (2) Minutes of Town Council Meeting of March 27, 2002 (Removed from Consent Agenda)

Councilmembers submitted changes to the minutes. By motion of Councilmember K. Comstock, seconded by Councilmember Merk, the minutes were approved as amended by a vote of 5-0.

- (3) Second Reading and Adoption of Animal Control Chapter of Municipal Code

Ms. Howard reviewed the history for the amendments to the Animal Control Chapter of the Municipal Code, noting that the ordinance had been introduced at the 3/27/02 meeting. In the last several days, she said there had been a great deal of interest in the ordinance, and copies of the e-mail and letters had been distributed to Councilmembers. She introduced Scott Delucchi (sp) from the Peninsula Humane Society who was present to answer any questions.

Scott Delucchi said the County's Pet Overpopulation Program (POP) began in the early 1990's and had been adopted in a few cities and the unincorporated areas. In the last few years, the Civil Grand Jury had been relied on as an impartial group to study the issue and make a recommendation.

Mayor Davis said there were two major changes proposed in the ordinance: who made the decision as to dangerous animals and cat licensing/vaccination. The input received indicated that what was being proposed for cat owners was burdensome, didn't solve the problem, was ineffective and of little use. Responding, Mr. Delucchi said the two groups that his organization heard from were: 1) domestic cat owners; and 2) people who were advocates for feral cats. The latter felt that this ordinance would lead to a roundup-and-kill type of program. That had never happened, and there were no plans to do that. If anything, the Peninsula Humane Society (PHS) offered more for feral cats and feral cat caregivers than any

organization in the country. There

were 650 free spay/neuter surgeries last year for people who were members of the feral cat co-op along with free vaccinations and free tests. The other group--the people who owned cats--questioned why they should be licensed. In cities that did not have this ordinance, dogs were required to be licensed; only dog owners were paying into the system that supported animal control. The officers and shelter took in more cats than dogs, and it was PHS's position that cats were contributing to the work more than dogs; it was thought that cat owners should contribute equally. Additionally, when a cat was licensed, the tag it wore was its ticket home if it was ever lost. Throughout the country, statistics for returning lost dogs to their owners were 30-50%; in San Mateo County it was higher and in the 50% range. Returning lost cats to their owners was very low throughout the country at 1-2% with PHS's rate between 3-4%. Two ways to raise those percentages were by having: 1) a visible license tag; or 2) a microchip. In cities that had passed the ordinance, the microchip was part of the process. PHS charged \$20 for the microchip which was less than what was charged by veterinarians. If you lived in a city that had the ordinance, the cost was \$12. He described the microchip device which he said PHS recommended be included in the ordinance. With respect to vaccinations, he said there was one case in the mid-1990s where a cat tested positive for rabies in Woodside, and the whole family had gone through rabies shots. There was currently a case in Marin and more cases throughout the United States. He said it was luck that there were not more cases.

Bruce Campbell, Santa Maria Road, felt cat licensing was a revenue-raising process and otherwise not effective in helping to return lost cats; many cats could not tolerate a collar, and collars often broke away. Responding, Mayor Davis said the ordinance related more to trying to assure that a cat was returned to its owner. He noted that this was the first time he had heard the comment about sharing the costs. Responding to Mr. Campbell, Mayor Davis said the ordinance indicated that microchips were an acceptable identification substitute to tags. With respect to the revenue issue, Mr. Delucchi said any money that came from licensing or fines went to the County licensing which helped offset animal control costs; PHS did not keep or make any money from the program. Mr. Campbell questioned how the ordinance would be enforced. He felt a lot of people in the community would ignore it and not bother with getting licenses.

Responding to Alice Schenk, Westridge Drive, Mr. Delucchi said a pet did not have to be licensed in order to have the microchip. Because of her letter to *The Almanac*, Ms. Schenk said a number of people had asked that she represent them before the Council. Of the people she talked to, no one indicated that they would comply if this was passed. In her situation, she had four cats; three of which had come with the house when she moved in. They were spayed, semi-feral cats that the previous owner had kept as barn cats. They were well cared for and semi-tame, but there was no way that she could collect them and bring them to PHS. They never left the property, didn't bother anyone, and gave her a lot of pleasure. She did not want to feel she was breaking the law. Responding, Mr. Delucchi said feral cats were exempt. Ms. Schenk said she did not have any objection to registering dogs but felt cats were a different issue. She thought that people who were responsible--which most cat owners were--would have their cats fixed. For those who were responsible pet owners, it would be just one more regulation and one more reason to tax people.

