



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council
 Wednesday, October 25, 2017
 765 Portola Road, Portola Valley, CA 94028

SPECIAL MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Derwin, Councilmember Aalfs, Councilmember Wengert, Vice Mayor Richards and Mayor Hughes

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Minutes** – Town Council Meeting of October 11, 2017 (3)
2. **Approval of Warrant List** – October 25, 2017 (9)
3. **Recommendation by Public Works Director** – Acceptance of the Town of Portola Valley 2016/2017 Street Resurfacing Project – Surface Seals #2017-PW01 (20)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley to Accept the Completed Town of Portola Valley 2016/2017 Street Resurfacing Project – Surface Seals #2017-PW01 and Authorizing Final Payment to G. Bortolotto & Co., Inc. Concerning Such Work, and Directing the Town Clerk to File a Notice of Completion (Resolution No. __)

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

4. **Presentation - Communications & Sustainability Management Analyst** - Creation and Roll Out of Social Media Channels to Increase Resident Engagement and Real-Time Communications (25)
5. **Discussion and Council Action** – Update Regarding Sanctuary Cities and Consideration of Amicus Participation (26)
6. **Report by Attorney Leigh Prince** – Receive Update on State Cannabis Regulation, Provide Direction on Local Cannabis Regulation, and Adopt a 45-day Interim Urgency Ordinance (30)
 - (a) Study Session on Cannabis Regulations
 - (b) Adopt an Interim Urgency Ordinance of the Town Council of the Town of Portola Valley Establishing a Temporary Moratorium on the Establishment of Marijuana Uses within the Town of Portola Valley (Ordinance No. __)
7. **Recommendation by Town Manager** – Adoption of a Resolution Approving an Agreement Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Flegel, LLP for Provision of Legal Services (51)
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Agreement for Legal Services Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Flegel, LLP. (Resolution No. __)

8. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS (68)

Report by Town Council Members – Brief announcements or reports on items of significance for the entire Town Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

9. TOWN MANAGER REPORT (69)

WRITTEN COMMUNICATIONS

10. **Town Council Digest** – October 13, 2017 (70)

11. **Town Council Digest** – October 20, 2017 (79)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing.

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 956, OCTOBER 11 2017, HELD AT THE SEQUOIAS/HANSON HALL

CALL TO ORDER AND ROLL CALL

Mayor Hughes called the Town Council's Special meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll. The meeting was held at the Sequoias.

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

Absent: None

Others: Jeremy Dennis, Town Manager
Susan Cope, Finance Director
Bill McClure, Acting Town Attorney
Howard Young, Public Works Director
Ali Taghavi, Communications & Sustainability Management Analyst
Sharon Hanlon, Town Clerk

Rob Faisant, President of The Sequoias Resident Association, welcomed everyone on behalf of management, residents, and staff of Sequoias Portola Valley. He thanked everyone for all they do to make The Sequoias and Portola Valley such a wonderful place to live.

(1) Presentation: Recognition of Deputy Ron DeRespini

The Mayor presented Deputy DeRespini with a plaque and thanked him for his many years of outstanding work with the Portola Valley Community.

ORAL COMMUNICATIONS

Chris Buja, 172 Wayside Road. Mr. Buja recommended the Council look more closely at the corridor from Town Center to the new school and churches. He said this should involve systematic examination of trails, crosswalks, road configuration for safety of pedestrian traffic, undergrounding utilities, etc. Mayor Hughes said the Town is engaged in looking at traffic, pedestrian, and bicycle circulation generally in Town.

Bud Trapp, 501 Portola Road. Mr. Trapp said he listened to the Town AM station 1680 today and was surprised to get no alert about the smoke. He suggested an alert should go out providing advice to residents about dealing with the smoke.

Onnolee Trapp said there are a lot of people in Town who are not on PV Forum, who don't get the internet messages from the Town, maybe don't know about AM station 1680, and have been wondering why there is so much smoke in the air. She asked if were other ways to alert Townspeople about what's going on.

Mayor Hughes introduced Ali Taghavi, the new Communications and Sustainability Management Analyst. Mayor Hughes said Mr. Taghavi is working on how to improve communication between the Town and public, especially in non-emergency situations.

CONSENT AGENDA [7:12 p.m.]

(2) Approval of Minutes – Town Council Regular Meeting of September 27, 2017. [Removed from Consent Agenda.]

- (3) Approval of Warrant List – October 11, 2017, in the amount of \$290,123.54.
- (4) Appointment by Mayor – Member to the Conservation Committee.

Vice Mayor Richards moved to approve Items 3 and 4. Seconded by Councilmember Derwin the motion carried 5-0, by roll call vote.

- (2) Approval of Minutes – Town Council Regular Meeting of September 27, 2017. Councilmember Wengert moved to approve Item 2 as amended. Seconded by Councilmember Aalfs, the motion carried 5-0.

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

- (5) Recommendation by Finance Director – Update on 2016-'17 Budget to Actuals

Finance Director Susan Cope presented the update on the 2016-'17 Budget to Actuals report, highlighting various items. She described the progress made toward the goal of tightening the budget to even out the revenue and expense at 100%.

Mayor Hughes invited questions from the Council.

In response to Mayor Hughes' question, Finance Director Cope said the Workers' Comp rates were reset this year after two claims last year and were raised approximately 15% to approximately \$38,000 for the 2017/'18 year.

Councilmember Wengert asked for clarification regarding the UUT exceeding expectations. Finance Director Cope said that information came directly from the PG&E source – the UUT increased 10.5% due to a 4% increase in electric and a 26% increase in gas. She said the UUT increase was a result of an increase in gas and electric revenue in the Town of Portola Valley. The gas revenue was driven by a combination of overall gas usage and an increase in gas prices.

With no additional questions, Mayor Hughes invited public comment. Hearing none, he thanked Finance Director Cope for her report.

- (6) Report by Public Works Director – Adopt a Resolution Amending the FY 2017/'18 Budget to Comply with SB-1
 - (a) Adoption of a Resolution of the Town Council of Portola Valley Amending the FY 2017-'18 Budget to Include a Proposed Project List as Required by SB-1 (Resolution No. 2741-2017)

Public Works Director Young described Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017, which requires all cities to submit a proposed list of projects in order to receive the new transportation funds for road maintenance. He explained the recommendation to submit a project list, as detailed in the staff report.

Mayor Hughes invited questions from the Council.

Councilmember Wengert asked regarding the calculation matrix. Public Works Director Young said it was vague. He said the State Controller's Office uses a local allocation method determined by the California Transportation Commission. He said there are certain percentage of allocations to the state and a certain remainder allocation that goes to local streets. He said some of the charts he's seen were based on

population and number of registered vehicles. He said he will provide that information through a Digest when it is received from the California Transportation Commission.

Councilmember Wengert asked if the Town was providing the State with estimates of projects matching the stated amount, out of the Town's regular budget for road maintenance. Public Works Director Young said it is not to offset the current budget for road maintenance. He said it is a maintenance of effort. He said the State tracks certain years of how much was spent doing road resurfacing and they want the Town to continue to spend that average, to be sure the Town is not using those funds to replace funds that are already allocated for road maintenance.

Vice Mayor Richards asked regarding the origin of SB-1. Public Works Director Young said not all cities in California have roads in as good condition as the Town of Portola Valley. He said SB-1 is in part meant is to address the State's anticipated shortfalls within State and local agencies for road funding.

In response to Councilmember Derwin's question, Public Works Director Young confirmed that this is a new revenue stream. Councilmember Derwin asked where the dollars came from prior to this source of revenue or if fewer roads would have been repaired. Public Works Director Young said fewer roads would have been repaired.

In response to Councilmember Derwin's question, Public Works Director Young said he chose streets based on the pavement management system and the dollar amount the State assigned. He said the State wants to see the lists so they can show the public the good things they are doing with the SB-1 money.

Town Manager Dennis said the list to be submitted represents only a small portion of the road work the Town will perform. He said the list can be changed and the purpose of its submission is simply to meet the requirement of SB-1 in order to receive the funding.

In response to Mayor Hughes' question, Public Works Director Young said the bicycle shoulders along the arterial roads are a separate topic. He said the streets in the list are completely separate from that topic and are for next year's paving project.

In response to Mayor Hughes's question, Public Works Director Young said the Town's current budget for road maintenance is approximately \$530,000 so the extra funding represents approximately 5% of the current budget.

Councilmember Wengert asked if this amount was already included as a line item in the current budget. Public Works Director Young said it was. Councilmember Wengert said if this is a brand-new program, she didn't understand why there were actuals from the past shown. Public Works Director Young said those items were associated with different funds and it was renamed as a line item, but they should not have been there and would have appeared in past budgets in a different category.

Councilmember Wengert asked regarding the previous source of funds. Finance Director Cope said the historic line item was from Prop 42 Transportation Funds. She said it was her initial understanding that Prop 42 was being replaced by the RMRA, but as all the information came out, it was learned it was not a replacement, it was a new and standalone fund. Councilmember Wengert said it would make sense to show it that way. Finance Director Cope agreed.

Councilmember Wengert asked if approving the adoption of the resolution also approved the actual recommended allocations to the specific projects. Town Manager Dennis said officially it does, but there is the opportunity and ability in the future to make changes to that list. He said at this point the list is simply being provided to fulfill the requirements under SB-1.

Councilmember Derwin moved to Adopt a Resolution of the Town Council of Portola Valley Amending the FY 2017-'18 Budget to Include a Proposed Project List as Required by SB-1. Seconded by Councilmember Aalfs, the motion carried 5-0.

(7) Recommendation by Town Manager – Appointment of a Public Safety Contract Subcommittee

Town Manager Dennis said there are currently two contracts with the Sheriff's Office that expire on June 30, 2018. Staff is recommending that the Council appoint a subcommittee to work with staff and Sheriff's Office for negotiations and discussions regarding a contract, and also provide an opportunity for the subcommittee to hear from other Councilmembers regarding issues they'd like to see discussed during those conversations, as detailed in the staff report. He said he has engaged in some informal conversations with Lt. Christina Corpus and Assistant Sheriff Jeffrey Kearnan, present at tonight's meeting.

Mayor Hughes invited questions from the Council. Hearing none, he invited public comment. Hearing none, Mayor Hughes brought the item back to the Council for discussion.

Councilmember Wengert suggested the ALPRs should be referenced in the contract. Mayor Hughes agreed.

With regard to the ALPR installations, Town Manager Dennis said PG&E has sent contracts for service which will be signed this week. He said there is a final construction meeting set for October 20 with Vigilant, the subcontractors, and PG&E. They anticipate installation of the systems a maximum of four to five weeks after that meeting. PG&E has not yet confirmed when electricity will be available for the ALPRs.

Mayor Hughes said that during the course of the Town meetings regarding the home invasions and burglaries that occurred last year, it came up that in a typical year there should also be more investigation for more routine burglaries.

Councilmember Wengert said the Town should be highly sensitive to the fact that the Sheriff's resources were stretched tremendously last year, which is not likely sustainable on a long-term basis. She said the Sheriffs did a tremendous job last year and hopefully the worst is over. She said they want to find the right balance that works for the team and the Town.

Councilmember Derwin said a good thing that came out of the bad things last year was the law enforcement presence in Town and well-attended community meetings. She said she would like to see more community nights involving the Sheriff's Department.

Town Manager Dennis said he and Lt. Corpus have been discussing events such as Coffee with a Deputy for early December, in conjunction with some of the toy drives.

Mayor Hughes asked if improving the existing substation and having a bigger presence or even a full-time office there would potentially be part of this contract. Town Manager Dennis said it would.

Councilmember Aalfs asked, thinking about the fires in Napa and Sonoma, about budgeting for emergency services. Mayor Hughes said there is a certain amount of emergency services coverage in the existing contract, but he does not know if that would include all expenses in a major emergency or if there would be an additional bill for that. Town Manager Dennis said the emergency services built into the contract are short term.

Vice Mayor Richards said the Town has had a great experience with the Sheriff's Department. He said he would like to see a resource that explained about some of the policies or how decisions are made regarding how they handle things such as high-speed chases, violent demonstrations, etc.

Mayor Hughes invited comment from the Sheriff's representatives.

Assistant Sheriff Jeff Kearnan introduced himself. He said he's been with the Sheriff's Department for more than 27 years and oversees Operations and Investigations, as well as contracts. He commended

Town Manager Dennis for putting this on the agenda, and the forward thinking to consider a subcommittee to discuss the contract. He said when he was the Director of OES there were 20 Councilmembers and when they did the finance report for the new fiscal year there were a lot of questions they were not prepared to answer. He said at that time they created a Finance Committee, which was a great learning process and solved a lot of problems. He encouraged the Town to do the same and ask a lot of questions regarding the budget, the actual costs compared to the shared costs, the pros and challenges to shared services, the free services available, and also discuss additional desired services, such as a possible substation, how they would want that staffed, and what services it should provide. He said the letter of request is not due to the Sheriff's Office until January so he thinks a subcommittee is great proactive forward thinking. He said they could also discuss the cost of having their own police department compared to a contract for law enforcement services. Assistant Sheriff Kearnan said they recently did contract renewals with the City of San Carlos, Half Moon Bay, Millbrae, and the Transit District. He said they are also exploring other contract opportunities and can share the model they are using for those cities. In response to the question regarding pursuit, he said they contracted with a company called Lexipol which is best practices and standards for the State of California, and which was vetted through their County Counsel. He said there are new and refreshed policies based on case log and recent lawsuits, so the pursuit policy has drastically and dramatically changed. He said they no longer pursue for many things such as property crimes, DUIs, and stolen vehicles. He said it is all published on their website which is currently in the process of being updated. He said this is all part of procedure justice and transparency through the Obama Administration's 21st Century Policing that they adopted.

Councilmember Derwin moved to appoint Councilmember Wengert and Mayor Hughes to the Subcommittee to review the Public Safety Contract. Seconded by Vice Mayor Richards; the motion carried 5-0.

(8) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Derwin – Met with the Library JPA donor fund subcommittee where they discussed the contract and the allocation of funds. She attended the 2017 BAYMEC (Bay Area Municipal Elections Committee) Brunch. She attended the event held at Town Center honoring former Town Planner George Mader.

Councilmember Aalfs – Attended the second annual meeting of the California Community Choice Association (CalCCA), held on October 3 in Riverside.

