

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 938, OCTOBER 26, 2016, HELD AT THE SEQUOIAS / HANSON HALL

CALL TO ORDER AND ROLL CALL

Mayor Derwin called the Town Council's Special meeting to order at 6:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, John Richards, Ann Wengert; Vice Mayor Craig Hughes, Mayor Mary Ann Moise Derwin.

Absent: None

Others: Jeremy Dennis, Town Manager
Leigh Prince, Town Attorney
Keith Weiner, Deputy Building Official
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS – None

BROWN ACT REFRESHER TRAINING

Town Attorney Prince presented the Council with a refresher course on the Brown Act.

In response to Councilmember Wengert's question, Town Attorney Prince said that texts and phone messages should be treated the same way with regard to avoiding a situation where a majority of members are communicating outside of a meeting regarding any items of business, including spokes of a wheel or daisy chain scenarios. Councilmember Wengert asked if text messages and emails were subject to the Public Records Act. Town Attorney Prince said in a case a few years the courts said text messages from a private phone or computer were public records, but it was reversed on appeal. She said for now text messages and personal emails are not part of a public record, but she suggested exercising caution and assuming that they could possibly be public and on record.

Vice Mayor Hughes asked about spokes of a wheel or daisy chain communications that occur accidentally, where, for example, the individual Councilmember isn't aware that two other Councilmembers were also discussing an item. Town Attorney Prince said theoretically the three would be considered to have a conflict of interest and it would need to be addressed. She said she will make note of the question and research it.

Councilmember Aalfs said he thought that deliberation or discussion was okay as long as no consensus was reached. Town Attorney Prince said the language is very specific about developing a collective concurrence – deliberation and a decision to take action in advance of a meeting. She said merely discussing it, even if no collective concurrence was reached, is probably still a violation of the Brown Act. She said the Brown Act is there to ensure that those conversations occur in a public forum.

Councilmember Richards asked if it was acceptable to share an opinion of what they think their colleagues would vote on an item, but not stating it as a fact. Town Attorney Prince said she understands the fine distinction but advises exercising caution with what the Councilmember chooses to share, because while the Councilmember may know the distinction, someone from the outside may not.

Councilmember Wengert said that reviewing digests with multiple items and discussions regarding committee meetings are agenda items and asked how those situations should be handled as far as not digging too deeply into some of those items. Town Attorney Prince said the public is aware that the digests are on the agenda and can be pulled to discuss at a high level, but to the extent that decisions are

made relative to those items, the conversations should be kept to the level of expressing interest in an issue and agendizing the item for discussion at a future meeting.

In response to Councilmember Wengert's question, Town Attorney Prince said she had not participated in any cases that were centered on a Brown Act violation.

Town Manager Dennis asked who should be notified about a suspected violation of the Brown Act. Town Attorney Prince said they should first notify her to discuss and determine if there is, in fact, a violation.

Town Manager Dennis asked if, in the event of a Brown Act violation, the Councilmembers were individually liable or if the impact was against the Town of Portola Valley. Town Attorney Prince said the action is usually against the entity and the decision itself, but noted there is provision in the Brown Act for civil and criminal liability for individual members who violate the Brown Act.

With no further questions or comments, Mayor Derwin adjourned the Special Meeting.

ADJOURNMENT [6:48 p.m.]

Barbara Lawson, President of the Sequoias, welcomed the Portola Valley Town Council to their facility.

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING OCTOBER 26, 2016, HELD AT THE SEQUOIAS/HANSON HALL

CALL TO ORDER AND ROLL CALL

Mayor Derwin called the Town Council's Regular meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, John Richards, Ann Wengert; Vice Mayor Craig Hughes, Mayor Mary Ann Moise Derwin.

Absent: None

Others: Jeremy Dennis, Town Manager
Leigh Prince, Town Attorney
Brandi de Garmeaux, Sustainability & Special Projects Manager
Howard Young, Public Works Director
Debbie Pedro, Planning Director
Keith Weiner, Deputy Building Official
Sharon Hanlon, Town Clerk
Susan Cope, Administrative Services Manager

ORAL COMMUNICATIONS

(1) Presentation – Proclamation Congratulating the Woodside Priory on its 60th Anniversary.