Carol Wagner, Los Trancos Woods, said she and her neighbors did not know that the County ordinance applied to her.

A resident questioned what was the basis for stating that there was an overpopulation of cats in Portola Valley. She felt there was a very natural mechanism in Portola Valley to keep cats under control: the coyotes. She questioned why there needed to be an additional tax when it was already being done naturally. Mr. Delucchi said Portola Valley was not like every other city in the County. Overpopulation was a problem in San Mateo County, but the numbers were much smaller in Portola Valley.

John Goodrich, Firethorn Way, said he did not like the expanding complexity of the world. This kind of addition to legislation was not for a good purpose. There were two reasons cited for doing this. First, the fear

of rabies, which his vet thought was a red herring and not a problem in California or the rest of the country. He did not like to see legislation proposed based on a scare presentation by government in any form. Secondly, in his 25 years in Town, he saw many more rodents than cats. He did not think that cat overpopulation was a problem here. Adding another envelope in the mailbox, another tax, another regulatory process, another "keeping track of," another frustration of more paper and more government was without foundation, and he was frustrated that it had been presented in this way.

Rebecca Trevino said she was Executive Director for Silicon Valley Animal Rescue--a non-profit that owned a medical center in San Carlos that focussed on lowering animal population with spay/neutering programs. She knew about the needless killing that went on in public shelters. She also knew that the real solutions were spay/neuter programs. Those programs needed to be invested in and taken seriously. If this ordinance was about identifying cats at a better level, then the Town could have a low cost, microchip clinic here at Town Hall. This was not a good ordinance. Overpopulation was caused by stray cats. The remedy was spaying and neutering. It was not licensing which had never been proven to lower the killing at the shelters. PHS did a fabulous job at lowering killing because they did 6,000 spay/neuter surgeries every year. Additionally, she said Mr. Delucchi had indicated feral cats were exempt, but they were not. The ordinance asked feral cat caregivers to register their colonies. You were exempt from all these rules if you registered your colony, but she did not know any caregivers who would want to make known the locations of feral cat colonies. Feral cat caregiving had gone mainstream; there were a lot of volunteers that were helping animals get to the clinic to get fixed. It was much cheaper to get them fixed than to take them somewhere, house them, and kill them. She encouraged the Council not to vote for this ordinance which did not make any sense. She wanted the Town to invest in the real solution.

Ellen Mosely, Westridge, did not think the Town had a feral cat problem. She had had cats for 40 years. Five years ago she lost her last cat and did not replace him. The rats, mice, squirrels, rabbits and everything else had taken over. For the second time, she had her car ignition replaced because the rats ate it. Two years ago, she adopted a kitten, and the forms stated that she must keep the cat in the house at all times. That was a ridiculous idea. As far as collars were concerned, an outside cat should not have a collar because it was dangerous for the cat.

Tonya Light, President of the Homeless Cat Network, said there were quite a few boarders in Town. She said the first time most of the animal groups heard about the recommendation from the Grand Jury was when it appeared in the newspaper. From the foreman, she had learned that the committee of the Grand Jury that had made this recommendation assured the Grand Jury that all interested stakeholders had been consulted and that there was no opposition to the County's ordinance. In fact, no other organization in the County was ever contacted to comment on this ordinance other than the Humane Society. After the fact, it was too late to comment. She saw this as a tax that would be primarily paid by responsible pet owners. When animals were adopted from a shelter or rescue group such as hers, by law they had to be neutered. Her group could not keep a non-profit status and operate in the State unless all of the animals were neutered. Adopting from her organization meant you were not contributing to the pet overpopulation problem. The people that caused the pet overpopulation problem were those who bought from the pet shops or people who were backyard or professional breeders who sold their animals to the public without having them altered. There was also an incredibly significant problem in the County with unintentional breeders: people who were just too busy, too lazy, or couldn't be bothered to get their animal to the vet before it was old enough to breed. They didn't think they were part of the problem because they found homes for the kittens their cat had. They were not neutered before they gave them away, and they went on to multiply. These were the people who cost the County residents millions of dollars/year in animal control

fees. These people would not pay this tax, and this ordinance did nothing to address that problem in any city. All it did was attempt to raise money to try to keep up with the problem. She said PHS provided a tremendous service; most of this money went to them. But, if you wanted to pay them a fair amount of money for the services they provided, the animal

control fees should be increased rather than tax a group of people who were already providing a community service by adopting neutered animals from shelters and rescue groups.