Councilmember Wengert – Attended the second Home for All meeting where they discussed priorities. She said they brought social psychology into the process. She said the old model, where government was at the center – this group, for instance, would be the decision-making body – was antiquated and doesn't work. She said now the issue is at the center, and not the government, so the input is being taken from the beginning relative to the issue from all the constituent parties that are impacted by it. She said whatever they roll out will be much more centered that way where the group is just one of the many arms of that constituency. She said it was a very interesting approach that has obviously worked in a number of locations and places for the group. She said their first kickoff will occur in about two weeks. On September 28 she attended the C/CAG Bicycle and Pedestrian Advisory Committee Meeting where there were 27 presentations for the approximately \$3.5 million in grants. In response to Councilmember Derwin's question, Councilmember Wengert said the recommendation would come to C/CAG in November.

Vice Mayor Richards – Attended the George Mader event held on October 30 and the October 9 ASCC meeting.

Mayor Hughes – Attended the October 2nd Parks & Recreation Committee meeting where they reported the fields were in good condition, discussed Zots to Tots which has been cancelled, and elected Steven Gillette as the new Co-Chair. Mr. Gillette encouraged ideas for reinvigoration of the committee, recruiting new members, and focusing on new activities. Mayor Hughes also attended the Bicycle, Pedestrian & Traffic Safety Committee special evening meeting held on Thursday, October 5, which had a good public

turnout. He said the Sheriff reported 24 citations – 8 speeding and 16 parking. Public Works Director Young reported on the resurfacing project, an update on the grant, and announced that Windmill would be trenching for their utility. Mayor Hughes said there was a good community discussion about school pickup and drop-off times, pedestrian, traffic, and bicycle circulation in Town, and possible sponsorship of a study on some of these issues. He met with Town Manager Dennis, Public Works Director Young, and BPTS Committee Chair Ed Holland, for a site visit at Corte Madera crosswalk near the Priory and at Indian Crossing and Alpine intersection to observe morning traffic at schools. He spoke with Fire Chief Dan Ghorso and President of Woodside Fire Foundation, Patrick Cain, about the progress of the remodeling of Fire Stations 7 and 8. Mayor Hughes said Chief Ghorso was excited about the idea of including an ADU associated with Station 8.

(9) Town Manager Report – Town Manager Dennis reported that the October 3rd rodenticides event held by the Conservation Committee was a success and they continue to receive inquiries from residents. He said that work on the Vernal Pond continues, with completion expected by the end of this month. He said an update from new Communications & Sustainability Management Analyst (CSMA) Ali Taghavi to the community is forthcoming. CSMA Taghavi will first bring forward ideas on social media to the October 25 Council meeting. Town Manager Dennis attended the October 5 Bicycle, Pedestrian & Traffic Safety Committee meeting. He reminded the committee that if the grant is not awarded, they can request funds from the Council for a pedestrian/traffic study. He suggested CSMA Taghavi participate in outreach related to pedestrian issues over the next few months. Town Manager Dennis and Public Works Director Young toured around Portola Valley, trying to define neighborhoods as they relate to the Neighborhood Watch sign program.

WRITTEN COMMUNICATIONS [8:33 p.m.]

(10) Town Council Digest – September 29, 2017

None.

(11) Town Council Digest – October 6, 2017

None.

ADJOURN TO CLOSED SESSION [8:35 p.m.]

(12) **PUBLIC EMPLOYMENT**
Government Code §54957(b)(1)
Town Attorney

REPORT OUT OF CLOSED SESSION

Council appointed Cara Silver as Town Attorney.

ADJOURNMENT [9:15 p.m.]

Mayor Hughes adjourned the meeting.

Mayor

Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

10/25/2017

Date: 10/18/2017

Time: 10:56 am

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TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

ACTERRA - GRASSROOTS ECOLOGY	Program Contribution, FY 17-18	19138	10/25/2017	
			10/25/2017	
3921 EAST BAYSHORE ROAD	926		10/25/2017	0.00
PALO ALTO	BOA	52035	10/25/2017	0.00
CA 94303	PVSF1017			5,000.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-58-4240	Parks & Fields Maintenance	1,500.00	0.00	
05-66-4342	Landscape Supplies & Services	2,000.00	0.00	
20-60-4264	ROW Tree Trimming & Mowing	1,500.00	0.00	

Check No.	52035	Total:	5,000.00
Total for	ACTERRA - GRASSROOTS ECOLC		5,000.00

AT&T (2)	September M/W	19098	10/25/2017	
			10/25/2017	
P.O. BOX 5025	877		10/25/2017	0.00
CAROL STREAM	BOA	52037	10/25/2017	0.00
IL 60197-5025				67.12

GL Number	Description	Invoice Amount	Amount Relieved	
05-52-4152	Emerg Preparedness Committee	67.12	0.00	

Check No.	52037	Total:	67.12
Total for	AT&T (2)		67.12

AT&T	September Statements	19099	10/25/2017	
			10/25/2017	
P.O. BOX 9011	441		10/25/2017	0.00
CAROL STREAM	BOA	52036	10/25/2017	0.00
IL 60197-9011				290.40

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4318	Telephones	290.40	0.00	

Check No.	52036	Total:	290.40
Total for	AT&T		290.40

MAYA BALAMANTE	Refund Deposit, Event 10/1/17	19137	10/25/2017	
			10/25/2017	
197 PORTOLA ROAD	0729		10/25/2017	0.00
PORTOLA VALLEY	BOA	52038	10/25/2017	0.00
CA 94028				100.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-00-2561	Community Hall Deposits	100.00	0.00	

Check No.	52038	Total:	100.00
Total for	MAYA BALAMANTE		100.00

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TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
BANK OF AMERICA	September Statement	19139	10/25/2017	
Bank Card Center			10/25/2017	
P.O. BOX 53155	0022		10/25/2017	0.00
PHOENIX	BOA	52039	10/25/2017	0.00
AZ 85072-3155				2,065.27

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	59.99	0.00
05-64-4308	Office Supplies	65.40	0.00
05-64-4311	Internet Service & Web Hosting	176.99	0.00
05-64-4312	Office Equipment	182.88	0.00
05-64-4322	Dues	524.63	0.00
05-64-4326	Education & Training	781.32	0.00
05-64-4336	Miscellaneous	274.06	0.00

Check No.	52039	Total:	2,065.27
Total for	BANK OF AMERICA		2,065.27

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
MICHAEL BRAY	Reimbursement, Flight Night	19100	10/25/2017	
			10/25/2017	
140 CHEROKEE WAY	854		10/25/2017	0.00
PORTOLA VALLEY	BOA	52040	10/25/2017	0.00
CA 94028				425.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4163	Science & Nature	425.00	0.00

Check No.	52040	Total:	425.00
Total for	MICHAEL BRAY		425.00

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
CALPERS	September Retirement	19101	10/25/2017	
FISCAL SERVICES DIVISION			10/25/2017	
ATTN: RETIREMENT PROG ACCTG	0107		10/25/2017	0.00
SACRAMENTO	BOA	52041	10/25/2017	0.00
CA 94229-2703				19,721.14

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2522	PERS Payroll	1,663.35	0.00
05-00-2556	Arrears Svc Cr	107.38	0.00
05-50-4080	Retirement - PERS	17,950.41	0.00

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Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
CALPERS	September Unfunded Liability	19102	10/25/2017	
FISCAL SERVICES DIVISION			10/25/2017	
ATTN: RETIREMENT PROG ACCTG	0107		10/25/2017	0.00
SACRAMENTO	BOA	52041	10/25/2017	0.00
CA 94229-2703				1,579.94

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4080	Retirement - PERS	1,579.94	0.00

Check No.	52041	Total:	21,301.08
Total for	CALPERS		21,301.08

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City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

CITY OF REDWOOD CITY	September IT Support	19103	10/25/2017	
ATTN: Melissa Thurman			10/25/2017	
	638		10/25/2017	0.00
REDWOOD CITY	BOA	52042	10/25/2017	0.00
CA 94063	BR46044			2,250.30

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4216	IT & Website Consultants	2,250.30	0.00

Check No.	52042	Total:	2,250.30
Total for	CITY OF REDWOOD CITY		2,250.30

CLEANSTREET	Qtrly & Sept Litter/Street Cleaning	19122	10/25/2017	
			10/25/2017	
1937 W. 169TH STREET	0034		10/25/2017	0.00
GARDENA	BOA	52043	10/25/2017	0.00
CA 90247-5254	87944			4,711.25

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	74.00	0.00
20-60-4266	Litter Clean Up Program	3,739.31	0.00
22-60-4266	Litter Clean Up Program	897.94	0.00

Check No.	52043	Total:	4,711.25
Total for	CLEANSTREET		4,711.25

CSG CONSULTANTS INC	Bldg Insp Svcs, 5/12/17	19135	10/25/2017	
			10/25/2017	
550 PILGRIM DRIVE	622		10/25/2017	0.00
FOSTER CITY	BOA	52044	10/25/2017	0.00
CA 94404	14051			380.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4062	Temp Bldg Inspection	380.00	0.00

Check No.	52044	Total:	380.00
Total for	CSG CONSULTANTS INC		380.00

LORRAINE R. DUVAL	Neighborhood Watch Coordinator Services, 10/2/17-10/15/17	19104	10/25/2017	
			10/25/2017	
340 GOLDEN OAK DRIVE	0652		10/25/2017	0.00
PORTOLA VALLEY	BOA	52045	10/25/2017	0.00
CA 94028				320.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	320.00	0.00

Check No.	52045	Total:	320.00
Total for	LORRAINE R. DUVAL		320.00

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

ECONO TREE SERVICE	ROW, Tree Removal/Clean-up	19121	10/25/2017	
			10/25/2017	
1914 SPRING STREET	1252		10/25/2017	0.00
REDWOOD CITY	BOA	52046	10/25/2017	0.00
CA 94063	339624			740.00

GL Number	Description	Invoice Amount	Amount Relieved
20-60-4264	ROW Tree Trimming & Mowing	740.00	0.00

Check No.	52046	Total:	740.00
Total for	ECONO TREE SERVICE		740.00

FUTURE VISION REMODELING	Refund C&D Deposit	19105	10/25/2017	
			10/25/2017	
1999 BASCOM AVENUE	0726		10/25/2017	0.00
CAMPBELL	BOA	52047	10/25/2017	0.00
CA 95008				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	52047	Total:	1,000.00
Total for	FUTURE VISION REMODELING		1,000.00

GIRL SCOUT TROOP 61712	Flight Night, Volunteer Meals	19106	10/25/2017	
co JANE MACKEY, TREASURER			10/25/2017	
470 SAND HILL CIRCLE	1419		10/25/2017	0.00
MENLO PARK	BOA	52048	10/25/2017	0.00
CA 94025				167.00

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4163	Science & Nature	167.00	0.00

Check No.	52048	Total:	167.00
Total for	GIRL SCOUT TROOP 61712		167.00

GO NATIVE INC	TC Vegetation Maint., Sept '17	19123	10/25/2017	
			10/25/2017	
P.O. BOX 370103	632		10/25/2017	0.00
MONTARA	BOA	52049	10/25/2017	0.00
CA 94037	3080			4,176.00

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	4,176.00	0.00

Check No.	52049	Total:	4,176.00
Total for	GO NATIVE INC		4,176.00

GREEN HALO SYSTEMS	Hosting/Access, October 2017	19107	10/25/2017	
			10/25/2017	
521 CHARCOT AVENUE, SUITE 111	0654		10/25/2017	0.00
SAN JOSE	BOA	52050	10/25/2017	0.00
CA 95131	1445			114.00

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-64-4311	Internet Service & Web Hosting	114.00	0.00	
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Check No.	52050	Total:	114.00
Total for	GREEN HALO SYSTEMS		114.00

HALF MOON BAY GRADING & PAVING	Contractor Delay, Farmers Mkt	19129	10/25/2017	
			10/25/2017	
1780 HIGGINS CANYON ROAD	0350		10/25/2017	0.00
HALF MOON BAY	BOA	52051	10/25/2017	0.00
CA 94019	5493			3,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	3,000.00	0.00

Check No.	52051	Total:	3,000.00
Total for	HALF MOON BAY GRADING & PAV		3,000.00

HILLYARD, INC	Janitorial Supplies	19136	10/25/2017	
			10/25/2017	
P.O. BOX 843025	531		10/25/2017	0.00
KANSAS CITY	BOA	52052	10/25/2017	0.00
MO 64184-3025	602725826			165.87

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4340	Building Maint Equip & Supp	55.29	0.00
05-66-4341	Community Hall	55.29	0.00
25-66-4340	Building Maint Equip & Supp	55.29	0.00

Check No.	52052	Total:	165.87
Total for	HILLYARD, INC		165.87

HORIZON	Fields, Lawn Maintenance	19126	10/25/2017	
			10/25/2017	
P.O. BOX 52758	0289		10/25/2017	0.00
PHOENIX	BOA	52053	10/25/2017	0.00
AZ 85072-2758	1N318038			63.46

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	63.46	0.00

Check No.	52053	Total:	63.46
Total for	HORIZON		63.46

KANLER, INC.	Refund C&D Deposit	19108	10/25/2017	
			10/25/2017	
995 MARSH ROAD #102	0727		10/25/2017	0.00
REDWOOD CITY	BOA	52054	10/25/2017	0.00
CA 94063				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	52054	Total:	1,000.00
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Total for KANLER, INC. 1,000.00

KUTZMANN & ASSOCIATES	September Plan Check	19109	10/25/2017	
			10/25/2017	
39355 CALIFORNIA STREET	0090		10/25/2017	0.00
FREMONT	BOA	52055	10/25/2017	0.00
CA 94538				5,945.94

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4200	Plan Check Services	5,945.94	0.00

Check No. 52055 Total: 5,945.94

Total for KUTZMANN & ASSOCIATES 5,945.94

LYNX TECHNOLOGIES, INC	GIS Project & Hosting, Sept.	19110	10/25/2017	
			10/25/2017	
1350 41ST AVENUE	0294		10/25/2017	0.00
CAPITOLA	BOA	52056	10/25/2017	0.00
CA 95010	8293			850.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	850.00	0.00

Check No. 52056 Total: 850.00

Total for LYNX TECHNOLOGIES, INC 850.00

MAZE & ASSOCIATES	Audit Svcs, FYE 6/30/17-MeasA, Financial Statements, GANN	19112	10/25/2017	
			10/25/2017	
3478 BUSKIRK AVENUE	879		10/25/2017	0.00
PLEASANT HILL	BOA	52057	10/25/2017	0.00
CA 94523	25959			11,867.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4180	Accounting & Auditing	11,867.00	0.00

