

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 952, JULY 26, 2017

CALL TO ORDER AND ROLL CALL

Mayor Hughes 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 Mary Ann Moise Derwin, Jeff Aalfs, Ann Wengert; Vice Mayor John Richards, Mayor Craig Hughes

Absent: None

Others: Jeremy Dennis, Town Manager
Brandi de Garneau, Assistant to the Town Manager
Leigh Prince, Town Attorney
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

Danna Breen, 4680 Alpine. Ms. Breen voiced her opposition regarding the use of gas leaf blowers in Town and said they should be banned. She said the General Plan, which she considers the constitution of Town, includes a strong emphasis on quiet, similar to the emphasis on darkness. She said leaf blowers cause serious health challenges to residents in Town, not to mention the health of animals and soil. She said the debris (odor, exhaust, dust, mold, pollen, feces) blown trespasses on properties 100 yards away. She asked the Council to research the many towns and cities that have implemented controls or bans of leaf blowers, and the effects of leaf blowers on the environment and soils. She suggested a ban of gas-powered leaf blowers over the next six months and then a restricted use of electric only, Monday through Friday, and that this may also be prohibited if data surfaces to support that these polluted plumes are causing illness.

Nancy Powell, 237 Canyon Drive. Ms. Powell and her husband, Dave Ross, oppose the controlling voles, moles, gophers, etc. with pesticides on Town fields, due to their concern for the wildlife and creatures in Town. She said the Town's primary goal is have nature prevail and the Town creatures should not be poisoned. She said the raptors, coyotes, and other creatures die due to secondary poisoning from eating those poisoned creatures.

Mayor Hughes said there was a recent Council meeting with a presentation by the Conservation Committee on this subject. Town Manager Dennis said a Council Action took place earlier this year, beginning with work at the Conservation Committee late last year. He said in March 2017 the Conservation Committee brought forward a proposal to urge residents to stop using rodenticides, with special attention paid to second-generation rodenticides which are highly toxic and stay longer in the host bodies. He said the Town has begun a pilot program on the Town fields to look at mechanical ways of dealing with rodents. He said there is a pilot program in place on the baseball field studying non-rodenticide use. He said the Conservation Committee process was in conjunction with conversations they had with Parks & Recreation Committee, who supported the pilot program but also had concerns about what would happen to the playing fields. Town Manager Dennis said he hopes to see results in the fall to bring back to the Council to provide information about next steps.

Nancy Powell said there was poison noticed on the field last week. Town Manager Dennis said the pilot program is being conducted on the baseball field only at this time. Ms. Powell said she has a rental property and is required to advise the tenants when she will spray for ants, the possible reactions to the poison, the controls, instructions for contacting poison control, etc.; however, there is no signage on the fields warning of poison.

Jon Silver, 355 Portola Road. Mr. Silver said he was opposed to the leaf blowers and the use of rodenticides. He said both issues should be agendized for further review. He said he only knew there was poison on the fields because he happened upon a Town employee working in the field who told him. Mr. Silver said blue poison pellets were in plain view and easily accessible on the surface of the field. He said it appears the poison being used may be a type that is 20 times the strength needed for gophers. He asked if the letter he submitted, which is in the July 21, 2017, Council Digest, could be moved up in the agenda for discussion.

Caroline Vertongen, 100 Palmer Lane. Ms. Vertongen thanked Mayor Hughes and Town Manager Dennis for attending the public meeting with Assemblymember Berman last week. She said it is her job as a healthcare provider to protect patients and clients. She said the administration has failed to provide quality education, vocational training, or healthcare, and has replaced professionals with foreign, out-of-state, and undocumented immigrants who help cover up the unprofessional, abusive, illegal, and criminal conduct in return for highly paying jobs, knowing that no government employee will be held accountable. She said a recent 60 Minutes episode confirmed problems with H-1B Visa holders. She said long-time professionals in the Bay Area are asked to train less qualified immigrants from India, knowing that once they provide the training they will lose their own jobs. She asked the Council to invest in the best interests of Portola Valley, not political ideology to achieve a political agenda costing taxpayers more to fund wasteful and ineffective government expenses and programs. She said she and her family and their business continue to be subjected to intimidation, which began in 2012.