Carol Hyde, Palo Alto Humane Society, said her group had historically opposed cat licensing at both the municipality level and State legislature where committees had rejected at least two separate cat licensing bills. They had heard from constituents that this was a widely unpopular thing to do. It was an unnecessary bureaucratic intrusion and taxation. It had been proven not to work in the County of San Diego and the City of Los Angeles. It was also unpopular because it could be enforced selectively by animal control agencies on a complaint basis. She offered to provide studies.

Mayor Davis closed the public hearing.

Councilmember G. Comstock [*inaudible*] referred to PHS's report on this subject (p. 6) which indicated that in 2000, only 3.8% of cats and 44% of stray dogs were reunited with their owners. He asked what weight that should be given when considering this ordinance in terms of a higher probability of return of lost pets. Responding, Ms. Hyde said one didn't preclude the other. The bureaucracy of licensing your pet was not needed in order to take it in and get the chip. The Town could have a clinic for the residents of Portola Valley. She wanted to see people reunited with their pets, but that was not to say you needed this extra layer of bureaucracy to do it.

Councilmember K. Comstock said he had always licensed his dogs who were very sociable and would follow anyone passing by. He felt identification of pets was not only useful but also a great facilitator for reuniting pets with their owners. In that respect, he thought cats and dogs should be treated on an equal basis. He also thought that dog owners as well as cat owners were interested in the same protection and had the same requirements. Additionally, both cats and dogs had the potential to disrupt the natural balance of wildlife in the community. While he understood some of the frustration expressed about the process and knew that there were people who would not obey the rules, he thought it was appropriate to have a process for exercising control and management of pets. He supported the ordinance.

Mayor Davis said he would vote against the ordinance. He had been persuaded that this was a reaction to a non-problem. He added, however, that he strongly supported changing the process for designating animals as dangerous.

Councilmember Driscoll questioned whether it was possible to separate the cat issue from the other portions of the ordinance. He suggested the cat issue be studied by the Conservation Committee or another committee in Town to try to understand if there was a better way to solve it. The comments indicated that there might be newer solutions that worked better. He did not think of cats as a burdening problem that required fixing. Having said that, a lot of the comments about feral cats seemed not to recognize the environmental impact associated with those cats. He felt the issue needed more study. Responding to Councilmember Driscoll, Ms. Sloan said if the majority of the Council agreed, she would need to draft another ordinance that eliminated all references to cat licensing. She noted that the staff felt that the proposed ordinance had a lot of value, updated the present ordinance, and addressed the dangerous animal designation issue. Councilmember Driscoll said he did not want to simply remove cat licensing from the ordinance but wanted to study what should be done about it.

Councilmember Merk said he agreed with Councilmember K. Comstock. This ordinance was for the safety of the animals. The animals would have the assurance of being returned to their owners when they were lost or strayed from their homes. He thought it was unfair to qualify dogs and cats differently; for cat owners to

say this was an unfair tax ignored the fact that dog owners had been paying all along. A lot of the budget

was apparently being spent dealing with cats, but only dog owners were paying the licensing fees. The Town

paid \$38,000 this year for services from the Peninsula Human Society. He felt all owners of pets should share the burden of those costs. Additionally, a comment had been made about breeders being the problem. Breeders were addressed in this ordinance. Breeding required a special permit, and when people licensed cats and dogs, they agreed not to breed them without obtaining a permit if the animal was not neutered at the time of licensing. He also felt the fees were relatively low; \$6 to license a cat was not a burden on anyone who lived in Town. Feral and outdoor cats killed approximately 6,000,000 songbirds every year in the U.S. according to the American Birding Association. He liked cats, dogs and birds and wanted to see the cat population reduced. He agreed that spaying and neutering clinics were the best way to do that. At the same time, he thought it was only fair to spread the responsibility to cat owners and have them help pay for the cost of the PHS services. Additionally, he lived in a neighborhood where the lots were relatively small and the houses were close together. He felt there was definitely a feral cat problem in some parts of Town. This ordinance helped to address this problem, and he supported it. He also felt that all the cities in the County should adopt it.