Check No. 52057 Total: 11,867.00

Total for MAZE & ASSOCIATES 11,867.00

MUNICIPAL CODE CORPORATION	Annual Web Hosting, 10/1/17 - 09/30/18	19125	10/25/2017	
			10/25/2017	
P.O. BOX 2235	788		10/25/2017	0.00
TALLAHASSEE	BOA	52058	10/25/2017	0.00
FL 32316	00297029			900.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Internet Service & Web Hosting	900.00	0.00

Check No. 52058 Total: 900.00

Total for MUNICIPAL CODE CORPORATION 900.00

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
NAT'L NOTARY ASSN	Annual NNA Dues	19133	10/25/2017	
			10/25/2017	
	806		10/25/2017	0.00
	BOA	52059	10/25/2017	0.00
				69.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	69.00	0.00

Check No.	52059	Total:	69.00
Total for	NAT'L NOTARY ASSN		69.00

NOLTE ASSOCIATES, INC. NV5	CIP 16/17 Street Resurface Project, 7/30/17-8/26/17	19127	10/25/2017	
		00006489	10/25/2017	
P.O. BOX 74008680	0104		10/25/2017	0.00
CHICAGO	BOA	52060	10/25/2017	0.00
IL 89193-3243	72329			1,032.96

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4585	CIPStreetTestingInsp	1,032.96	48,342.04

NOLTE ASSOCIATES, INC. NV5	PW Support Services, 7/30/17 - 08/26/17	19128	10/25/2017	
			10/25/2017	
P.O. BOX 74008680	0104		10/25/2017	0.00
CHICAGO	BOA	52060	10/25/2017	0.00
IL 89193-3243	723.21			579.14

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4192	Engineer Services	579.14	0.00

Check No.	52060	Total:	1,612.10
Total for	NOLTE ASSOCIATES, INC. NV5		1,612.10

PG&E	Engineering/Admin/Inspection Fees, ALPR Installation	19111	10/25/2017	
		00006478	10/25/2017	
BOX 997300	0109		10/25/2017	0.00
SACRAMENTO	BOA	52034	10/25/2017	0.00
CA 95899-7300				9,736.30

GL Number	Description	Invoice Amount	Amount Relieved
05-70-4486	CIP16/17 Equipment	9,736.30	9,736.30

Check No.	52034	Total:	9,736.30 H
Total for	PG&E		9,736.30

PORTOLA VALLEY HARDWARE	September Statement	19113	10/25/2017	
			10/25/2017	
112 PORTOLA VALLEY ROAD	0114		10/25/2017	0.00
PORTOLA VALLEY	BOA	52061	10/25/2017	0.00
CA 94028				885.69

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	86.38	0.00
05-60-4267	Tools & Equipment	579.57	0.00
05-66-4340	Building Maint Equip & Supp	219.74	0.00

Check No.	52061	Total:	885.69
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

Total for PORTOLA VALLEY HARDWARE 885.69

RAMONA'S SECRETARIAL SERVICES	Transcription Svcs, Aug/Sept	19114	10/25/2017	
			10/25/2017	
18403 WATTERS DRIVE	1370		10/25/2017	0.00
CASTRO VALLEY	BOA	52062	10/25/2017	0.00
CA 94546	5962			1,368.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	1,368.00	0.00

Check No. 52062 Total: 1,368.00

Total for RAMONA'S SECRETARIAL SERVIC 1,368.00

TRACY ROSS	Refund Deposit, 3 Buck Meadow	19115	10/25/2017	
			10/25/2017	
3 BUCK MEADOW DRIVE	0728		10/25/2017	0.00
PORTOLA VALLEY	BOA	52063	10/25/2017	0.00
CA 94028				11,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	11,000.00	0.00

Check No. 52063 Total: 11,000.00

Total for TRACY ROSS 11,000.00

RR DONNELLEY	Business Cards, A. Taghavi	19116	10/25/2017	
			10/25/2017	
PO BOX 932721	582		10/25/2017	0.00
CLEVELAND	BOA	52064	10/25/2017	0.00
OH 44193	326213856			90.27

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	90.27	0.00

Check No. 52064 Total: 90.27

Total for RR DONNELLEY 90.27

SAN MATEO CTY ENV'L HEALTH	Environmental Health Fee	19117	10/25/2017	
			10/25/2017	
2000 ALAMEDA DE LAS PULGAS	1248		10/25/2017	0.00
SAN MATEO	BOA	52065	10/25/2017	0.00
CA 94403-1269	297235			447.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4335	Sustainability	447.00	0.00

Check No. 52065 Total: 447.00

Total for SAN MATEO CTY ENV'L HEALTH 447.00

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
SECRETARY OF STATE	CA Notary Class/Exam - S. Hanlon, Town Clerk	19118	10/25/2017	
	382		10/25/2017	0.00
	BOA	52066	10/25/2017	0.00
				40.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4326	Education & Training	40.00	0.00

Check No.	52066	Total:	40.00
Total for	SECRETARY OF STATE		40.00

SHARP BUSINESS SYSTEMS	September Copies	19119	10/25/2017	
			10/25/2017	
DEPT. LA 21510	0199		10/25/2017	0.00
PASADENA	BOA	52067	10/25/2017	0.00
CA 91185-1510	C959468-541			391.16

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	391.16	0.00

Check No.	52067	Total:	391.16
Total for	SHARP BUSINESS SYSTEMS		391.16

SMALL BUSINESS BENEFIT PLAN TR	November Dental/Vision	19120	10/25/2017	
			10/25/2017	
	0132		10/25/2017	0.00
BELMONT	BOA	52068	10/25/2017	0.00
CA 94002-0156				2,655.50

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,655.50	0.00

Check No.	52068	Total:	2,655.50
Total for	SMALL BUSINESS BENEFIT PLAN		2,655.50

TURF & INDUSTRIAL EQUIPMENT CO	Forks, John Deere Tractor	19124	10/25/2017	
		00006505	10/25/2017	
2715 LAFAYETTE STREET	513		10/25/2017	0.00
SANTA CLARA	BOA	52069	10/25/2017	0.00
CA 95050	UI17241			1,117.25

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	1,117.25	1,117.25

Check No.	52069	Total:	1,117.25
Total for	TURF & INDUSTRIAL EQUIPMENT		1,117.25

KATHY WADDELL	Instructor Fees, Fall 2017	19132	10/25/2017	
			10/25/2017	
460 CERVANTES ROAD	1354		10/25/2017	0.00
PORTOLA VALLEY	BOA	52070	10/25/2017	0.00
CA 94028				3,980.00

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
05-58-4246	Instructors & Class Refunds	3,980.00	0.00	

Check No.	52070	Total:	3,980.00
Total for	KATHY WADDELL		3,980.00

Total Invoices: 39

Grand Total:	100,291.96
Less Credit Memos:	0.00
Net Total:	100,291.96
Less Hand Check Total:	9,736.30
Outstanding Invoice Total:	90,555.66

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 25, 2017

Claims totaling \$100,291.96 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Jeremy Dennis, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director

DATE: October 25, 2017

RE: **Acceptance of the Town of Portola Valley 2016/2017 Street Resurfacing Project – Surface Seals #2017-PW01**

RECOMMENDATION

Staff recommends that the Town Council adopt the attached resolution accepting as completed the Town of Portola Valley 2016/2017 Street Resurfacing Project – Surface Seals #2017-PW01, authorizing final payment concerning such work, and directing the Town Clerk to file a Notice of Completion.

BACKGROUND

At its March 22, 2017 meeting, the Town Council approved the 2016/2017 Street Resurfacing plans and called for sealed bids for the project. G. Bortolotto & Co., Inc. was awarded the contract for the project. The Council authorized the Town Manager to award the project to the lowest responsible bidder. The sections of streets resurfaced are: Portola Road from Woodside Town limits to 886 Portola Road and Portola Road from Willowbrook Drive to Portola Green Circle.

Also included were two additive bid alternates for additional sections of Portola Road which could be selected if the budget allowed. Once the scope of the original project progressed, it was determined that there was sufficient savings and remaining funds to perform Bid Alternate 1 which extended the surfacing work 1,000' from approximately 886 Portola Road to 765 Portola Road. In addition, due to the rising economy and increasing pricing patterns, staff determined that it was prudent to perform the work this year when we had the opportunity, instead of next year at an increased cost.

DISCUSSION

The project was substantially completed in August 2017 within the allocated budget. The fiscal year 2016/2017 adopted budget allocated \$528,000 for this capital improvement project. The amount spent on this construction contract was approximately \$505,490.74. The contract requires G. Bortolotto & Co., Inc. to warranty all improvements per contract documents. The contractor and staff have performed a final inspection of the improvements. Staff recommends to the Town Council acceptance of the improvements as complete.

FISCAL IMPACT

This action will enable final payment of retention funds to the Contractor.

ATTACHMENTS

1. Resolution
2. Notice of Completion

Approved - Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "JDennis", is written over the text "Approved - Jeremy Dennis, Town Manager".

RESOLUTION NO. _____-2017

**RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY TO ACCEPT THE COMPLETED TOWN OF PORTOLA
VALLEY 2016/2017 STREET RESURFACING PROJECT – SURFACE SEALS #2017-
PW01 AND AUTHORIZING FINAL PAYMENT TO G. BORTOLOTTI & CO., INC.
CONCERNING SUCH WORK, AND DIRECTING THE TOWN CLERK TO FILE A
NOTICE OF COMPLETION**

WHEREAS, the Public Works Director of the Town of Portola Valley has, in writing, made and filed in the Office of Town Clerk his notice certifying that the work under the contract 2016/2017 Street Surfacing Project – Surface Seals #2017-PW01 has been completed in conformance with the Plans and Specifications for said project, and has recommended that said work be accepted as complete and satisfactory,

NOW, THEREFORE, the Town Council of the Town of Portola Valley does RESOLVE as follows:

1. The above-described work as mentioned in the Notice of Completion of the Public Works Director is hereby accepted as substantially complete, and the appropriate officer of the Town is authorized to make final payment concerning the above-described work.

2. The Town Clerk is hereby authorized and directed to file with the County Recorder of the County of San Mateo, the Notice of Completion of said project within ten (10) days from the date of this resolution.

PASSED AND ADOPTED this 25th day of October, 2017.

Mayor

ATTEST:

Town Clerk

This Document is Recorded
For the Benefit of the
Town of Portola Valley
And is Exempt from Fee
Per Government Code
Sections 6103 and 27383

When Recorded, Mail to:

Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Attn: Town Clerk

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that G. Bortolotto & Co., Inc., on May 30, 2017, did enter into a contract for the 2016/2017 Street Resurfacing Project-Surface Seals #2017-PW01 situated in San Mateo County, within the Town of Portola Valley. Said improvements were completed in accordance with the Plans and Specifications adopted by the Town Council and upon the terms and conditions set forth and identified by the written contract.

On the 9th day of August 2017, the work provided to be done under contract was fully completed in accordance with the terms of the contract.

NOTICE IS FURTHER GIVEN that the public board for whom the above-described work was done is the Town Council of the Town of Portola Valley, a municipal corporation of the State of California, and that the name and address of the political subdivision for which the above-described work was done is in the Town of Portola Valley, State of California, Town Hall, 765 Portola Road, Portola Valley, California 94028.

NOTICE IS FURTHER GIVEN that the name of the contractor by whom the above-described work was done is as follows:

CONTRACTOR: G. Bortolotto & Co., Inc.

Howard Young
Public Works Director
Town of Portola Valley

DATE: _____

I hereby certify the foregoing to be a full, true and correct copy of a resolution adopted by the Council of the Town of Portola Valley, California, at a meeting thereon held on the 25th day of October 2017, by the following vote of the members thereof:

AYES, and in favor thereof, Council members:

NOES, Council members:

ABSENT, Council members:

Town Clerk of the
Town of Portola Valley
(SEAL)

APPROVED:

Mayor

#4

There are no written materials for Creation and roll out of Social Media Channels to Increase Resident Engagement and Real-Time Communications



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Cara E. Silver, Town Attorney

DATE: October 25, 2017

RE: **Update Regarding Sanctuary Cities and Consideration of Amicus Participation**

RECOMMENDATION

Staff recommends that the Town Council receive an update regarding sanctuary cities and consider authorizing the Town to join amicus briefs in *County of Santa Clara v. Trump* and *City and County of San Francisco v. Trump* challenging President Trump's executive order threatening to withhold federal funds from sanctuary jurisdictions.

BACKGROUND

In February 2017, the Town Council of the Town of Portola Valley adopted a resolution affirming the Town's commitment to a diverse, supportive, inclusive and protective community. The resolution affirmed the Town's desire to be a community in which all individuals can access the full range of Town services without fear that the information gained by officials will be used to pursue enforcement of federal immigration law. Both before and since adoption of the resolution, similar to a sanctuary jurisdiction, the Town's practice is not to take documented status into account in the provision of Town services or access to Town facilities.

DISCUSSION

On January 25, 2017, President Trump issued *Executive Order: Enhancing Public Safety in the Interior of the United States* (referred to herein as "Executive Order"). In the Executive Order, President Trump states that sanctuary jurisdictions across the United States willfully violate federal law in an attempt to shield aliens from removal from the United States and that those jurisdictions have caused immeasurable harm to the American people. The stated purpose of the Executive Order was to direct agencies to employ all lawful means to enforce the immigration laws of the United States and to ensure local compliance with 8 U.S.C. 1373, which provides that no local entity or official may prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status of any individual. The Executive Order

provides that jurisdictions that fail to comply with all applicable federal laws are not eligible to receive federal grants, except as needed for law enforcement purposes.

Summary of Pending Lawsuits

In response to the Executive Order, the County of Santa Clara and the City and County of San Francisco filed lawsuits against President Trump. The lawsuits allege that the Executive Order violates the Tenth Amendment, violates the separation of powers doctrine, is overbroad and coercive, is vague and standard-less, and violates the Fifth Amendment. At the core, these lawsuits stand for the principle that complying with civil detainer requests undermines community trust of law enforcement, instills fear in immigrant communities (which undermines the goal of local government to provide public services), and uses limited local resources.