Nona Chiariello, 163 Brookside Drive. Ms. Chiariello is a member of the Conservation Committee and the Rodenticide Subcommittee. She said the Council has been very responsive in addressing their concerns, which are basically the same concerns expressed this evening. She said their initial goal was for a ban on rodenticides in Portola Valley, but they learned they cannot do that because the State has already acted. The goal is to work in a coordinated way with the Town Council and also with actions happening at the state level. She said Assembly Bill 6287, the California Natural Predator Protection Act, has been reintroduced, which would have a statewide ban on 9 of the 11 chemicals used in rodenticides. She said the Conservation Committee is planning an educational evening to be held in October, in an attempt to bring the community together to better understand the issues from multiple perspectives, and they hope to have an ambassador owl as part of the program. There will be a report from Town Manager Dennis regarding the pilot program, an overview of the problems, and then perhaps something on either nest boxes for owls or an owl program. She thanked the Town Council and Town Staff who have been very helpful to the Conservation Committee.

Caroline Rogers, 165 Cherokee Way. She is opposed to poisons but respects that the Town is trying to maintain a playing field and understands the difficulties in finding a compromise. She said the Town should relook at the narrative that did not allow the Priory to have unnatural grass, yet the dialogue is that natural grass uses a lot of water, fertilizer, and pesticides because it's the only way to make it work. She wanted to remind everybody that playing fields are not open space at all. She said basketball and tennis courts have cement and wood, and this field is a soccer field. She suggested reconsidering allowing the Priory, the Town's generous and wonderful neighbor, to have artificial turf, because there's nothing natural about a lawn. Councilmember Derwin said the San Mateo County Civil Grand Jury just issued a recommendation to the County school districts against installing artificial turf fields, particularly the tire products, because, among a lot of other reasons, they do not think they're healthy for children.

CONSENT AGENDA [7:26 p.m.]

- (1) Approval of Minutes: Town Council Regular Meeting of June 28, 2017.
- (2) Ratification of Warrant List: July 12, 2017, in the amount of \$484,589.31.
- (3) Approval of Warrant List: July 26, 2017, in the amount of \$96,698.09.

- (4) Recommendation by Cable & Utilities Undergrounding Committee – Proposed Charter Amendment
- (5) Recommendation by Assistant to the Town Manager – Adoption of Resolutions Approving and Authorizing Execution of Amendments to the Farmers’ Market License Agreement and the Limited Use Parking Agreement with Christ Episcopal Church
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of a Fourth Amendment to Farmers’ Market License Agreement (Resolution No. 2736-2017)
 - (b) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of a Fourth Amendment to Limited Use Parking Agreement (Resolution No. 2737-2017)
- (6) Recommendation by Town Manager – Salary Scheduled Correction

Councilmember Derwin moved to approve the Consent Agenda. Seconded by Councilmember Wengert; the motion carried 5-0 by roll call vote.

Councilmember Derwin moved to move Agenda Item #15, the July 21, 2017, Council Digest, ahead of the Regular Agenda for discussion. Seconded by Councilmember Wengert; the motion carried 5-0.

- (15) Town Council Digest – July 21, 2017

#5 – Letter from Resident Jon Silver re: Concern with Rodenticide Use on Soccer Field at Town Center. Mayor Hughes asked if there were any questions regarding this item from the Council. Hearing none, Mayor Hughes invited public comment.

Jon Silver, 355 Portola Road. Mr. Silver said he sent a message to Town Manager Dennis and the Council earlier this evening. He said it would be difficult to know if there had been any untoward incidents in Town due to the use of pesticides, since most people don’t even know the pesticides are being used. Mr. Silver said while the Town staff has improved the noticing, he suggested also identifying the type and strength of the poison being used, along with a poison control contact.

With no further public comment, Mayor Hughes asked for comments from the Council.

Councilmember Derwin suggested agendizing this issue.

Councilmember Aalfs said it should be agendized and he would also like to hear about the progress of the pilot program on the baseball field, to consider extending that policy throughout the Town fields if it works.

Councilmember Wengert said she is concerned procedurally about acting or discussing this issue right now and if it’s following the process by which future agendas are set. She asked Town Attorney Prince for her opinion.

Town Attorney Prince said there could be a limited discussion on the topic. She said it is appropriate to direct staff and the Mayor to put it on the agenda for a future date without significant discussion.

Vice Mayor Richards agreed it should be agendized.

Mayor Hughes reiterated that the Town has done a lot of work in this area and they are heading toward limiting poisons as quickly as possible. He said they will consider agendaizing this issue.