Mayor Derwin presented Tim Molak, Head of School for the Woodside Priory, with a proclamation congratulating the Benedictine Monastic Community on the 60th Anniversary of the Founding of the Woodside Priory by Father Egon Javor, OSB, and his fellow Benedictine Confreres.

CONSENT AGENDA

(2) Approval of Minutes: Town Council Regular Meeting of October 12, 2016.

- (3) Approval of Warrant List: October 26, 2016, in the amount of \$47,505.86.
- (4) Appointment by Mayor – Request for Appointment of a Member to the Conservation Committee.
- (5) Report by Administrative Services Manager – FYE 06/30/16 Interfund Transfer.
- (6) Recommendation by Town Clerk – Resolution Adopting SB 415 California Voter Participation Rights Act.
 - a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Moving to Even-Numbered Year Elections in Accordance with the California Voter Participation Rights Act (Resolution 2712-2016).
- (7) Report by Town Manager – Survey of Residents regarding Automatic License Plate Readers.

Councilmember Aalfs moved to approve Items 2 through 7. Seconded by Vice Mayor Hughes, the motion carried 5-0 with a roll call vote.

REGULAR AGENDA

Mayor Derwin said there was a request to move Agenda Item #12 to the top of the list. Councilmember Richards moved to move Agenda Item #12 to the top of the Agenda list. Seconded by Councilmember Wengert; the motion carried 5-0.

STAFF REPORTS AND RECOMMENDATIONS

- (12) Recommendation by the Public Works Director – Ad-Hoc Committee Recommendation for Appropriate Signage to address Roadside Parking on Portola Road at Windy Hill Preserve and Authorize Parking Citation Infraction Amount.

Public Works Director Howard Young presented the staff report regarding the Ad-Hoc Committee's recommendation for signage on Portola Road at Windy Hill Preserve. The proposal is to erect two "Park Off Pavement" signs along the east side of Portola Road at Windy Hill Preserve Parking lot. Additionally, the Ad-Hoc Committee recommended authorizing the Town Manager to assign an infraction amount of \$45 per parking citation.

Public Works Director Young said this was a great consensus process involving the Bicycle, Pedestrian & Traffic Safety (BPTS) Committee, the ASCC, and the Sheriff's Department. He thanked Vice Mayor Craig Hughes for the time he put into the project.

In response to Councilmember Wengert's question, Public Works Director Young said the existing sign that is being recommended for removal is currently located almost directly across from the driveway at the MROSD entrance. She asked why that sign was recommended for removal. Public Works Director Young said that sign suggests not parking on Portola Road but to park at Town Center instead, and there was a duplicate sign already within the grounds.

Councilmember Wengert asked if the \$45 parking ticket revenue comes to the Town or the Sheriff's Department. Public Works Director Young said it goes to the Sheriff's Department and the Town gets a little bit of it. He said it's \$45 minus the County and Court fees such as parking lot fees, courthouse construction fees, etc. Vice Mayor Hughes said the BPTS does not anticipate the Sheriff's Department writing a lot of tickets, but the Sheriffs will be notified if there is a problem that requires more enforcement.

Mayor Derwin invited comments from the public. Hearing none, she brought the item back to the Council for discussion.

Councilmember Aalfs moved to approve the recommendation of the Ad-Hoc Committee to erect two Park Off Pavement signs along the east side of Portola Road at the Windy Hill Preserve, and to authorize the Town Manager to assign an infraction amount of \$45 per citation. Seconded by Councilmember Richards; the motion carried 5-0.

Mayor Derwin said that this has been an ongoing issue for a number of years, and said this was an enormous accomplishment to have received the approval from the various bodies in Town to erect a sign along the Scenic Corridor.