As part of the lawsuits, Santa Clara and San Francisco filed a motion requesting a preliminary injunction to prohibit the federal government from enforcing the Executive Order. A group of 34 cities and counties submitted an amicus brief in support of the arguments presented by Santa Clara and San Francisco. An amicus brief (sometimes called a “friend of the court” brief) is typically filed by entities who are not directly involved in the litigation but who have aligned interests with parties to the litigation. This brief was authored by a well-regarded law firm Lief Cabraser Heimann & Bernstein LLP (Lief Cabraser). On May 5, the Council considered joining the amicus brief, but ultimately elected not to do so as there was insufficient time to review the brief.

On April 14, 2017, the court heard oral arguments on the motion and on April 25, 2017, the court (Judge Orrick) issued an order granting a nationwide injunction prohibiting the federal government from enforcing the Executive Order. The Department of Justice (DOJ) filed a motion for reconsideration which Judge Orrick denied.

On September 18, 2017, the DOJ appealed Judge Orrick’s preliminary injunction order and Judge Orrick’s denial of the DOJ’s motion for reconsideration of that order. The DOJ’s appeal is now pending before the Ninth Circuit, and San Francisco’s and Santa Clara’s opening briefs are due on November 13, 2017.

Amicus Brief Timeline

Lief Cabraser again plans to file an amicus brief supporting San Francisco and Santa Clara’s positions. Below is the current briefing schedule (which could change):

- December 18, 2017 - Defendants Opening Brief due
- January 16, 2018 - Santa Clara’s and San Francisco’s answering briefs due
- January 23, 2018 - Amicus briefs due

Since there is only one week between Santa Clara and San Francisco’s brief and the Amicus brief due date, it will be challenging to have the full Council review the final Amicus brief.

SB 54 Update

In February, the Town Council sent a letter in support of Senate Bill 54 (SB 54), the California Values Act, which would make the entire state a sanctuary for undocumented immigrants. On October 5, Governor Brown signed SB 54 and it becomes effective January 1, 2018. The new law will largely prohibit state and local law enforcement agencies from using either personnel or funds to hold, question or share information about people with federal immigration agents unless those individuals have been convicted of one or more offenses from a list of 800 crimes.

Federal immigration authorities will still be able to work with state corrections officials — a key concession Governor Brown had demanded — and will be able to enter county jails to question immigrants. But the state attorney general's office will be required to publish guidelines and training recommendations to limit immigration agents' access to personal information. And all law enforcement agencies will have to produce annual reports on their participation in task forces that involve federal agencies, as well as on the people they transfer to immigration authorities.

The new law doesn't specify what happens if local law enforcement agencies don't comply with the new rules. But the attorney general has broad authority under the state Constitution to prosecute police and sheriff's agencies that don't comply.

It is unlikely SB 54 will have a significant difference on the practices of the San Mateo Sheriff's office as their current practice is to refrain from enforcing federal immigration rules as it is not within their jurisdictional authority.

FISCAL IMPACT

Over the years, the Town has received a variety of federal grants and expects to receive more in the future. Any funds that flow through Metropolitan Transportation Commission (MTC) are federal funds and can take different forms such as One Bay Area Grant (OBAG)/ Congestion Mitigation and Air Quality Improvement (CMAQ)/ Surface Transportation Program (STP). The Town previously received OBAG funds in 2013 through MTC for roads. In addition, the Town is expecting to receive \$201,000 next year through OBAG. The OBAG grant funds occur every 4-5 years. The Town has also received federal Emergency Relief funds for Upper Alpine Road in 2015. In addition, the Town is in the process of getting reimbursement Federal Emergency Management Agency (FEMA) funds for the debris clearance from the February Storms (Governor declaration of Emergency) on Upper Alpine (approx. \$40,000). Also, the Town is in the process of applying for permanent restoration repairs to Upper Alpine which could be several hundred thousand dollars or more. In addition, the Town may apply for future STP, Highway Safety Improvement Program (HSIP) and other federal grants.

If the Executive Order were to stand, it is not clear whether the Town's adoption of the February Inclusive Town Resolution would prevent it from receiving federal funds. Nor is it clear whether the federal grant prohibition would apply to all federal funds or just Department of Justice/Homeland Security grants as the Attorney General asserted in Oral Argument. It is also not clear whether the Federal government would selectively

enforce the Executive Order against the Town and other towns and cities who joined the Amicus brief.

CONCLUSION

After receiving the update on sanctuary jurisdictions, the Town Council could, if it opts to participate, take any one of the following actions: (1) authorize the Town to join the amicus effort without the need for further Council review or action; (2) authorize the Town to join amicus briefs and/or other pleadings subject to Town Attorney, subcommittee or full Council review and approval of the briefs; (3) provide that joining the amicus effort come back to the Council if there is a financial cost (or cost that exceeds a specified dollar amount); or (4) other.

Reviewed by: Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "Jeremy Dennis", is positioned to the right of the text "Reviewed by: Jeremy Dennis, Town Manager".



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Honorable Mayor and Town Council

FROM: Leigh F. Prince, Jorgenson, Siegel, McClure & Flegel

DATE: October 18, 2017

RE: Receive Update on State Cannabis Regulation, Provide Direction on Local Cannabis Regulation, and Adopt a 45-day Interim Urgency Ordinance
[Link to Attachments Page](#)

RECOMMENDATION: Staff recommends that the Town Council receive updated information regarding State cannabis regulations, receive information regarding local cannabis regulation by local agencies, provide direction to staff relative to pursuing local cannabis regulations in the Town of Portola Valley, and adopt a 45-day interim urgency ordinance prohibiting all commercial cannabis land uses and all personal outdoor cultivation, but not prohibiting personal medical marijuana use, medical marijuana delivery or personal indoor cultivation.

BACKGROUND: The Town Council held a study session regarding Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) in December 2016. The Town Attorney’s staff report dated December 9, 2016 is Attachment 1. Proposition 64 was approved by 57% of the voters statewide, 63% of the voters in San Mateo County and 68% of the voters in Portola Valley.

The AUMA took effect on November 9, 2016 and made it legal for persons 21 years of age or older to: smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. The AUMA regulates what is commonly referred to as recreational or non-medical marijuana.

Since voter approval of the AUMA, the County of San Mateo has been engaged in an effort to develop a regional approach to regulating marijuana. Town staff has participated in a number of those meetings. The conversation around potential regulations has focused on addressing issues that might impact the health, safety and general welfare of communities such as odor, water and power usage, fire safety and security. The County's effort at developing a regional approach is on-going.

Until recently, medical marijuana, which may be utilized by patients 18 years of age and older or 14 years of age and older with parental/guardian permission, was regulated by the Medical Cannabis Regulation and Safety Act ("MCRSA"). Senate Bill 94 ("SB 94"), which was signed by Governor Brown on June 27, 2017 and became effective immediately, blends together the medical and non-medical marijuana regulations by repealing the MCRSA and inserting certain of its licensing provisions into the AUMA. The two combined are now referred to as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). Generally, the same licensing requirements now apply to both recreational and medicinal marijuana. SB 94 also modifies terminology and marijuana is now referred to as cannabis. Finally, SB 94 requires local jurisdictions to provide the Bureau of Cannabis Control a copy of any ordinance related to commercial cannabis activity and the contact information for the person designated to serve as the contact person regarding commercial cannabis activity within the jurisdiction, with the default being the Town Clerk.

Most recently, Assembly Bill 133 ("AB 133") allowed vertical integration which was not allowed before unless the licensed premises were separate and distinct. Under AB 133, an applicant may be issued multiple State licenses (e.g. cultivation, manufacturing, testing, retail) for one single physical location.

DISCUSSION: The Town does not have an ordinance specifically related to cannabis activity and at the study session in December 2016, the Town Council did not direct staff to consider options for regulating cannabis land uses in Town beyond what was identified in the AUMA. Therefore, this discussion will identify and discuss current Town zoning regulations as may be applicable to cannabis land uses. It will also identify potential benefits to preparing a specific ordinance related to cannabis land uses. While an ordinance is not required by SB 94, it may simplify matters for the State and limit the amount of interpretation of local zoning regulations necessary in the State's licensing process.

Personal Residential Cultivation

The AUMA makes it legal for persons 21 years of age or older to cultivate up to six living marijuana plants for personal use. The plants can be grown indoors or outdoors. Local agencies may reasonably regulate, but not ban, personal indoor cultivation within a person's private residence. Indoor cultivation includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure and not visible from a public space. A local agency may

regulate or ban personal outdoor cultivation.

Issues that communities are considering relative to personal residential cultivation include, but are not limited to: regulations on indoor cultivation, including those for the safety of children or for ensuring electrical and water access; regulations on properties with more than one residence (e.g. second dwelling units); banning outdoor cultivation; permitting outdoor cultivation, but requiring screening; or considering if different zoning districts should have different regulations. All of these and other issues could be considered if the Town Council decides to prepare an ordinance specifically related to cannabis land uses.

The chart below shows the residential zoning districts in the Town and the permitted, conditional and accessory uses that could be relevant to both the personal cultivation and commercial cultivation (discussed below) of cannabis. Under the AUMA, personal residential indoor and outdoor cultivation is permitted, although as noted above the Town could put parameters around personal indoor cultivation for the health, safety and welfare of the community and could put parameters around or ban outdoor cultivation. The conditional and accessory uses (more relevant to commercial cultivation) currently identified in the zoning code do not specifically consider cannabis cultivation, but the AUMA defines cannabis as an agricultural product and therefore, these uses may be relevant for the Council to consider if it chooses to develop an ordinance specifically relating to cannabis land uses.

Personal Residential Cultivation

Zoning District	Permitted	Conditional	Accessory
Residential Estate (R-E)	Personal Cultivation (AUMA)	<ul style="list-style-type: none"> • Crop farming, including the sale of products grown exclusively on the premises • Nurseries and greenhouses, but no retail sales • Horticulture¹ 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture
Single-Family (R-1)	Personal Cultivation (AUMA)	<ul style="list-style-type: none"> • Landscaping, open space, growing of plants and similar low intensity uses each of which is attendant to adjoining uses in the C-C district 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture

¹ Horticulture is not defined in the Portola Valley Municipal Code. The dictionary definition is the art or practice of garden cultivation and management.

<p>Mountainous Residential (M-R)</p>	<p>Personal Cultivation (AUMA)</p>	<ul style="list-style-type: none"> • Crop farming, including the sale of products grown exclusively on the premises • Nurseries and greenhouses, but no retail sales • Horticulture 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture
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Commercial Cultivation

The Department of Agriculture will issue licenses for the cultivation of cannabis. The AUMA does not require security measures (fences, lighting, etc.) to obtain a license. Nevertheless, the regulatory landscape is in flux and State regulations may be developed and issued regarding the security of commercial cultivation sites. Premises licensed by the State shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. Attachment 2 shows a map of the areas (in green) that are within 600 feet of a school, day care or youth center. The State cannot issue a license to an applicant whose operations would violate local law.

Commercial cultivation, similar to personal cultivation, could take place indoors or outdoors. Indoor and outdoor cultivation could have different impacts on the community relative to issues such as odor or water and electricity usage. Indoor cultivation can include cultivation in a greenhouse in residential zoning districts. Beyond that, however, the Town does not have any zoning districts (e.g. light industrial districts) in which indoor cultivation, such as cultivation in a warehouse building, would be possible.

Commercial outdoor cultivation could be possible as a conditional or accessory use in the residential districts as noted in the table above and repeated in the table below. A similar example of commercial cultivation (but of products other than cannabis) would be the Fogarty property which is zoned M-R or the Jelich property which is zoned R-E, both of which have conditional use permits for commercial agricultural activities. Many residential properties are located more than 600 feet from a school or day care and agricultural activities are a conditional use. Cannabis is considered by State law to be an agricultural product and by Federal law to be a Schedule 1 controlled substance. Therefore, the Town Council may want to consider if commercial cannabis cultivation is appropriate in all residential districts and whether it would be appropriate to limit the number of commercial cultivation sites (for example to avoid a nuisance from the odor that could be produced by an over concentration of cultivation sites) and adopt an ordinance specifically relative to such uses.

Commercial Cultivation

Zoning District	Permitted	Conditional	Accessory
Residential Estate (R-E)		<ul style="list-style-type: none"> • Crop farming, including the sale of products grown exclusively on the premises • Nurseries and greenhouses, but no retail sales • Horticulture 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture
Single-Family (R-1)		<ul style="list-style-type: none"> • Landscaping, open space, growing of plants and similar low intensity uses each of which is attendant to adjoining uses in the C-C district 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture
Mountainous Residential (M-R)		<ul style="list-style-type: none"> • Crop farming, including the sale of products grown exclusively on the premises • Nurseries and greenhouses, but no retail sales • Horticulture 	<ul style="list-style-type: none"> • Sale of agricultural products grown on the premises, but no structure maintained specifically for such purposes • Horticulture

Commercial cannabis cultivation could also occur in the Open Area (O-A) zoning district, which is generally on the east side of Alpine Road. In the O-A zoning district commercial cannabis cultivation is a permitted use as State law defines cannabis as an agricultural use and there would be no local regulation of commercial cultivation in this district without a more specific ordinance adopted by the Council.

Commercial cultivation may also be possible in the Community Commercial (C-C) district. A nursery is a conditional use and cannabis could be grown and sold at a nursery. Nursery is not a term that is defined in the Municipal Code. The general dictionary definition includes a place where young plants are grown for sale or for planting elsewhere. Nothing in the Municipal Code is specific as to whether or not the plants that can be grown in a nursery include cannabis and this could be something addressed by an ordinance.