Councilmember Merk moved second reading of title, waive further reading, and adoption of Ordinance No. 2002-341 Amending Chapter 6.04 (Animal Control), Repealing Chapter 6.08 (Animal Regulation Commission), Re-numbering Chapter 6.12 (Horsekeeping and Stables) to Chapter 6.08 and Adding Chapter 6.12 (Spaying, Neutering and Breeding) of the Portola Valley Municipal Code. Councilmember K. Comstock seconded the motion. Councilmember Driscoll said he would vote against the ordinance because he thought the cat issue needed more study. Mayor Davis called for a vote, and the motion carried 3-2 (Driscoll and Davis opposed).

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(4) Reports from Commission and Committee Liaisons

(a) Trails Committee

Councilmember K. Comstock [*inaudible*] said he and Town Planner Mader had met with representatives from Stanford to discuss trail issues. Stanford had retained Brian Kangas Foulk to do a study of the existing trail, access areas where trail right-of-way should be widened, etc. He said it had been made clear to Stanford that it was essential that there be a meeting with all the interested parties. Additionally, he said Town Planner Mader walked the entire trail and made a map of areas which he considered problematic. He said he would contact County representatives to verify what their position was. He said copies of materials provided by Stanford on the issue were available.

(b) Parks and Rec Committee

Councilmember K. Comstock invited all to attend Little League opening day on April 13. He noted that about \$3,000 had been collected from each of the participants towards maintenance of the field. He had been

asked if the Town could reduce some of the costs due to the fact that the Little League did a lot of work on the field. Council agreed the issue should be agendized. Councilmember K. Comstock added that April 20 was Town Cleanup Day.

(c) Ad Hoc Geologic Setback Committee

Councilmember Driscoll said a memo summarizing the activities of the Committee was being circulated to

Committee members. He was working with Town Planner Mader on suggested revisions. He did not think another meeting would be necessary.

(d) Planning Commission

Councilmember G. Comstock summarized the discussion at the last Planning Commission meeting with respect to the Nathhorst Triangle rezoning. He said the next step was a public hearing on the issue. Secondly, he said the Commission had approved modifications to the Town's Geologic and Movement Potential Maps for a parcel on Cervantes. Third, he said during discussion of a variance request for a parcel on Russell, Commissioners had expressed concern about creating a variance "zone" in the area which could have a domino effect. Councilmember Merk noted that the ASCC had also discussed the variance request at its Monday meeting. He discussed lots in the area and maximum house size.

(e) Website Team

Mayor Davis noted that he had attended the last meeting of the Website team and that a superb chairperson had been chosen. Additionally, he felt the progress was going very well.

(5) Costs Involved in Maintaining Artists' Studios

Ms. Howard reviewed Ms. Powell's memo of 4/3/02 on the maintenance and operational costs of the artists' studios. She said studios were a real premium in the peninsula, and the Town was charging a premium for its studios. In light of that, staff recommended revising the lease agreements at the time of renewal to: 1) include a 3-year lease period; and 2) continue the 60-day notice period.

Adele Seltzer, studio 11, said last year, the artists had requested that the Town investigate what it cost to run the studios. She recalled it was about 17 1/2 cents/sf. The artists were paying 94 cents/sf. Palo Alto studios went for 55 cents/sf, Belmont for 45 cents/sf, and Pacifica for 50 cents/sf. In addition to that, the studios were non-upgradable classrooms. The artists contributed a great deal to the community. The Open Studios event was upcoming and involved 16 Portola Valley artists--all of whom wanted to contribute to the community. The artists felt that 94 cents/sf was a considerable amount. Roughly \$41,000/year was being collected from the artists for costs projected at \$9,000/year; that represented a margin of 80%. She reviewed rent increases over the years noting that the studios in the past had been equated to office and/or industrial space. In reality, that was not what they were. Nothing had been put into the studios for the last 20 years. While the artists were delighted that they had heat and maintenance, she felt they were paying an exorbitant amount. She asked the Council to reconsider the amount being asked.

Carol Wagner said she attended Open Studios, and it was a very nice event. She felt the Town was lucky to have these people.

Responding to Councilmember K. Comstock, Ms. Seltzer said the artists would like to be charged a rate that

was comparable to the other communities. When it was raised from \$625 to \$750, that had seemed quite high for just one year; there had been 5% incremental increases until it was almost a 40% raise. The artists would be happy if they could get back to something in the \$700 range which was still more than any place else. She added that she was pleased with the recommendation for a 3-year lease and that the artists loved being there.