(8) Report by Administrative Services Manager – Update on 2015 – '16 Actuals

Susan Cope, Administrative Services Manager, presented the Council with an update on the 2015-2016 Financial Actuals. She said the Town finances have been handled very well this year. She said the General Fund is 103 percent of budget. She explained applicant deposits, the User Utility Tax, and service charges and fees. She said the Town is 83.4 percent of budget on expenses. She explained the Public Works Department expensed items and applicant building-related consultant services charges and expenses. She said Capital Improvement in the General Fund was 45 percent of budget. She said the Town's revenue and expense topped out very well. She said all of the departments and managers handled their areas very well, which was crucial to keeping the revenue and expense in line.

Town Manager Dennis credited the hard work of Administrative Services Manager Cope and Accounting Technician Cindy Rodas for the Town's good financial report.

Mayor Derwin called for questions from the Council.

Councilmember Wengert said she noted fairly significant surpluses and she was trying to reconcile the 103 percent, since the numbers appear to be significantly higher. Administrative Services Manager Cope said they only highlighted the specific line items that had the largest impact.

With no further questions from the Council, Mayor Derwin called for questions from the public. There were none.

(9) Recommendation by Town Manager – Proposal to Leave SAMCAT

Town Manager Dennis presented the staff report regarding the Cable and Utilities Undergrounding Committee's recommendation to formally withdraw from the San Mateo County Telecommunications Committee (SAMCAT), which no longer has any functionality or mission.

Town Manager Dennis said that during the drafting of the staff report, he heard from the IT Director of ISD from the County, who provided additional information about why he thought Portola Valley should not leave SAMCAT. A written presentation regarding the ongoing pilot project related to the Multi-Jurisdictional Fiber Ring was included in the staff report. Town Manager Dennis said the ISD Director said that Portola Valley could not participate in that program if they withdrew from SAMCAT. The following day, Town Manager Dennis was advised the Town does not have the infrastructure to be part of that program anyway, unless the Town made a sizable investment. Town Manager Dennis said he supported the recommendation to leave SAMCAT.

Mayor Derwin called for questions from the Council.

Councilmember Wengert asked staff if they thought SAMCAT was using the introduction of the pilot project as a way to fight for its survival, or if it was actually a viable entity at any level going forward. Town Manager Dennis said it is a viable project and would be interesting to a number of cities in the region. He said it may be considered at some point down the road. He said that participating in the project would be

a sizable cost to the Town and there has been no conversation as to whether or not it's a priority. He said the Town can always rejoin SAMCAT at some point in the future if desired.

Vice Chair Hughes said SAMCAT's original mission has gone away and they have been looking for a new mission. He said the fiber ring project is one they are looking at. He said all of their projects are potentially useful for larger, more urban cities in the County, and would not apply to Portola Valley. He said SAMCAT has had trouble getting quorums for meetings for several years and, consequently, have not been charging the Town dues. He said if SAMCAT moves forward with the project, they will resume assessing dues. Vice Chair Hughes was supportive of withdrawing from SAMCAT.

Town Manager Dennis noted that even if the Town withdraws at this point, the withdrawal takes six months and the Town may be charged dues during that period of time. He said he will verify this.

Mayor Derwin called for questions from the public. Hearing none, she brought the item back to the Council for discussion.

Councilmember Richards moved that the Town of Portola Valley formally withdraw from the San Mateo County Telecommunications Committee (SAMCAT). Seconded by Vice Mayor Hughes; the motion carried 5-0.

PUBLIC HEARING

(10) Recommendation by Deputy Building Inspector – Adoption of the 2016 California Building Code

- a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of the Portola Valley Amending 15.04.20 [Amendments to the Building Code], and 15.04.030 [Administration of the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance __)

Deputy Building Inspector Keith Weiner presented the staff report regarding the recommended implementation of the 2016 California Buildings Standard Code (CBSC).