Commercial Cultivation

Zoning District	Permitted	Conditional	Accessory
Open Area (O-A)	<ul style="list-style-type: none"> • Agricultural uses including horticulture, grazing, minor shelters for stock and equipment, but not including uses listed under Section 18.26.030 unless such uses are authorized by conditional use permit 	<ul style="list-style-type: none"> • Personal cultivation • Any other use determined by the Planning Commission to be of the same character as other conditional uses 	N/A
Community Commercial (C-C)	N/A	<ul style="list-style-type: none"> • Bakeries, for on premises sale • Drug store • Nurseries for the propagation and/or sale of plants • Any other use determined by the Planning Commission to be of the same character as other conditional uses 	<ul style="list-style-type: none"> • Horticulture

Retail Dispensaries

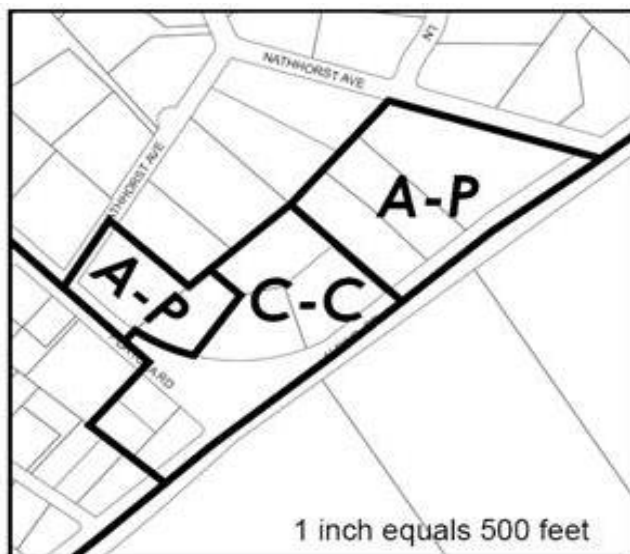
The State is developing a licensing scheme for retail dispensaries and on or before January 1, 2018, will begin issuing licenses for the sale of non-medical cannabis. The Department of Consumer Affairs, which includes the new Bureau of Cannabis Control, will be the licensing agency for retail dispensaries. Retail sales will be both of plant-based products and products in the form of food, oil and beverages. As with cultivation, these retail dispensaries will not be within 600 feet of a school or child care center. In addition, the Department of Food and Agriculture is developing a “track and trace” identifier system to track each plant from cultivation to retail sale.

There are currently few proposed or existing cannabis retail dispensaries in San Mateo County. Most local communities have issued temporary moratorium bans on cannabis-related businesses while they assess the impact or wait for a more coordinated county-wide approach. Attachment 3 provides a listing of what steps other communities have taken to ban or regulate medical and non-medical cannabis. The exception to the ban and wait and see approach appears to be existing and proposed dispensaries in Pacifica and in larger cities such as San Francisco, Oakland and San Jose. Cities that allow dispensaries have placed caps on the number of dispensaries, limited the zoning districts in which they may be located, increased buffers from schools and required additional security measures. If the Council wishes to allow retail locations, it may wish

to address these issues in a local cannabis ordinance.

Planning staff has reviewed the location where retail dispensaries would be possible by looking at its commercial zoning districts and the 600-foot radius from a school or child care center as required by the AUMA. There is one basic location (Nathhorst Triangle) and two zoning districts – community commercial and administrative professional -- in which retail dispensaries could be located. Below is a map showing the potential location for retail dispensaries and a chart identifying the permitted, conditional and accessory uses in these districts.

Retail Location Map



Retail Dispensaries

Zoning District	Permitted	Conditional	Accessory
Community Commercial (C-C)	N/A	<ul style="list-style-type: none"> • Bakeries, for on premises sale • Drug store² • Nurseries for the propagation and/or sale of 	Horticulture

² A “drugstore” is a “pharmacy” as defined under California Business and Professions (“B&P”) Code. Unless licensed as a pharmacy by the State of California pursuant to B&P Code Section 4001, a business may not call itself a “drugstore” and doing so would be a violation of B&P Code Section 4343. If a business wishes to operate a pharmacy/drugstore in the Town, it would first need to obtain a permit from the State of California Board of Pharmacy. The Board of Pharmacy does not license medical marijuana dispensaries as a “pharmacy” or “drugstore” because California law (as under Federal law) marijuana is a Schedule 1 controlled substance. Based on the foregoing, it would be inappropriate to characterize a dispensary as a drugstore for purposes of the zoning code.

		plants • Any other use determined by the Planning Commission to be of the same character as other conditional uses	
Administrative Professional (A-P)	N/A	• Bakeries, for on premises sale • Medical and dental clinics • Drug store • Nurseries for the propagation and/or sale of plants • Any other use determined by the Planning Commission to be of the same character as other conditional uses	Horticulture

None of these conditional uses is specific to cannabis. Nevertheless, there are some potential categories that could be open for interpretation. For example, because cannabis can be included in edibles, it is foreseeable that an applicant could come in for a use permit for a bakery with a focus on baked cannabis products. The zoning ordinance does not define a bakery. The general definition of a bakery is a place where bread and cakes are sold (but usually not containing Schedule 1 controlled substances). It is also foreseeable that the Planning Commission could be the decision maker (absent an appeal) relative to whether a cannabis retail use is a use of the same character as other conditional uses allowed by the zoning ordinance (e.g. a drug store or a convenience store). Rather than requiring staff and the Planning Commission to make complex interpretations on an ad hoc basis as to whether a particular cannabis operation fits within the definition of a conditional use under the Town's zoning ordinance (which could be problematic for State licensing purposes as well), staff is recommending that the Council assert its legislative authority and specifically identify what cannabis uses are a conditional use and what, if any, specific requirements or regulations are appropriate for such uses (e.g. limit on number of retailers or standard conditions related to security).

Testing & Manufacturing

The Department of Public Health will be issuing licenses for manufacture and testing laboratories. Based on the current zoning ordinance, there are no locations in Town where testing and manufacturing would be allowed.

Delivery Services

A local agency may ban or regulate delivery businesses (the brick and mortar) within its boundaries, but may not ban a delivery service from using public streets to deliver cannabis products. Online research indicates several delivery services are currently

operating around and have delivery available in Portola Valley. Fifty percent of all medical marijuana deliveries are done via a delivery service and that number is expected to increase. Deliveries can be made by a State licensed retailer. State law requires the customer requesting delivery (but not the business or driver) to maintain a copy of the delivery request, which after AB 133 can be electronic. While delivery service is banned in unincorporated San Mateo County, many communities do permit it and given that public streets may be used to deliver cannabis, a delivery ban would be difficult to enforce.

Taxation

Personal cultivation and use is exempt from taxation. Relative to commercial operations, State law imposes an excise tax at the rate of 15% of gross sales receipts and there are also restrictions on how the funds can be spent (e.g. law enforcement, research, etc.). This tax will be in addition to existing State and local sales tax. State and local sales tax can range from 5% to 10% depending on the jurisdiction. When the sales tax is combined with the excise tax, the total percentage tax could approach 25% at the retail level. Some are concerned that such high tax rates could incentivize retailers to enter the black market to avoid taxation. There is also a separate state cultivation tax on all cannabis harvested at a rate of \$9.25 per dry weight ounce on buds and flowers and \$2.75 per dry weight on all leaves. If the Town wished to impose a tax, any Town imposed tax would be in addition to the above described taxes.

Interim Urgency Ordinance

Although the Town is required by SB 94 to provide a copy of any ordinance related to commercial cannabis activity to the State, it is not required to adopt an ordinance. Nevertheless, for ease of interpretation and to facilitate the will of the voters in a manner that is appropriate specifically for the Town and protects the health, safety and welfare of the Town's citizens, staff is recommending that the Town Council adopt an interim urgency ordinance to prohibit cannabis land uses. This will also allow the Town adequate time to complete a process to create an ordinance specifically related to cannabis land uses. Doing so would allow the Town to be proactive rather than reactive to any State issued license or reactive to applications for conditional use permits. Furthermore, a temporary moratorium is appropriate since the State will begin issuing licenses on or before January 1, 2018 and there is inadequate time for the Town to complete a robust public process and adopt an ordinance with an effective date (ordinances require two readings and are not effective until 30 days after the second reading) prior to January 1, 2018.

State law (Government Code Section 65858) allows a Town to adopt an interim ordinance that prohibits otherwise allowed uses when those uses conflict with a land use proposal (e.g. zoning amendments) that the Town is considering, studying or intending to study within a reasonable period of time. An interim ordinance requires a four-fifths vote of the Council (if only four Council members are present, the vote must

be unanimous) and must contain a finding that there is a current immediate threat to the public health, safety or welfare, and may be adopted without notice and adoption procedures required for other ordinances. The measure has an initial duration of 45 days and may be extended for an additional 10 months and 15 days after notice, including a written report issued ten days prior to the expiration of the interim ordinance describing the measures taken to alleviate the condition which led to the adoption of the ordinance, and a public hearing. Subsequently, the measure could be extended for another year. It would be possible to initially extend the interim ordinance for 22 months and 15 days (not for 10 months and 15 days and then another year) if 10-day advance public notice was provided prior to adoption of the interim urgency ordinance.

If adopted, the moratorium would be in place and then could be extended at the first meeting in December (alternatively a noticed moratorium could come back to the Council in December and then be extended at the first meeting in January for the longer duration). While the interim ordinance is in place, Town staff could develop a draft ordinance for consideration by the Architectural and Site Control Commission, the Planning Commission and the Town Council. Attachment 4 is an article by the League of California Cities, "Why Cities Should Get Moving on Their Cannabis Ordinance."

Attachment 5 is an interim urgency ordinance prohibiting all cannabis related land uses, except those specifically allowed by State law (personal residential cultivation) and the use and delivery of medical marijuana as Staff is sensitive to the needs of patients under medical care.

Next Steps

The interim urgency moratorium will provide the Town additional time to develop regulations and engage with the community about this issue through consideration of the draft cannabis ordinance. The Town could consider a survey of Town residents to these issues. The various committees if their expertise is relevant to any of the issues could provide input. Finally, the Architectural and Site Control Committee and the Planning Commission would hold hearing on the draft ordinance and make a recommendation to the Town Council, which is the final legislative approval body.

Attachments:

1. Town Attorney Staff Report dated December 9, 2016
2. 600' Radius Map
3. Other Local Agencies Actions Relative to Cannabis
4. Why Cities Should Get Moving on Their Cannabis Ordinance
5. Interim Urgency Ordinance of the Town Council of the Town of Portola Valley Establishing a Temporary Moratorium on the Establishment of Marijuana Uses Within the Town of Portola Valley

cc: Jeremy Dennis, Town Manager
Debbie Pedro, Planning Director

Cara Silver, Town Attorney

Reviewed by: Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "Dennis", written in a cursive style.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Honorable Mayor and Town Council

FROM: Leigh F. Prince, Town Attorney

DATE: December 9, 2016

RE: Control, Regulate, and Tax Adult Use of Marijuana Act

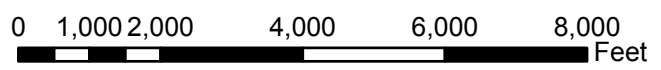
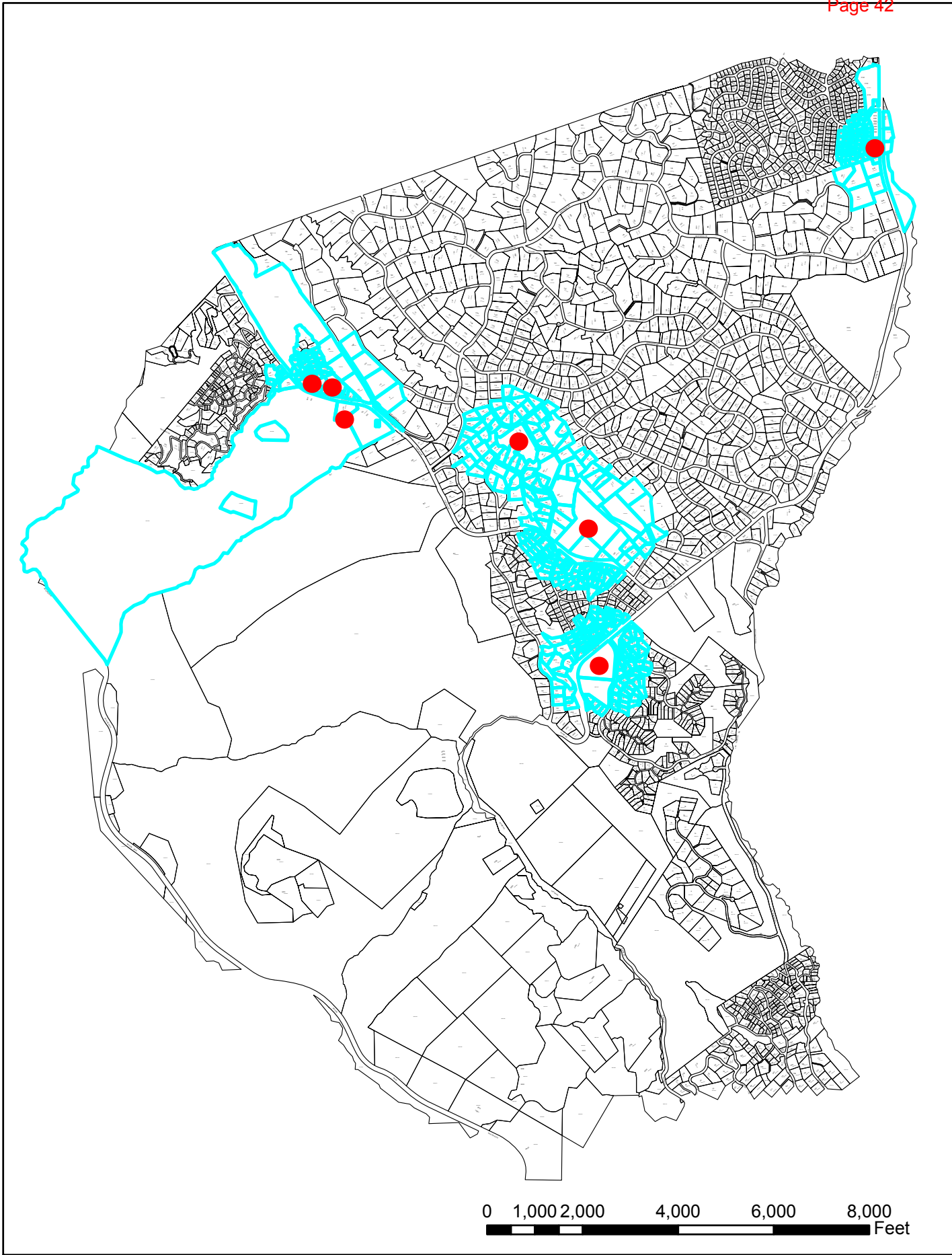
RECOMMENDATION: Review and consider information and ask clarifying questions regarding the Control, Regulate, and Tax Adult Use of Marijuana Act. Provide direction to staff relative to next steps and/or take action to adopt a moratorium.

BACKGROUND: On November 8, 2016, the voters of the State of California passed Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). The AUMA took effect on November 9, 2016, the day after the election. While previous legislation (the Medical Marijuana Regulation and Safety Act) legalized the medical use of marijuana, the AUMA legalized the nonmedical use of marijuana. The AUMA makes it legal for persons 21 years of age or older to:

1. Smoke or ingest marijuana or marijuana products;
2. Possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana, including as contained in marijuana products; and
3. Possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.

Marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provisions of the AUMA must be kept in a locked space on the grounds of a private residence that is not visible from a public place.

The first key element legalized by the AUMA is the personal cultivation of marijuana. Individuals may cultivate up to six plants for personal use. The level of regulation a local government may impose is divided into two categories—indoor cultivation and outdoor



Other Local Agency Regulation of Cannabis

Municipality	Bans Dispensaries?	Bans commercial cultivation?	Restrictions on indoor personal marijuana cultivation?	Taxation	Moratorium	Other restrictions
Los Altos	Yes – medical and commercial	Yes	None	No action at this time	Permanent – adopted in 2016	None
Los Altos Hills	Yes – medical and commercial	Yes	None	No action at this time	Permanent – Adopted in 2016	None
Menlo Park	Yes – medical and commercial	Yes	No	No action at this time	45 day while staff develops permanent regulations	Outdoor personal cultivation banned
Mountain View	No- staff drafting zoning changes to allow	Yes	None at this time	Supportive and reviewing options	45 day as staff develops zoning/taxation regulations	None
Palo Alto	October 30 meeting to consider moratorium	Oct 30 meeting	Oct 30 meeting	Oct 30 meeting	Oct 30 meeting	N/A
Redwood City	October 23 meeting PC recommended allowing medical dispensaries	October 23 meeting	October 23 meeting	October 23 meeting	Oct 23 meeting	N/A
San Mateo	Yes- medical	No – commercial	No		One year ending in	N/A

County	Upcoming vote on commercial	greenhouse growing allowed			December 2017	
Santa Clara County	Yes - commercial	Yes	Yes- space issues, lighting	No action at this time	45 day, may be extended 2 years	None
Sunnyvale	Yes – medical and commercial	Yes	Yes – lighting, ventilation	None	No	Bans smoking within current smoking regulations
Woodside	Yes- commercial	Yes	None	No action at this time	45 day moratorium	None

Staff reviewed current cannabis regulations in neighboring municipalities to understand each community's approach. At this time, Sunnyvale has banned all commercial cannabis activity, while four others have adopted 45 day moratoriums, which may be further extended, to allow staff to further review potential options (and await the State's final guidance). Two more cities, Palo Alto and Redwood City, will be taking action in the coming weeks, and Palo Alto is expected to adopt a 45 day moratorium. San Mateo County is expected to take further action regarding dispensaries this fall as well.

Why Cities Should Get Moving on Their Cannabis Ordinances

Page 45

October 10, 2017

The State of California is not delaying implementation of either the emergency regulations, or the implementation of state licensing on Jan. 2, 2018.

The state is moving ahead on schedule. It is in cities' best interest to continue work on local adult use and/or medical ordinances at whatever pace they can effectively do so.

The Latest News from the Bureau

During a cannabis industry conference on Sept. 28, Lori Ajax, director of the Bureau of Cannabis Control, publicly emphasized that the state is forging ahead with the regulations, and they will begin state licensing on time. As far as the state is concerned, there is no compelling reason for cities to delay implementing their regulations.

Why Cities Can and Should Proceed Now

The League's Aug. 31 webinar on implementation of the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) explained in detail why the snapshot of state regulations is largely settled, and why cities can and should proceed with their ordinances now, and not delay that process. Slides 20-24 of the power point [presentation](#) detail the hazards of delay for cities. A good portion of the remainder of the slides explain how cities can proceed with crafting their ordinances more or less immediately.

If for whatever reason your city is simply not ready to enact regulations in the timetable provided, i.e. the next three months, only then is the League advising a ban as a placeholder regulation until such time as a regulatory proposal is ready for consideration by the city council.

The League has provided cities the tools to get started sooner rather than later. Examples of [medical ordinances](#) are available on the League's website. In addition, the League's website includes examples of [adult use ordinances](#).

These ordinances are a template that can, and should be, edited to reflect local priorities. No single ordinance can be cookie-cutter.

Where Local Governments Should Submit Their Ordinances

1. Per AB 133, the latest cannabis trailer bill, all cities and counties are required to submit their ordinances directly to the Bureau of Cannabis Control within the Department of Consumer Affairs. The bureau is then required to disseminate the information on local ordinances to the

relevant state licensing entities.

2. Cities are also required to designate a specific individual as the point person to interact with state agencies on questions pertaining to local regulations. If a city fails to designate someone, then AB 133 provides that the state will by default treat the city clerk as the designated point person.
3. Email all ordinances to the bureau at bcc.localgov.submit@dca.ca.gov.
4. It is not required, but it is strongly recommended that each ordinance submitted be accompanied by a brief summary explaining in plain English what activities are and are not authorized within a specific city. Otherwise state agencies may be forced to start *interpreting* local ordinances, with unpredictable results.

Why Delaying Enactment of Cannabis Ordinances Does Nothing to Help Cities

Under SB 94, the cannabis trailer bill signed by Gov. Jerry Brown in June that reconciled Proposition 64 with the Medical Cannabis Regulation and Safety Act of 2015 (MCRSA), if a local jurisdiction has no ordinance enacted addressing the licensed activity that is the subject of the application, the state can unilaterally issue a license for a business in your jurisdiction. The reason is that state is prohibited from issuing a license only if the business activity would violate local ordinances. If there is no applicable ordinance, there is no violation, and the state can issue a license without local input. Such a license would arguably be legal under the terms of Prop. 64.

Cities are cautioned not to deny applications for cannabis businesses if you have no ordinance in force that specifically prohibits the proposed business activity. At least one city is currently in litigation after denying an application for an adult use business, based on an ordinance that banned medical cannabis only, and was silent on adult use cannabis businesses.

If your city has a ban in place that applies to both medical and adult use and reflects the will of your citizens, then there is no need for further action. However, if your city wants to pursue another path but for whatever reason is simply not ready to enact regulations in the timetable provided, i.e. the next three months, only then does the League advise enacting a ban as a placeholder regulation until such time as a regulatory proposal is ready for consideration by the city council. The League has provided cities the tools to get started sooner rather than later (see above links for examples of medical and adult use ordinances).

Why is it Important to Enact or Update City Cannabis Ordinances?

Some cities have asked, if Jan. 2, 2018 does not apply to local governments, but applies only to the state to begin issuing state licenses, then what is the rush for local governments to enact ordinances at all?

Technically there is no rush because state law does not affirmatively require locals to take action. However, if your city does not have ordinances in place at all covering either medical or adult use of cannabis, the following adverse consequences could occur in your city.

- The city could lose control over local land use decisions if the state issues a license based on your city having no relevant ordinance in place.
- That business might be able to operate legally until two things happen:
 - Your city enacts an ordinance; and
 - The business' state license comes up for renewal.
- Your city could be sued for:
 - Denying a permit if no ordinance covers the specified activity; and
 - Failing to enact an ordinance since cannabis was legalized by Prop. 64 (such lawsuits may or may not have merit, but the city would incur litigation costs regardless).

In addition, attorneys differ in their opinions about whether an interim solution such as a moratorium would be considered a valid local regulation from the state's point of view. The state could take the view that a bona fide cannabis ordinance either affirmatively regulates, or affirmatively prohibits commercial cannabis businesses.

Finally, some jurisdictions that need more time may wish to consider enacting a temporary ban (perhaps with a hard sunset date) while they continue working on their ordinance. Then they will be able to provide the state a definite answer regarding the local rules.

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ORDINANCE NO. _____

INTERIM URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA USES WITHIN THE TOWN OF PORTOLA VALLEY

WHEREAS, on November 8, 2016, the voters of the State of California passed the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) which took effect on November 9, 2016 and legalized the use of marijuana by persons 21 years of age or older, personal cultivation of up to six plants, and certain commercial activities;

WHEREAS, on June 26, 2017, Senate Bill 94 (“SB 94”) was signed by Governor Brown and became effective immediately. SB 94 blends together medical cannabis regulations (previously regulated under the Medical Cannabis Regulation and Safety Act) and the AUMA. SB 94 requires a local jurisdiction to provide a copy of any ordinance related to commercial cannabis activity to the State;

WHEREAS, all recreational cannabis businesses must have a State license. The AUMA indicates that the State of California shall develop on or before January 1, 2018 regulations and licensing for the cultivation, testing, manufacture, and sale of cannabis;

WHEREAS, the State cannot issue a license to an applicant whose operations would violate local law. The AUMA identifies areas where local governments have the opportunity to impose business and land use regulations on cannabis activities. Local agencies may ban personal outdoor cultivation and regulate personal indoor cultivation and commercial cannabis land uses;

WHEREAS, cannabis related land uses are a new and emerging use. There are a variety of issues for the Town to study and consider that could impact the community including, odor, water and electricity usage and the potential for criminal activity related to businesses that operate on a cash only basis. These and other zoning issues will impact the Town’s determination of where appropriate locations, if any, exist in the Town where cannabis uses would not be incompatible with surrounding land uses;

WHEREAS, the Town Council finds that it is necessary for Town staff, the Planning Commission, and the Town Council to have adequate time to thoroughly study, develop, and adopt regulations regarding medicinal and recreational cannabis uses in the Town of Portola Valley;

WHEREAS, a moratorium on all cannabis uses, except those specifically allowed by state law and the delivery of medicinal cannabis, will provide the Town adequate time to develop a comprehensive approach to cannabis, including participating in discussions with the County of San Mateo and other local cities

regarding developing a cohesive regional approach; and

WHEREAS, based on the findings above and in accordance with California Government Code Section 65858, the Town Council of the Town of Portola Valley finds and declares that this ban is necessary as the establishment of cannabis uses within the Town presents a current and immediate threat to public health, safety and welfare of the Town of Portola Valley.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

SECTION 1. With the exception of personal medical marijuana use, the personal indoor cultivation of six marijuana plants in accordance with and as allowed by state law and the delivery of medical marijuana, this ordinance prohibits the establishment of anywhere in the Town any and all cannabis or cannabis related land uses, including, but not limited to outdoor cultivation, commercial indoor cultivation, retail sales, or any other manufacturing, warehousing or distribution activity in any zoning district within the Town of Portola Valley.

SECTION 2. The moratorium described in Section 1 shall only apply to zoning and land use activities and is not intended to affect the personal right of persons over twenty-one years to possess up to 28.5 ounces of cannabis or 8 grams of concentrated cannabis or to smoke or ingest cannabis or cannabis products in accordance with State law.

SECTION 3. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or enforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. The Town Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act (CEQA) because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly. Furthermore, pursuant to Section 15060(c)(2) of the CEQA Guidelines, the activity will not result in a direct and reasonably foreseeable indirect physical change in the environment because this ordinance prevents changes in the environment pending the contemplated review of possible additions or amendments to the Town of Portola Valley Municipal Code.

SECTION 5. This ordinance is declared to be an urgency measure adopted pursuant to the provisions of Government Code Section 65858. As set forth in the findings above, this ordinance is necessary for preserving the public safety, health, and welfare. Pursuant to Government Code Section 65858, this ordinance is effective immediately and shall be in full force and effect for 45 days from the date of its adoption. After notice pursuant to California Government Code Section 65090 and a public hearing, the Town Council by four-fifths vote, may extend the effectiveness of this ordinance for 10 months

and 15 days and subsequently for one additional year.

SECTION 6. This Town Clerk shall cause this ordinance to be published in a newspaper of general circulation as required by state law.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By:

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: October 25, 2017

RE: Agreement Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Flegel, LLP for Provision of Legal Services

RECOMMENDATION

Staff recommends that the Town Council:

1. Adopt a resolution approving and authorizing the Mayor to execute an agreement between the Town of Portola Valley and Jorgenson, Siegel McClure & Flegel, LLP, to provide ongoing legal services for Town business and applicants (Attachments A and B), and
2. Authorize a budget amendment to support the requested rate increases
3. Consider extending the contract dates as drafted to align with the fiscal year cycle

BACKGROUND

Jorgenson, Siegel, McClure & Flegel has been providing legal services to the Town since 1996. From 1996 to 2013, Sandy Sloan served as the Town Attorney. Leigh Prince began working on Town matters when she joined JSMF in 2006. When Sandy retired in 2013, the Town appointed Leigh as Town Attorney. Leigh recently moved to North Carolina.

At the October 11th Council meeting, Cara Silver, former Senior Assistant City Attorney for the City of Palo Alto who recently joined JSMF as a partner, was named the new Town Attorney. Leigh will continue her association with JSMF and will work remotely and in person as needed for the Town. Bill McClure, JSMF's managing partner, will be available to attend Town Council meetings when Cara is unavailable. The other JSMF attorneys who have performed specialized work over the years for the Town will also

continue to be available to the Town. We believe this arrangement will provide the Town with an efficient and seamless transition.

The current contract with JSMF expires on October 31, 2017.

Hourly Rate

The hourly rate for the Town Attorney has generally been modified every two years since 1996. There is one instance where the rates were raised in two consecutive years, 2004 and 2005. In the current agreement, rates have remained static for three years and prior to that the increase was very modest as the Town transitioned from Leigh to Sandy as Town Attorney. The current rate structure for all partners and associates is:

\$225 per hour for routine matters
 \$250 per hour for non-routine matters and litigation
 \$275 per hour for development matters

DISCUSSION

It continues to be cost effective for the Town to contract for legal services, rather than employ a full time town attorney. JSMF and the Town would like to continue their contractual relationship. JSMF has requested a rate increase and various updates to the current agreement. These updates are discussed in more detail below.

Rate Increase

JSMF has requested the following increases to the rate structure:

\$275 per hour for routine matters
 \$250 per hour for non-routine matters and litigation
 \$315 per hour for development matters

In order to calculate the amount necessary to augment the current budgeted amounts for general and applicant charges, Staff reviewed the last three years of charged hours for both services:

Year	Type of Service	Hours	Charges
2014-15	General	542.25	\$130,954
	Applicant	80.45	\$ 22,753
	Total	622.70	\$153,707
2015-16	General	494.55	\$115,840
	Applicant	82.40	\$22,270
	Total	494.55	\$138,110
2016-17	General	641.50	\$148,965

	Applicant	92.50	\$24,415
	Total	734	\$173,380

The average yearly hours for three years of general service is 559.44 hours, and for applicant service is 85.11 hours. The average yearly charge for three years of general charges is \$131,919, and for applicant charges is \$23,146.