#6 – Email from Resident Karen Vahtra re: Request for Clarification of the Sheriff's Office Vacation Check Request Policy. Councilmember Derwin asked if there had been any follow-up on that. Town Manager Dennis said he has corresponded with Ms. Vahtra, providing her additional information. He reached out to the Sheriff's Office to let them know they had a resident concerned about the program and asked again today regarding additional follow-up, but has not heard back. He said he knows the Sheriff's Office has previously spoken with this resident regarding similar concerns she shared earlier this year. Councilmember Derwin said she has used the service, but it was her understanding the Sheriff's Department did not guarantee daily visits. Town Manager Dennis said that is correct.

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

(7) Recommendation by Assistant to Town Manager – Mayoral Support for 100% Clean Energy.

Assistant to the Town Manager de Garmeaux presented the staff report recommending the Town Council authorize the Mayor to sign the "Mayors for 100% Clean Energy" Initiative.

Mayor Hughes invited questions from the Council.

Mayor Hughes said there is another group called Climate Mayors (climatemayors.org). He asked if this was the same. Assistant to the Town Manager de Garmeaux said they signed on with climatemayors.org in support of the Paris Agreement. She said Mayors for 100% Clean Energy is a separate but complimentary initiative. In response to Councilmember Derwin's question, Assistant to the Town Manager de Garmeaux said she does not know why Portola Valley is not listed on climatemayors.org, but they are working on getting all of those things in order.

Councilmember Wengert asked what the difference was between the two groups. Assistant to the Town Manager de Garmeaux said the Mayors for 100% Clean Energy is a specific initiative related to Sierra Club 100% Clean Energy whereas climatemayors.org is related to the Paris Agreement.

With no further questions from the Council, Mayor Hughes invited public comment or questions. Hearing none, Mayor Hughes brought the issue back to the Council for discussion and/or action.

Councilmember Derwin moved to authorize the Mayor to sign the Mayors for 100% Clean Energy initiative. Seconded by Vice Mayor Richards; the motion carried 5-0.

(8) Recommendation by Town Attorney – Response to Grand Jury Report "English is Not Our Only Language: Are (61) Local Law Enforcement Agencies Providing Multilingual Access to Outreach Programs?"

Town Attorney Prince presented the staff report recommending the Town Council review the Grand Jury Report and authorize Mayor Hughes to sign the attached response letter. She said the Grand Jury was recommending that law enforcement agencies modify their websites to include multilingual translation capability by the end of 2017, as detailed in the staff report.

Mayor Hughes called for questions from the Council. Hearing none, he called for comments or questions from the public. Hearing none, Mayor Hughes brought the item back to the Council for discussion or action.

Councilmember Wengert moved to authorize the Mayor to sign the proposed response letter to the Grand Jury Report. Seconded by Councilmember Aalfs; the motion carried 5-0.

- (9) Recommendation by Town Attorney – Response to Grand Jury Report “A Delicate Balance: Privacy vs. Protection.”

Town Attorney Prince presented the staff report recommending the Town Council review the Grand Jury Report: A Delicate Balance: Privacy vs. Protection and authorize the Mayor to sign the attached response letter.

Mayor Hughes called for questions from the Council. Hearing none, he called for comments or questions from the public. Hearing none, Mayor Hughes brought the item back to the Council for discussion or action.

Vice Mayor Richards moved to authorize the Mayor to sign the proposed response letter to the Grand Jury Report. Seconded by Councilmember Aalfs; the motion carried 5-0.

- (10) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Derwin – Attended the June Council of Cities dinner meeting with Councilmember Wengert with speakers from Sustainable San Mateo County, their Indicators Program. The topic was alleviating the housing and transportation crunch in San Mateo County. Councilmember Derwin also attended the Housing on Town-Owned Property Ad-Hoc Committee meeting on July 11. She said the top three properties are the Town Center, Ford Field, and Los Trancos across from Blue Oaks. Town Manager Dennis said it is not necessarily recommended that those three properties are looked at in any particular way, but they were the best of a list of properties that were very difficult to begin with. Councilmember Derwin said the Communications Subcommittee met in May and discussed having an open forum event with workers in Town – Sequoia, School District, Town Staff, Alpine Garages, etc. Town Manager Dennis said he invited Dan Parolek of Opticos Design to look at properties in Portola Valley to see if they could potentially be appropriate for design creativity similar to the Missing Middle program. Town Manager Dennis said Mr. Parolek thought the challenge was fantastic and he liked the idea of working in a community such as Portola Valley in that way. Town Manager Dennis said it was good to know that there are opportunities from a design aspect. He said, as the subcommittee discussed, there is a potential outreach opportunity to simply talk about design and not about location or project. Town Manager Dennis said they expect the subcommittee to come back to the Council in September. Councilmembers Derwin and Wengert, Planning Director Pedro, and Town Manager Dennis attended the San Mateo County’s Home for All meeting on July 14. She said they will interview eight applicants and will choose two to three. She said Portola Valley will apply. She attended a C/CAG meeting on July 13 where they discussed funding several programs, AB1613 regarding sales tax for transportation purposes, Regional Measure 3 regarding a bridge toll increase, and SB797 CalTrain tax. There were presentations by the Silicon Valley Competitive and Innovation Project and the San Mateo County Sea Level Rise Vulnerability Assessment. She visited the Big Lift Inspiring Summers Program at a school in San Bruno. She attended the July 26 HEART Board meeting and got the two-thirds vote to accept the \$5 million loan from the County to be used for educational institutions for the purpose of affordable housing, with the first candidate being the Pacifica School District.