Councilmember Richards said one interesting change in the code is to the minimal size of rooms allowed in a structure and minimum height requirements. He said the previous requirement was that a building must include at least one 10'x12' or equivalent room. He said now, however, due to pressure from the small house movements, the minimum size has been reduced to 7'x10', which gives more leeway in creative planning for creating smaller homes and affordable housing. Councilmember Richards said he did not see anything in the revised Codes that would cause additional costs and said it mostly consists of clarifications and modifications for consistency.

With no further comments from the Council, Mayor Derwin opened the public hearing. Hearing no questions or comments, Mayor Derwin invited comments from the Council.

Councilmember Aalfs moved to approve the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending 15.04. 20 [Amendments to the Building Code], and 15.04.030 [Administration of the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code. Seconded by Vice Mayor Hughes; the motion carried 5-0.

- (11) Recommendation by Sustainability & Special Projects Manager – Review and Adopt Ordinance and Related Findings to Amend Chapter 15.10 [Green Building] of the Portola Valley Municipal Code.

- a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of the Portola Valley Amending Chapter 15.10 [Green Building] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance No. ____).

Sustainability & Special Projects Manager Brandi de Garmaux presented the staff report regarding the proposed amendments to the Town's Green Building Ordinance in light of Building Code updates and green building practices. She thanked her fellow staff members for all of their assistance, especially their former intern, Greg Beverlin, who worked on it extensively. She explained why an update was needed, the considerations staff examined, gave a brief overview of the GreenPoint Rated System, an overview of Title 24, staff's recommendations, and next steps, as detailed in the staff report.

Mayor Derwin called for questions from the Council.

Councilmember Aalfs thanked Ms. de Garmaux, Mr. Weiner, Mr. Beverlin, and the rest of the staff for this great work. He said Peninsula Clean Energy is talking about fuel switching; however, he didn't see anything in Cal Green currently that pushes for appliance fuel switching. He asked Ms. de Garmaux if she saw indication that the Town might consider looking toward fuel switching for things like heat pumps or heat pump water heaters. Ms. de Garmaux said the State Code is looking at that as part of their broader goals toward Net Zero Energy. She said that in the new version of the Build It Green GreenPoint Rated Checklist, there are options for going to an all-electric home and a Net Zero Energy home. She said that system guides project applicants on how they can do that. She said she is currently looking into fuel switching.

Councilmember Aalfs asked about enforcement of the energy code. He noted that some jurisdictions in the County are now verifying that a project has registered all of their Home Energy Rating System (HERS) tests through one of the registries. He asked if staff considered adding that to Portola Valley's enforcement regime or if it would require an ordinance. Mr. Weiner said that is not something currently done in Portola Valley. He said they are basically hoping to get compliance. He said he gets a hard copy from the HERS tester verifying that these levels have been met, including the CF3Rs, and it goes into their file, but they do not currently double-check with the upload to make sure that they match.

Vice Mayor Hughes said a lot of properties in Town have lots of tree cover where solar may never be appropriate. He asked if those homes would also be required to be solar-ready. Ms. de Garmaux said this was discussed with the ASCC and Planning Commission and it was determined that because trees were not permanent fixtures, a building currently shaded by trees should not be precluded from the requirement to be solar-ready for a future occupant over the life of that building. Vice Mayor Hughes said he was thinking of places like Woodside Highlands where they are surrounded by oak trees that would outlast the homes. Ms. de Garmaux said the intention is that those homes would also be required to be solar ready, but she said there is a hardship clause within the ordinance and the Planning Department could make a finding to waive the requirement.

Vice Mayor Hughes said the required level of EV-readiness in a non-residential building was effectively the same as for a residential building – enough to charge two Teslas. He asked if the size of a building had any bearing on the requirement. Ms. de Garmaux said that as they move forward and look at the non-residential requirements as a whole piece, they will explore that issue further. She said there have been discussions around such things as running conduit to identified parking spaces. She said at this time, however, the focus is on the residential requirements.