Councilmember K. Comstock said a 3-year lease seemed useful for everyone. He wanted the Town to meet its costs and suggested the rents be discussed within the context of budget discussions.

Responding to Councilmember Merk, Kalani Engles said the artists paid their own tax and own insurance. She discussed the price agreed to when the rooms were first opened up to the artists--with the understanding that the artists were supposed to give back to the community. When people knocked on the door, those

doors were to be opened. She noted that she started the Cultural Committee in Town and was also on the Cultural Board for San Mateo County.

Councilmember Merk said he questioned the statements that there was an 80% margin and that nothing had been done to the studios in 20 years. Reading from the staff report, he noted that "big ticket" expenditures were not included in the estimated maintenance and operational costs. As indicated in the staff report, the 17 1/2 cents/sf figure did not reflect the true costs of the rooms. If the rents were to be changed, he wanted a much better idea of what the true costs were over time both historically and for the future for things like replacing the roof, repairing the skylights, etc. He noted that all of that was dependent on the geologic investigations. He was not against a 3-year lease or having a discussion of lowering the rate, but he wanted to have true costs.

Councilmember Driscoll agreed that lifetime costs would make a substantial difference in the financial analysis of this. Additionally, given the location of that building, he questioned whether they were retrofittable. That would be an argument in favor of lowering the rents since lifetime costs would be reduced. Additionally, he hoped the Town would make provisions for artists' studios somewhere else in the Town Center. He too supported having a 3-year lease. While he understood the artists' request, he questioned whether the rents were that onerous--especially given the demand and the fact that it was well below commercial and industrial rates.

Responding to Councilmember G. Comstock, Ms. Seltzer said each studio rented for \$864. Her studio was 900 sf, but each room was a little different. Councilmember G. Comstock said if there was a 3-year lease, there should be a contingency in case the building was removed. Mayor Davis noted that the recommendation included a 60-day notice.

Mayor Davis said he supported staff's recommendation--especially considering the nature of the building. After 3-years, he thought the Council would be addressing a very different kind of arrangement.

Councilmember K. Comstock said he favored a 3-year lease but would like some additional detail about costs. Mayor Davis agreed to the 3-year lease and felt the artists were owed some stability. Councilmember Merk concurred. At the end of three years, it would be known whether those buildings would continue to exist and what the cost analysis revealed.

Councilmember Merk moved that the Council direct staff to revise the lease agreements at the time of lease renewal to include a 3-year lease period and to continue the provision that the Town may terminate the lease with 60-days notice for any reason at the existing rate. Mayor Davis seconded, and the motion carried 5-0.

(6) Change In Charter and Appointment to Conservation Committee

Ms. Howard reviewed Danna Breen's request on behalf of the Conservation Committee to change the membership number of the committee from 10 to 11, change the language relating to meeting schedule, and amend the charter as indicated in the attached revised charter.

Councilmember Merk said the Committee wanted to become more proactive in educating residents about environmental issues. They also wanted to add a very knowledgeable member to the Committee; by going to 11, it would not change the quorum. The Committee also wanted flexibility to change the night it chose to meet and felt it need not be spelled out in the charter.

Councilmember K. Comstock felt flexibility in choosing the meeting schedule was a good idea for all committees. Councilmember Driscoll noted that the meeting schedules had been set so that Town residents knew when the meetings were held. Councilmember Merk felt the Committee's intention was to provide the members with the ability to change a meeting date when necessary. He felt "as needed" might be too flexible.

After discussion, Councilmember Merk moved approval of the Committee's revised charter. Councilmember K. Comstock seconded, and the motion carried 5-0. As requested, Mayor Davis appointed Paul Heiple to the Committee, and the Council concurred unanimously.

(8) Status of AB 939

Ms. Howard reviewed Ms. Powell's memo of 4/2/02 on the status of the Town's compliance with AB 939 requirements. Yesterday, she said she, Richard Guertman, and Barbara Powell appeared before a CIWMB committee, and the compliance order against the Town had been lifted. The committee had also approved the new 1999 base year figures but would not accept the residential tonnage as being accurate. They would also not accept the fact that the Town felt that Ox Mountain was not recording the Town's refuse correctly. Councilmember Merk said refuse from Los Trancos Woods, Ladera and Vista Verde was all counted as Portola Valley's. Ms. Howard said with the new base year figure, the Town was at 27% diversion rate. She thought there was a possibility that the residential tonnage might be reconsidered which would bump the figure up. She said the 2000-2001 annual reports could now be filed.