Councilmember Aalfs – He missed the July Trails & Paths Committee meeting but it was reported to him that MROSD wants to connect the Hawthorns to Windy Hill. He attended the Planning Commission meeting and the July 19 meeting was canceled. He also attended a Peninsula Clean Energy meeting. He said they are looking for a Finance Director. He said the projected revenue over the next five years is in the \$220 to \$230 million range, with net cash flow of roughly \$50 to \$55 million a year, of which \$30 to \$35 million goes to the operating reserve. He said opt out rates are approximately 1.6 percent.

Councilmember Wengert – Attended the July 12 Town Center Master Plan Committee where they discussed opening the creek. She attended a San Francisco Airport Roundtable meeting on July 13 with the Work Program subcommittee. She said they drafted the report that will go to the full Roundtable next week. She said the FAA released a report yesterday responding to the Select Committee Roundtable recommendations. She said the good news is they are continuing to evaluate keeping the Woodside VOR altitude at a minimum of 8,000 feet during nighttime operations. That recommendation, along with others, was within a group classified as “in process or under evaluation. There is another group classified as “not feasible.”

Vice Mayor Richards – Attended the July 25 Conservation Committee meeting. He said they feel the ASCC is paying more attention to their recommendations. They discussed Town-owned properties and open space to review them for the various plant communities. They discussed poison bait and the ambassador owl. There was concern that the native plants around the Town Center buildings didn't look very well. They agreed they should put their meeting minutes online.

Mayor Hughes – Attended the July 12 Special Bicycle, Pedestrian and Traffic Safety Committee meeting, where they discussed Bicycle Peleton behavior when coming through Town. He said they are discussing a Thursday evening in October to allow people to attend who cannot attend the morning meetings. Public Works Director Young presented a C/CAG grant application possibility for a broad pedestrian circulation study in Town. Mayor Hughes and Town Manager Dennis participated in a phone conversation with the President, Provost, and a Professor from Palo Alto University regarding the above-average rate of young men committing suicide in our community in the last few years. Mayor Hughes reported on the well-attended and successful coffee meet and greet with Assemblyman Berman, where they discussed single-payer healthcare, housing, transportation, cap and trade, etc.

(11) Town Manager Report – Town Manager Dennis reported on the success of the meet and greet with Assemblyman Berman. He said the ALPR installation process is now with PG&E, with the expectation of it being operational by the end of this summer. He reported that the road work on Portola Road continues, with the slurry seal completed in one day. He said the striping started today and the widening work will continue for the next three weeks. The Farmers Market will be shifted to the end of the parking lot to accommodate the road work. Staff has met regarding Accela outreach tool and OpenGov, the budgeting/fiscal software. The Finance Committee will meet in September to discuss a new budget book process, LAIF investment, and conversation regarding pension liabilities into the future. The Sheriff's office is considering offering residents a registration service for home security cameras.

WRITTEN COMMUNICATIONS [8:30 p.m.]

(12) Town Council Digest – June 30, 2017

None

(13) Town Council Digest – July 7, 2017

None

(14) Town Council Digest – July 14, 2017

None

(15) Town Council Digest – Item moved up in the Agenda between Items #6 and #7.

Mayor Hughes, with concurrence from the Council, thanked Town Attorney Prince to her many years of exceptional service to the Town Council, Town Staff and the Community.

ADJOURN TO CLOSED SESSION [8:32 *p.m.*]

(16) Public Employment – Government Code § 54957(b)(1), Town Attorney

ADJOURNMENT [9:10 *p.m.*]

Mayor Hughes adjourned the meeting.

Mayor

Town Clerk