Councilmember Wengert asked if Portola Valley requirements were consistent with those being implement in other communities. She also asked regarding the associated incremental cost to new homes due to the new requirements. She said she has some concern that some potential residents will be deterred from looking at Portola Valley as a place to build a new home due to the requirements, especially if they are in excess of those of the surrounding communities. She asked if we were jumping ahead to get to the 2020 goals early. Ms. de Garmaux said there is now a very compelling credit in the

new energy code for installing a photovoltaic system and a lot of local jurisdictions are requiring full installation of solar, and Portola Valley is a little behind on that. She said the current solar readiness requirements are almost exclusively a design element and should not impact the cost. She said Portola Valley is taking the lead on the graywater readiness. She said the Town is only requiring the piping, which will cost \$2,000 to \$3,000. She said if the project applicant wanted to install a full system that would be an additional \$4,000 to \$5,000 for the tanks and an additional \$6,000 to install the treatment system. She said that for the EV readiness, the estimate is an additional \$200 to the cost of the project, whereas if it is done as a retrofit, it would cost approximately four times that much. She said having turf is a project applicant's choice. She said the intention of the rainwater catchment system requirement is to reduce the potable water on turf, therefore encouraging less turf. She said that, depending on the size of the catchment system, the rainwater catchment system would be the most significant cost. She showed a general breakdown of tank sizes per gallon and the cost. She said, for example, a 1,000-square-foot lawn would require a 15,000-gallon tank, which would cost approximately \$16,000 plus the cost of installation, which would be offset by reducing the amount one would spend paying for that water. Mayor Derwin said those estimates were low. In response to Councilmember Wengert's question, Ms. de Garmaeux said applicants would have the choice of installing above or below-grown catchment systems. She said there are several systems in town that have been installed voluntarily below ground and there are many different options available.

Mr. Weiner said that while there are costs that will be passed on to new homeowners, looking at the issue practically, he sees photovoltaic solar systems going in everywhere. He said the cost of doing that after the fact is much higher than doing it as the house is being built. He said the ordinance is not talking about installing panels, it is only requiring running an empty conduit from where the service panel would be up to where it could be accessed, so the house would not need to be torn apart afterwards in order to add solar. He said the EV charger and solar system tie in, because a lot of people who already have solar or PV systems on their roofs are augmenting their systems due to their added electric car chargers. He said the cost for adding the capacity for two Tesla chargers is minimal, at \$4 per 10-foot stick of conduit. He said many people are reducing their lawn sizes and putting in native plants, using less and less water; however, some are not and are installing large lawns. Those who are putting in a lot of turf are spending \$5,000 to \$7,000 putting tanks into the ground because that's what they want and are willing to go that distance to have their turf. Ms. de Garmaeux said current projects in Town include one with 2,000 square feet of irrigated native sod, three with no irrigated turf, two with existing turf but no new turf, and one with 3,000 square feet of new irrigated turf.

Mayor Derwin asked if a resident that is building a 750-square-foot second unit to help with the housing crisis would have to comply with all of these new regulations. Ms. de Garmaeux said a 750-square-foot unit would fall under the category of new construction under 3,000 square feet. She said that applicant would have fill out the GreenPoint Rated Checklist and it would cost \$200 to complete that checklist with Build It Green. Mayor Derwin asked if the small second unit would need the same amount of points (75) as a 3,000-square-foot house. Ms. de Garmaeux said it would have to meet the 75-point minimum.

In response to Mayor Derwin's question, Councilmember Aalfs said 75 points was not too difficult to reach, but the applicant would also be required to certify it through Build It Green, so the applicant would need to hire a GreenPoint Rater. He said that the fees for registering a project with Build It Green is approximately \$470. He said that, depending on the size of the project, the Rater's fee could be between \$1,000 and \$2,000. Mayor Derwin said she is not supportive of this because it hurts people who are trying to build second units to help with the housing crisis. She said she speaks from experience as she is trying to build one right now. She said the issue needs to be revisited. She said she wants to build graywater ready and solar-ready, and she already has rain catchment, but she does not know that everybody wants to do that. She said people are trying to build housing for people so that they aren't moving out of the County or living in their cars, and perhaps the Town needs to lighten up on the requirements. Councilmember Aalfs said in other jurisdictions that require the full GreenPoint certification process for main residences, they will often require a much lighter version for second units – such as self-certifications or a third party just checking off the list without actually submitting it to Build It Green. He said it improves the compliance and keeps the cost down to the \$200-\$300 range, providing some