Assuming a rate of \$250/hour, based on the three year average of general service the total cost would be \$139,860. As the current budgeted amount of general services charges is \$130,000, staff recommends a budget increase of \$10,000 from General Fund Reserves. This amount should more than cover the remainder of the year's charges, as the fiscal year is nearly 1/3 complete.

Assuming a rate of \$325/hour for applicant charges, based on the three year average of applicant services the total cost would be \$27,661. As the current budgeted amount of applicant services charges is \$30,000, staff does not recommend a change to the current year's budget.

Updates to Current Agreement

The current agreement with JSMF has been modified to include the following revisions:

- The hourly rates have been updated to be in line with the current market. The contract phases in the new rate structure over two years: \$250 in the first year and \$275 in the second year. The applicant rate is increased to \$325 in year one.
- The rate structure has been simplified. Historically, there have been three tiers of service—one for general services, one for special projects, including personnel, and one for charges to applicants. Personnel has now become a routine legal service for the Town and separating it out does not appear to be necessary. The new contract therefore has one rate for all services to the Town (inclusive of the services previously described as general and special) and one higher rate for charges to applicants. Applicant-charged work has historically been billed at a higher rate more in line with the rates charged by attorneys who work for private developers.
- A provision authorizing the Town to pay the registration fee for the annual League of California Cities City Attorney conference held each year in May. The Town has historically paid this cost, but for clarity it should be identified in the agreement.
- While the majority of the Town's legal work is conducted by telephone or remotely at our office, when there is a need to meet in person it is typical for attorneys to bill for travel time between the office and the client meeting. The new

contract authorizes billing for travel time during normal working hours, but specifies that JSMF will not bill for travel time for evening meetings.

- The legal services agreement currently provides that it may be terminated by either party following five days written notice. This is extremely short for both parties, and the new contract increases the termination period to a more standard 30 days.
- JSMF will provide the Town Council and City Manager with a confidential quarterly report summarizing the general categories of services provided, the number of hours for each category, and comparing the actual cost to the budget. This quarterly report is intended as a budgeting tool with the parties recognizing that the cost of legal services can fluctuate from quarter to quarter depending on the complexity and quantify of legal issues involving the Town.

Length of Contract

The new contract, as drafted, is for two years. As the fiscal year begins in July, aligning contracts that potentially have a fiscal impact is advantageous. Staff recommends Council consider extending the contract dates, as written, to June 30, 2020.

FISCAL IMPACT

The current year's budget for Town Attorney will be increased by \$10,000, and General Fund reserves will be reduced by the same amount.

ATTACHMENTS

A: Resolution

B: Legal Services Agreement

Approved by: Jeremy Dennis, Town Manager

RESOLUTION NO. _____-2017

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT FOR LEGAL
SERVICES BETWEEN THE TOWN OF PORTOLA VALLEY AND JORGENSON,
SIEGEL, McCLURE & FLEGEL, LLP**

WHEREAS, the Town Council of the Town of Portola Valley (“Town”) has read and considered that certain Agreement For Legal Services dated November 1, 2017 between the Town and Jorgenson, Siegel, McClure & Flegel, LLP (“Agreement”);

NOW, THEREFORE, the Town does **RESOLVE** as follows:

1. Public interest and convenience require the Town to enter into the Agreement described above.

2. The Town hereby approves the Agreement and the Mayor is hereby authorized on behalf of the Town to execute the Agreement.

PASSED AND ADOPTED this 25th day of October, 2017.

By: _____
Mayor

ATTEST:

Town Clerk

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is made and entered into this 1st day of November, 2017 by and between the Town of Portola Valley, a municipal corporation, ("Town") and Jorgenson, Siegel, McClure & Flegel, LLP ("Attorney").

RECITALS

A. The Town desires to retain the professional legal services of Attorney as an independent contractor to provide legal services to the Town, as described in more detail in Exhibit A.

B. Attorney represents that it is fully qualified to perform such services by virtue of its experience and the training, education and expertise of its principals and employees.

NOW, THEREFORE, in consideration of performance by the parties of the promises, covenants and conditions contained herein, the parties hereby agree as follows:

1. SCOPE AND LEVEL OF SERVICES. The nature, scope and level of the specific services to be performed by Attorney are as set forth in detail in Exhibit A attached hereto.

2. STANDARD OF PERFORMANCE. As a material inducement to the Town to enter into this Agreement, Attorney hereby represents and warrants that it has the qualifications and experience necessary to undertake the services to be provided pursuant to this Agreement. Attorney shall perform all work to the highest professional standards and in a manner reasonably satisfactory to the Town. Attorney hereby covenants that it shall follow the highest professional standards in performing all services required hereunder and will perform the services to a standard of reasonable professional care.

3. COMPLIANCE WITH LAW. All services rendered hereunder by Attorney shall be provided in accordance with all ordinances, resolutions, statutes, rules and regulations of the Town, and any federal, state or local governmental agency having jurisdiction in effect at the time the service is rendered.

4. TERM. This Agreement is effective as of November 1, 2017 and shall remain in effect for two years or until terminated in accordance with Section 15, below.

5. COMPENSATION. The Town agrees to compensate Attorney for its services according to the fee schedule set forth in Exhibit B. The Town also agrees to compensate Attorney for its out-of-pocket expenses to the extent authorized in Exhibit B.

6. METHOD OF PAYMENT. Attorney shall invoice the Town for work performed on a monthly basis. Payments to Attorney by Town shall be made within 30 days after receipt by Town of Attorney's itemized invoices.

7. REPRESENTATIVE. Cara E. Silver is hereby designated as the representative of Attorney authorized to act on its behalf with respect to the services specified herein. It is expressly understood that the experience, knowledge, capability and reputation of Cara E. Silver were a substantial inducement for Town to enter into this Agreement. Therefore, Cara E. Silver shall be responsible during the term of this Agreement for directing all activities of Attorney and devoting sufficient time to personally supervise the services hereunder. The representative may not be changed by Attorney without the express written approval of the Town.

8. INDEPENDENT CONTRACTOR. Attorney is, and shall at all times remain as to the Town, a wholly independent contractor and not an agent or employee of Town. Attorney shall receive no premium or enhanced pay for work normally understood as overtime, nor shall Attorney receive holiday pay, sick leave, administrative leave, or pay for any other time not actually worked. The intention of the parties is that Attorney shall not be eligible for benefits and shall receive no compensation from the Town except as expressly set forth in this Agreement. Attorney shall have no power to incur any debt, obligation, or liability on behalf of the Town or otherwise act on behalf of the Town as an agent. Neither the Town, nor any of its agents shall have control over the conduct of Attorney or any of Attorney's employees, except as set forth in this Agreement. Attorney shall at no time, or in any manner, represent that it or any of its agents or employees are in any manner employees of the Town. Attorney agrees to pay all required taxes on amounts paid to Attorney under this Agreement, and to indemnify and hold the Town harmless from any and all taxes, assessments, penalties, and interest asserted against the Town by reason of the independent contractor relationship created by this Agreement. Attorney shall fully comply with the worker's compensation law regarding Attorney and Attorney's employees. Attorney further agrees to indemnify and hold the Town harmless from any failure of Attorney to comply with applicable worker's compensation laws. The Town shall not have the right to offset against the amount of any fees due to Attorney under this Agreement any amount due to Town from Attorney as a result of Attorney's failure to promptly pay the Town any reimbursement or indemnification arising under this Section.

9. CONFIDENTIALITY. Attorney, in the course of its duties, may have access to financial, accounting, statistical and personal data of private individuals and employees of the Town. Attorney covenants that all data, documents, discussion, or other information developed and received by Attorney or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Attorney without written authorization by the Town. The Town shall grant such authorization if disclosure is required by law. Upon request, all Town data shall be returned to the Town upon the termination of this Agreement. Attorney's covenant under this Section shall survive the termination of this Agreement.

10. OWNERSHIP OF MATERIAL. All reports, documents, or other written materials developed or discovered by Attorney or any other person engaged directly or indirectly by Attorney in the performance of this Agreement shall be and remain the property of the Town without restriction or limitation upon its use or dissemination by the Town.

11. CONFLICT OF INTEREST. Attorney shall comply with the California Rules of Professional Conduct, including, but not limited to, the rules concerning conflicts of interest.

12. ASSIGNABILITY; SUBCONTRACTING. The parties agree that the expertise and experience of Attorney are material considerations for this Agreement. Attorney shall not assign, transfer, or subcontract any interest in this Agreement, nor the performance of any of Attorney's obligations hereunder, without the prior written consent of the Town Council, and any attempt by Attorney to do so shall be void and of no effect and a breach of this Agreement.

13. INDEMNIFICATION.

13.1. To the fullest extent permitted by law, Attorney shall indemnify, defend (with independent counsel approved by the Town) and hold harmless the Town, and its elective or appointive boards, officers, employees agents and volunteers against any claims, losses, or liability that may arise out of or result from damages to property or personal injury received by reason of, or in the course of work performed under this Agreement due to the acts or omissions of Attorney or Attorney's officers, employees, agents or subcontractors. The provisions of this Section survive completion of the services or the termination of this Agreement. The acceptance of such services shall not operate as a waiver of such right of indemnification.

13.2 With regard to Attorney's professional services, Attorney agrees to use that degree of care and skill ordinarily exercised under similar circumstances by members of the legal profession, including without limitation adherence to all applicable ethical and safety standards. To the fullest extent permitted by law, Attorney shall indemnify, defend (with independent counsel approved by the Town) and hold harmless the Town, and its elective or appointive boards, officers, and employees from and against all liabilities, including without limitation all claims, losses, damages, penalties, fines, and judgments, associated investigation and administrative expenses, and defense costs, including, but not limited to, reasonable attorneys' fees, court costs and costs of alternative dispute resolution regardless of nature or type that arise out of, pertain to, or relate to the negligence, reckless, or willful misconduct of Attorney or Attorney's officers, employees, agents or subcontractors. The provisions of this Section survive completion of the services or the termination of this Agreement. The acceptance of said services and duties by Town shall not operate as a waiver of such right of indemnification.

13.3 The Town does not and shall not waive any rights that they may possess against Attorney because of the acceptance by the Town or the deposit with the Town of any insurance policy or certificate required pursuant to this Agreement.

This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

14. INSURANCE REQUIREMENTS. Attorney agrees to have and maintain the policies set forth in Exhibit C entitled "INSURANCE REQUIREMENTS," which is attached hereto and incorporated herein. All policies, endorsements, certificates, and/or binders shall be subject to approval by the Town Manager as to form and content. These requirements are subject to amendment or waiver only if so approved in writing by the Town Manager. Attorney agrees to provide Town with a copy of said policies, certificates, and/or endorsements before work commences under this Agreement. A lapse in any required amount or type of insurance coverage during this Agreement shall be a breach of this Agreement.

15. TERMINATION.

15.1 This Agreement may be terminated by either the Town or Attorney following thirty days written notice of intention to terminate. In the event the Agreement is terminated, Attorney shall be paid for any services properly performed to the last working day the Agreement is in effect. Attorney shall substantiate the final cost of services by an itemized, written statement submitted to the Town. The Town's right of termination shall be in addition to all other remedies available under law to the Town.

15.2 In the event of termination, Attorney shall deliver to the Town copies of all reports, documents, computer disks, and other work prepared by Attorney under this Agreement, if any. If Attorney's written work is contained on a hard computer disk, Attorney shall, in addition to providing a written copy of the information on the hard disk, immediately transfer all written work from the hard computer disk to a soft computer disk and deliver said soft computer disk to Town. Town shall not pay Attorney for services performed by Attorney through the last working day the Agreement is in effect unless and until Attorney has delivered the above described items to the Town.

16. ATTORNEY'S BOOKS AND RECORDS. Attorney shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, supplies, materials, or equipment provided to Town for a minimum period of three years, or for any longer period required by law, from the date of final payment to Attorney pursuant to this Agreement.

17. NON-WAIVER OF TERMS, RIGHTS AND REMEDIES. Waiver by either party of any breach or violation of any one or more terms or conditions of this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition. Acceptance by the Town of the performance of any work or services by Attorney shall not be deemed to be a waiver of any term or condition of this Agreement. In no event shall the Town's making of any payment to Attorney constitute or be construed as a waiver by the Town of any breach of this Agreement, or any default which may then exist on the part of Attorney, and the making of any such payment by

the Town shall in no way impair or prejudice any right or remedy available to the Town with regard to such breach or default.

18. NOTICES. Any notices, bills, invoices, reports or other communications required or permitted to be given under this Agreement shall be given in writing by personal delivery, by facsimile transmission with verification of receipt or by U.S. mail, postage prepaid, and return receipt requested, addressed to the respective parties as follows:

To Town:

Town Manager
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Fax: (650) 851-4677

To Attorney:

Cara E. Silver, Esq.
Jorgenson, Siegel, McClure &
Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
Fax: (650) 324-0227

Notice shall be deemed communicated on the earlier of actual receipt or 48 hours after deposit in the U.S. mail, the date of delivery shown on deliverer's receipt, or by acknowledgment of facsimile transmission.

19. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY. In the performance of this Agreement, Attorney shall not discriminate against any employee, subcontractor or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition. Attorney will take affirmative action to ensure that employees are treated without regard to race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental handicap, or medical condition.

20. ATTORNEYS' FEES; VENUE. In the event that any party to this Agreement commences any legal action or proceeding to enforce or interpret the provisions of this Agreement, the prevailing party in such action or proceeding shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which the successful party may be entitled. The venue for any litigation shall be San Mateo County.

21. COOPERATION. In the event any claim or action is brought against the Town relating to Attorney's performance or services under this Agreement, Attorney shall render any reasonable assistance and cooperation which Town might require.

22. EXHIBITS, PRECEDENCE. All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement.

23. PRIOR AGREEMENTS AND AMENDMENTS; ENTIRE AGREEMENT. This Agreement, and any other documents incorporated herein by specific reference, represent the entire and integrated agreement between the Town and Attorney. This

Agreement supersedes all prior oral and written negotiations, representations or agreements. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may only be modified by a written amendment duly executed by the parties to this Agreement. Any amendment relating to compensation for Attorney shall be for only a not-to-exceed sum.

IN WITNESS WHEREOF, the Town and Attorney have executed this Agreement effective as of the date written above.