(9) California AB 1058

Councilmember G. Comstock reviewed his memo of 4/1/02 on AB 1058 which sought reduction in CO₂ emitted by autos and light trucks. Because there were significant long-term implications for the health and welfare of Portola Valley and its people, he suggested the Council consider forwarding an official recommendation of support of the bill to the CA Senate and Governor. By declaring its support, the Town would be taking a more pro-active stance with respect to this issue which affected everybody. This was not like the death penalty issue where certain people were affected by the existence of the death penalty; CO₂ was a death penalty for everybody who lived in Portola Valley. He pointed out those in favor and those opposed to the bill.

From a philosophical point of view, Councilmember Driscoll said he did not see a difference between this and the death penalty. The Town did not regulate CO₂ emissions as part of its charter. However, he saw no harm in signing a letter written on Town letterhead in support of the bill. He did not feel the issue warranted a resolution or proclamation.

Mayor Davis felt once an endorsement was put on the Town's letterhead, it basically implied that the Town residents moved in this direction. While this was an interesting bill, he questioned whether the Town should support it without doing any staff work or analysis of the consequences. He was comfortable with individuals supporting a bill such as this, but did not feel that the Town should take a position. He discussed problems with the way this bill was written, noting that another bill was forthcoming that included a taxation twist.

Councilmember Driscoll said if a Councilmember felt strongly about a subject that did affect Town residents and had done some research on the subject, it was his prerogative to use Town stationary to write a letter and put his signature on it. However, he should take care not to characterize it as being the consensus of the

Council. If Councilmember G. Comstock would draft the letter, he said he would sign it as well.

Councilmember Merk questioned what the difference was between this issue and the position taken by the Council with respect to the library. He agreed that a proclamation, declaration or resolution was very different from a collectively signed letter--especially if the letter said it was simply the viewpoint of the elected officials

who signed the letter. Responding to Councilmember Merk, Ms. Sloan said there was no law that specifically addressed this issue unless it was included in the campaign arena. Most cities believed that if you were going to state that the council supported something, it should be discussed and voted on. As an individual councilmember, she thought a letter could be written in support of something. Responding to Councilmember Merk, she reiterated that an issue needed to be discussed to avoid violating the Brown Act if a number of Councilmembers wanted to sign a letter. A vote could be taken; if it was 3-2, a Councilmember could still say "the majority of the Council supports this bill," or "the Council voted in support of this bill." She said Ms. Howard could draft the letter.

Councilmember Driscoll felt that if it was a personal letter by one of the Councilmembers and not characterizing the Council, he did not think it would be appropriate to have Town staff write the letter. Ms. Sloan agreed. Responding to Councilmember Driscoll, she said if the issue was discussed openly, it would not violate the Brown Act to have three Councilmembers sign a letter. Responding to Councilmember G. Comstock, Councilmember Driscoll and Councilmember Merk said they would sign the letter. Responding to Councilmember G. Comstock, Councilmember Merk suggested, "We the undersigned."

WRITTEN COMMUNICATIONS

(10) Town Council 3/29/02 Weekly Digest: None.

(11) Town Council 4/5/02 Weekly Digest

(a) Sheriff's Citation Report

Councilmember Driscoll described a recent incident at Blue Oaks where a group of young people were spinning their tires and doing doughnuts on Blue Oaks property making an enormous amount of noise and creating clouds of smoke. He felt Blue Oaks was becoming an attractive nuisance with its big open space and beautiful roads. Responding to Ms. Sloan, Councilmember Driscoll confirmed that there was a gate, but it was easy to open. Ms. Sloan suggested contacting Bernard Andres. Councilmember Driscoll noted that he had telephoned the police. He suggested writing to the Sheriff and finding out what happened in this case and asking that there be more attention to ensure it didn't happen again. Councilmember K. Comstock noted that there were problems with dirt bikes in the area as well. Councilmember Driscoll said he was also

concerned about the fire potential. Council asked Ms. Howard to follow up.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Mayor

Town Clerk