compliance value with less burden to the applicant. He said the applicant would get some green features, but not as much as if they'd gone through the whole process. He said it is a reasonable compromise. Councilmember Richards said the Town has been doing self-certification for quite a while on small homes. He said in most cases it increases compliance quite a bit. He said it is always included with the plans so the building inspector, contractor, and bidders get that information. He was supportive of allowing self-certification for small units or second units.

Ms. de Garmeaux said, depending on how the second unit is implemented, such as in Mayor Derwin's example, it would fall under a remodel or addition and could fall under a category where perhaps only 50 points and self-certification were required. She said for a junior second unit, it would be an addition/remodel with 25 points required and self-certification. She said as those provisions could be put into the Second Unit Ordinance, which then point back to the Green Building Ordinance, so it can be determined at that time how it will be handled. She said, for example, for a unit that was going to be used specifically as a second unit, they could require a certain point level and self-certification.

Mayor Derwin asked if the second unit would have to be gray-water ready. Ms. de Garmeaux said that is only for new construction projects, brand-new homes. Mayor Derwin said a second unit would be a brand-new home. Ms. de Garmeaux agreed and it would need to be looked at. Mayor Derwin said in her case she is happy to do it, but if the Town's intent is to make it easier for people to build second units, piling on all of these expensive requirements will make people not want to do it. Ms. de Garmeaux said there are two issues – trying to address brand new construction for the life of the building and also encouraging second units. She said those concerns could be addressed when the Second Unit Ordinance comes before the Council. Planning Director Pedro said staff could draft an exemption for second units.

Councilmember Wengert said she agreed with the Mayor's concern. She said it should be consistent and included in the Green Building Ordinance. She said there will be at least one Second Unit Ordinance that will be coming out of the Planning Commission and it makes sense to anticipate what that might look like in terms of the second units and how the list would potentially change. She said they should add new categories to the chart. Ms. de Garmeaux asked Town Attorney Prince and Planning Director Pedro for guidance on what that might look like. She asked if they were asking for self-certification or no graywater. Vice Mayor Hughes said in a detached second unit, gray water should be relatively simple. He said the big item would be the certification so the certification should be waived. Councilmember Richards agreed that the gray water plumbing is generally relatively inexpensive, depending upon the building type, and should remain as a requirement for second units. Councilmember Wengert said staff should look at the various components – EV, solar, graywater, catchment – to see if they are really related to the entire property. She said the graywater requirement would probably stay, but the others would relate to the entire property. Councilmember Richards said gaining more points depends on how each component is treated more than the size of the structure. He said a super-efficient small house will easily get the points. Mayor Derwin said using her example, she does not know where she would put EV. She said there is not a separate garage for her renter. She asked if she would be expected to build an EV structure. Mr. Weiner said if the new unit was just a sub-feed off of the main house, the chance of that service being large enough to feed a second unit and add an EV charger, without having to upgrade the main house service, was small, and could be prohibited due to the undergrounding rules. He said staff would discuss if that should be looked at as a per-property issue.

Vice Mayor Hughes asked how many of these requirements were allowed to be waived by the Planning Commission or Building Official. He asked if, in addition to the financial hardship, there were also possible exceptions for circumstances where the requirements were physically impossible to meet. Planning Director Pedro said the code includes a section that allows the Code Compliance Officer (the Planning Director) to allow waivers if it finds there is some hardship but the applicant has demonstrated a good faith effort to comply. She said tree coverage is something the ASCC has discussed.

Councilmember Aalfs said that the 250 or 500 solar-ready requirement would be nearly impossible on a small building, and is something that should run with the whole property.

With no further comments or questions from the Council, Mayor Derwin opened the public hearing.

Linda Hawes Clever asked how many times a year new construction or second unit construction occurs and if it happens more often upon changes of ownership or more with new construction. Planning Director Pedro said in terms of new houses, the Town approves generally 8 to 10 houses a year, 15 in a very good year, which would fall within the Green Building Ordinance requirements. In terms of additions over 450 square feet, last year the Town approved 15. She said there were about 55 additions and remodels of less than 400 square feet, which only required self-certification. She said new construction projects usually come in when there is a new owner. She said the requirements are triggered by remodeling and additions and not merely by new ownership.

Bud Trapp, 501 Portola Road. He asked where the Sequoias fit into the Green Building Ordinance. Ms. de Garmeaux said they were non-residential, so the only current requirement was to comply with the State Code. Mr. Trapp said that the Sequoias were planning major multi-million dollar modifications in the next few years, and asked what their requirements were relative to the Green Building Ordinance. Ms. de Garmeaux said at this point the Town is not requiring anything above and beyond the State requirements for non-residential.

With no further questions, Mayor Derwin brought the item back to the Council for discussion.

Councilmember Wengert commended Ms. de Garmeaux, Mr. Weiner, and Ms. Pedro for all the effort they put forth into this issue. She said the Council appeared to want to add the category of second units. Vice Mayor Hughes said there is a set of exemptions to show whether a project may be infeasible or a hardship, and includes conflicting with other Town goals. Councilmember Wengert said the additional category should still be added for clarification, since affordable housing and second units are a major goal.

Councilmember Richards agreed that adding the category, including some of the exemptions, makes sense.

In response to Ms. de Garmeaux's question, the Council was amenable to her bringing it back to the Council before the Second Unit Ordinance is adopted.

Councilmember Aalfs said, in the interest of transparency, he wanted to point out that he is a GreenPoint Rater and some of these jobs might come to him. He said this is very much in line with what he is seeing in jurisdictions in San Mateo County and the Bay Area as far as trying to reinstate some of the things that were happening in the 2010 Code. He said adding the checklist requirement in the building application gets people thinking about it and it makes a difference. He said the big projects, which are certified by a third party, have the greatest impact and makes a huge difference. He said he is supportive of moving forward with this proposal with the addition of the second unit provisions.

Vice Mayor Hughes commended Ms. de Garmeaux and the staff on the tremendous amount of work on this issue. He said he is supportive with the couple of tweaks that have been discussed.

Mayor Derwin said it was fantastic work, but said there needs to be the category for second units.

Council directed staff to amend the ordinance to include an individual category, with some exemptions, for Second Units, and then bring it back to the Town Council for a vote.

(13) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Aalfs – Reported that Peninsula Clean Energy is almost through its first phase of enrollment, which began with meter reads in October, with 60,000 active online accounts. He said opt-outs still remain well below 1 percent and are exceeded by opt-ups or opt-ins. He said things have gone

fairly smoothly so far and they expect to be up and running with the full Phase One enrollment as of the end of the month. In response to Vice Mayor Hughes' question, Councilmember Aalfs said there will be some residual solar people coming on from next April through next October depending on their true-up dates.

Councilmember Wengert – Attended four Select Committee meetings and one Airport Roundtable meeting within the last two weeks, with another Select Committee meeting tomorrow. She said they are coming into the home stretch of the exercise. She said the first draft report is now available on all Congress Members' sites and public comments are now being taken.

Councilmember Richards – Attended an Emergency Preparedness Committee meeting where they heard a presentation from the County Emergency Preparedness Physician, who is setting up a system to try to deal with fragile communities (shut-ins, care facilities, etc.). He said they discussed the Committee's role in the EOC and will have a meeting at the Town Center on November 16. He said the Committee held additional radio training and will review the Emergency Operations Plan at its November 10 meeting. He said the Committee also discussed the possibility of adding an additional AM radio to improve coverage for the Town, at a cost of approximately \$24,000.

Vice Mayor Hughes – Attended the Planning Commission meeting on October 19, where Nicholas Targ and Judith Hasko were named representatives for the Ad-Hoc Housing on Town Lands Committee. He said they also conducted the preliminary review for the Alpine Hills Clubhouse project, reviewing the setback, parking, light spill, noise, and height. Vice Mayor Hughes said that Town Staff has been doing their reviews for their part of the 360 Review and Town Manager Dennis is working on the self-assessment, which is due Friday. Vice Mayor Hughes said a report will then be prepared for the Council, and the Councilmembers will each complete their reviews. He said that information will then be collated and presented at a Council meeting.

Mayor Derwin – Attended a Water Conservation Committee meeting on October 17. She said they discussed the endpoint water meter system and finalizing the graywater manual. She said the next Native Garden Tour is scheduled for spring of 2017. She said Committee Member Lovey Taylor reported on a CPUC hearing on a Cal Water rate case that she attended. Mayor Derwin attended a C/CAG meeting on October 13 where they heard a presentation on the Home for All Initiative. She said all cities are being encouraged to sign a resolution and the Council should add it as an agenda item. She said there was also a presentation of C/CAG program highlights, where each part (storm water, transportation, energy) of C/CAG presents a report. She said they were promoting the 101 Managed Lanes project, which was forwarded to all City Managers. Mayor Derwin attended the second staff lunch of the year with Vice Mayor Hughes and Town Manager Dennis. She attended a Council of Cities meeting in Pacifica on October 21 where an attorney from Hanson Bridgett went through each of the 17 ballot measures and provided a lot of information. She said the next Council of Cities meeting will be in Brisbane.

(14) Town Manager Report – Town Manager Dennis reported that the vernal pool project at Spring Down property has begun. He said that Portola Valley and the Town of Woodside cowrote a letter to Cal Water regarding dissatisfaction with the lack of testing and lack of water pressure from fire hydrants in Town. He said that the AT&T CEV across from Ford Field has been known to occasionally fill with water and ATT is planning to relocate the service lines to another location, hopefully before the heavy rains arrive. He said Cal Water has completed its water main project and will begin paving on November 4. He said that when that part is complete, Public Works Director Young will finish the widening project, which will extend into next year. He said the Chair of the Town's Parks & Recreation Committee attended the Water Conservation Committee meeting, which was very well received. He said that based on the work staff had done related to the potential water savings measures studied, the Parks & Recreation Committee, the Conservation Committee, and the Water Conservation Committee will form a subcommittee to assist staff in looking at ways to meet the long-term solutions to the extended drought and its effect on Town fields. He said the next scheduled meeting of the Town Center Master Plan Ad-Hoc Committee is Wednesday, November 9, at 4:00 p.m. Town Manager Dennis thanked Lt. Corpus and

the entire Sheriff's Department for being an outstanding partner to this community for many years and, most recently, for their efforts with regard to current Town safety issues.

WRITTEN COMMUNICATIONS

(15) Town Council Digest – October 14, 2016

None.

(16) Town Council Digest – October 21, 2016

#3 – Announcement – Resignation from Conservation Committee. The Council agreed they are sorry to hear of Jean Eastman's resignation.

#4 – Letter of Interest – Consideration of appointment to the Ad-Hoc Committee on Housing. Staff will advertise tomorrow for the open positions on the Ad-Hoc Committee for Housing.

#9 – Invitation to "Java with Jerry" – Senator Jerry Hill in Portola Valley at Konditorei – Friday, October 28, 2016. Mayor Derwin will attend.

Mayor Derwin and the Council thanked the Sequoias for hosting the Council meeting. An unidentified resident of the Sequoias said that Town Manager Dennis gave an extraordinary presentation to the Sequoias residents, with lots of back and forth conversation and mutual respect, and it was very important to them.

ADJOURNMENT [8:51 p.m.]

Mayor Derwin adjourned the meeting.

Mayor

Town Clerk