TOWN:

ATTORNEY:

By: _____
Mayor

By: _____

Name (printed): Cara E. Silver

Title: Partner

ATTEST:

Town Clerk

EXHIBIT A
SCOPE AND LEVEL OF SERVICES

1. The following legal services shall be provided to Town by Attorney:
 - a. Attendance at all regular and special Town Council meetings and study sessions;
 - b. Attendance at Planning Commission meetings when requested by the Chairman of the Planning Commission or the Mayor;
 - c. Attendance at meetings with Town staff and members of the public as needed;
 - d. Routine legal advice, consultation and opinions (both oral and written) to the Town Council, Planning Commission, and staff on general municipal matters, including but not limited to areas such as updating ordinances, land use, CEQA, general municipal law, civil and criminal enforcement of codes, liability, risk management and personnel issues, and informing staff and Town officials of new laws affecting municipalities;
 - e. Preparation/review of all proposed staff reports, ordinances, resolutions, contracts, and related documents pertaining to the Town's business;
 - f. Assistance/advice/correspondence regarding code enforcement and enforcement of state and local laws and codes up to the point of litigation (criminal and civil);
 - g. Assistance/preparation of documents in connection with land acquisition or easements up to the point that the Town Council authorizes the commencement of eminent domain proceedings; and
 - h. Assistance to the Town Council in selection of outside legal counsel as needed for specialized legal services.
 - i. Litigation services, including mediation, arbitration, and supervision and/or coordination with any outside counsel hired by the Town for specialized legal services, such as bond/assessment proceedings and personnel litigation;
 - j. Legal services regarding personnel complaints, disability and workers' compensation claims, including supervision and/or coordination with any outside counsel hired by the Town;
 - k. Services related to franchise agreements, such as agreements for solid waste and cable TV; and
 - l. Any other legal services agreed by Town and Attorney in advance of the services being rendered.

2. The following project services shall be provided to the Town:

All legal services related to development applications including, without limitation, advice to staff, Planning Commission, and Town Council, review and/or preparation of documents, negotiations with applicants and/or their agents, and attendance at Town meetings where such an application is the only non-consent item discussed.

EXHIBIT B
COMPENSATION

1. Hourly fee for Town legal services:	Year 1	Year 2
Cara E. Silver and other attorneys	\$250.00	\$275.00
3. Hourly fee for project specific work for development:		
Cara E. Silver and other attorneys	\$325.00	\$325.00
4. Hourly fee for Paralegals/Legal Assistants:	\$100.00	\$100.00
5. Hourly fee will not be charged for travel time to attend evening meetings		
6. No additional expenses will be billed other than:		
a. Long distance telephone calls (outside 650 area code)		
b. Federal Express or messenger services		
c. Computerized legal research		
d. Expenses in connection with litigation or for any outside consultants		

These expenses will be billed at actual cost

7. Town to pay registration fee for Cara E. Silver to attend the Spring League of Cities City Attorney Conference.
8. Attorney shall provide the Town Council and City Manager with a confidential quarterly report summarizing the general categories of services provided, the number of hours for each category, and comparing the actual cost to the budget. This quarterly report is intended as a budgeting tool with the parties recognizing that the cost of legal services can fluctuate from quarter to quarter depending on the complexity and quantify of legal issues involving the Town.

EXHIBIT C

INSURANCE REQUIREMENTS

Attorney shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to or interference with property which may arise from, or in connection with, the performance of the work hereunder and the results of that work by the Attorney, its agents, representatives, employees or subcontractors.

1. **MINIMUM SCOPE OF INSURANCE.** Coverage shall be at least as broad as:

1.1 Insurance Services Office (ISO) Form No. CG 0001 covering Commercial General Liability on an "occurrence" basis, including products-completed operations, personal injury and advertising injury.

1.2 Insurance Services Office Form (ISO) No. CA 0001 covering Automobile Liability, Code 1 (any auto), or if Attorney has no owned autos Code 8 (hired autos) and Code 9 (non-owned autos).

1.3 Workers' Compensation Insurance as required by the Labor Code of the State of California and Employer's Liability Insurance.

1.4 Errors and Omissions Liability Insurance appropriate to the Attorney's profession. Architects' and Attorney's' coverage is to be endorsed to include contractual liability.

2. **MINIMUM LIMITS OF INSURANCE.** Attorney shall maintain limits no less than:

2.1 **Commercial General Liability.** (Including products-completed operations, personal & advertising injury) One Million Dollars (\$1,000,000) per occurrence. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2.2 **Automobile Liability.** One Million Dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.

2.3 **Workers' Compensation and Employer's Liability.** Workers' compensation insurance with Statutory Limits as required by the Labor Code of the State of California, and Employer's Liability Insurance with One Million Dollars (\$1,000,000) per accident for bodily injury or disease.

2.4 Errors and Omissions Liability. One Million Dollars (\$1,000,000) per occurrence or claim, Two Million Dollars (\$2,000,000) aggregate.

3. DEDUCTIBLES AND SELF-INSURED RETENTIONS. Any deductibles or self-insured retentions must be declared to, and approved by, the Town. At the option of the Town, either: the Attorney shall purchase insurance to reduce or eliminate such deductibles or self-insured retentions as respects the Town, its officials, employees, agents and contractors; or the Attorney shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses in an amount specified by the Town. The Town may require the Attorney to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

4. OTHER INSURANCE PROVISIONS.

4.1 General Liability and Automobile Liability Coverages. The General Liability insurance policy required pursuant to Sections 1.1 and 1.2 shall contain or be endorsed contain the following provisions:

4.1.1 The Town, its officials, employees, agents, contractors and volunteers are covered as additional insureds with respect to liability arising out of work or operations performed by, or on behalf of, the Attorney including materials, parts or equipment furnished in connection with such work or operations, and products and completed operations of the Attorney on premises owned, leased or used by the Attorney. The coverage shall be at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 if later versions used.

4.1.2 The Attorney's insurance coverage is the primary insurance as respects the Town, its officials, employees, agents, contractors, and volunteers. Any insurance or self-insurance maintained by the Town, its officials, employees, agents, contractors, and volunteers shall be excess of the Attorney's insurance and shall not contribute with it.

4.1.3 The Insurance Company agrees to waive all rights of subrogation against the Town, its elected or appointed officers, officials, agents, and employees for losses paid under the terms of any policy which arise from work performed by the Town's insurer.

4.1.4 Coverage shall not be canceled by either party, except after thirty (30) days prior written notice (10 days for non-payment) by regular mail has been given to the Town.

4.1.5 Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officials, employees, agents or contractors.

4.1.6 Attorney's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

4.2 Worker's Compensation Insurance. The Worker's Compensation Policy required pursuant to Section 1.3 shall contain or be endorsed to contain the provisions set forth in subsections 4.1.3 and 4.1.4 above.

4.3 Acceptability of Insurers. All required insurance shall be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Town.

4.3 Claims Made Policies. If any of the required policies provide claims-made coverage, the Town requires that coverage with a Retroactive Date prior to the contract effective date, or extended reporting period, be maintained by Attorney for a period of 5 years after completion of the contract.

5. VERIFICATION OF COVERAGE. Attorney shall furnish the Town with original certificates and amendatory endorsements affecting coverage required by this clause. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the Town before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Attorney's obligation to provide them. The Town reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications, at any time.

Proof of insurance shall be mailed to the following address:

Town of Portola Valley
Attn: Town Clerk
765 Portola Road
Portola Valley, CA 94028

6. SUBCONTRACTORS. Attorney shall include all subcontractors as insureds under its policies or shall require and verify that all subcontractors maintain insurance meeting all the requirements of this contract.

#8

There are no written materials for Council Liaison Committee and Regional Agencies Reports

#9

There are no written materials for Town Manager Report

TOWN COUNCIL WEEKLY DIGEST

Friday – October 13, 2017

1. Agenda (Action) – Town Council – Wednesday, October 11, 2017
2. Agenda (Cancellation) – Sustainability & Environmental Resources Committee – Thursday, October 16, 2017
3. Agenda – Trails & Paths Committee – Tuesday, October 17, 2017
4. Agenda – Planning Commission – Wednesday, October 18, 2017
5. Invitation to Council of Cities Dinner Meeting – Atherton Hosting – October 27, 2017
6. Letter from Supervisor Joseph Simitian – Circulation of Stanford General Use Permit Draft EIR

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. Estuary News – September 2017



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Town Council
Wednesday, October 11, 2017
The Sequoias / Hanson Hall
501 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Derwin, Councilmember Aalfs, Councilmember Wengert, Vice Mayor Richards and Mayor Hughes

1. **PRESENTATION** – Recognition of Deputy Ron DeRespini

The Mayor presented Deputy DeRespini with a plaque and thanked him for his many years of outstanding work with the Portola Valley Community

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

None

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

2. **Approval of Minutes** – Town Council Meeting of September 27, 2017

Approved as Amended 5-0

3. **Approval of Warrant List** – October 11, 2017

4. **Appointment by Mayor** – Member to the Conservation Committee

Items 3 & 4 Approved 5-0

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

5. **Recommendation by Finance Director** – Update on 2016-'17 Budget to Actuals

Council thanked Finance Director Cope for her report

6. **Report by Public Works Director** – Adopt a Resolution Amending the FY 2017/'18 Budget to Comply with SB-1

(a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Amending The FY 2017-'18 Budget to Include a Proposed Project List as Required by SB-1 (Resolution No. 2741-2017)

Approved 5-0

7. **Recommendation by Town Manger** – Appointment of a Public Safety Contract Subcommittee

Councilmember Wengert and Mayor Hughes were appointed to the Subcommittee to review Public Safety Contract

8. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Report by Town Council Members – Brief announcements or reports on items of significance for the entire Town Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

Councilmember Derwin -

Met with the Library JPA donor fund subcommittee, 2017 BAYMEC Brunch and the event held at Town Center honoring former Town Planner George Mader.

Councilmember Aalfs -

Attended the second annual meeting of the California Community Choice Association (CalCCA), held on October 3rd in Riverside.

Councilmember Wengert -

Attended the second Home for All meeting on education and a C/CAG Bicycle and Pedestrian Advisory Committee Meeting held on September 28th.

Vice Mayor Richards -

Attended the George Mader event held on October 30th and the October 9th ASCC meeting.

Mayor Hughes -

Attended the October 2nd Parks & Recreation Committee meeting and the Bicycle, Pedestrian & Traffic Safety Committee special evening meeting held on Thursday, October 5th. Met with Town Manager Dennis, Public Works Director Young and BPTS Committee chair, Ed Holland for a site visit at Corte Madera crosswalk by the Priory and at Indian Crossing and Alpine intersection to observe morning traffic at schools. He spoke with Fire Chief Dan Giorso and President of Woodside Fire Foundation Patrick Cain on progress for remodeling of fire station 7 and 8.

9. TOWN MANAGER REPORT

The October 3rd Rodenticides event held by the Conservation Committee was a success. Work on the Vernal Pond continues, with completion expected by the end of this month and an update from Ali to the community is forthcoming. Ali will bring forward first ideas on Social Media at the October 25th Council meeting.

Town Manager Dennis attended the October 5th Bicycle, Pedestrian & Traffic Safety Committee meeting. He reminded the committee that if we are not awarded the grant, they can request funds from the Council for a pedestrian/traffic study. He and Public Works Director toured Portola Valley considering the definition of a neighborhood concerning the neighborhood watch sign program.

WRITTEN COMMUNICATIONS

**10. Town Council Digest – September 29, 2017
None**

**11. Town Council Digest – October 6, 2017
None**

ADJOURN TO CLOSED SESSION: 8:35 pm

12. PUBLIC EMPLOYMENT

Government Code § 54957(b)(1)
Town Attorney

REPORT OUT OF CLOSED SESSION

Council appointed Cara Silver as Town Attorney

ADJOURNMENT: 9:15 pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public



TOWN OF PORTOLA VALLEY
Regular Sustainability & Environmental Resources
Committee Meeting
Monday, October 16, 2017 10:30AM to 12:30 PM
Town Hall - Conference Room
765 Portola Road, Portola Valley, CA 94028

**SUSTAINABILITY & ENVIRONMENTAL
RESOURCES COMMITTEE**

MEETING NOTICE CANCELLATION

The regular meeting of the Sustainability & Environmental Resources Committee scheduled for Monday, October 16, 2017 has been canceled



TOWN OF PORTOLA VALLEY
Trails and Paths Committee
Tuesday, October 17, 2017 8:15 AM
Historic Schoolhouse at Town Center
765 Portola Road, Portola Valley, CA

MEETING AGENDA

1. **Call to Order**
2. **Oral Communications**
3. **Approval of Minutes – September 19, 2017**
4. **Old Business**
 - a. **Trail Conditions, Work and Budget Update**
 - b. **New trial Trail Gates:** Toyon – top and bottom of trail (Additional discussion)
 - c. **Community Hike:** Finalize community hike details (Additional discussion, recommendation)
 - d. **Committee Trail Assignments and Review:** (Additional discussion)
5. **New Business**
 - a. **Site Development Plans:** (Discussion, if any applicable plans have been filed)
 - b. **Accolades:** (Discussion, if any applicable)
6. **Other Business**
7. **Adjournment**

Enclosures:

Minutes from September 19, 2017
Trail Work Map & Memo – September 2017
Financial Review – September 2017



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
 Wednesday, October 18, 2017
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Goulden, Hasko, Von Feldt, Vice-Chair Targ, Chair Gilbert

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject may do so now. Please note however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

OLD BUSINESS

1. Final Review and Recommendation for a Conditional Use Permit, Architectural Review and Site Development Permit, 838 Portola Road, Owner: Georgia Bennicas, File#: PLN_USE 7-2017 (Staff: C. Richardson) (*Item continued at the request of the applicant*)

NEW BUSINESS

2. Review of a Proposal to Install and Operate a New Coffee Kiosk in the Valley Shopping Center Under Conditional Use Permit X7D-90 (Staff: A. Cassidy)
3. Review of Modification to the Town's Ground Movement Potential Map File # PLN_GMM 2-2017, 171 Trinity Lane, Corwin/Allen Residence (Staff: A. Cassidy)
4. Review of Modification to Resolution 2506-2010 and Updates to the Portola Valley Geologic and Ground Movement Potential Maps (Staff: A. Cassidy)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

5. Priory School Annual Report per Conditional Use Permit X7D-30

APPROVAL OF MINUTES

6. Planning Commission Meeting of September 6, 2017
7. Planning Commission Meeting of September 20, 2017

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



Meeting Announcement & Agenda For Friday, October 27, 2017

Everyone is encouraged to attend these monthly meetings. This is a great opportunity to meet colleagues from other cities, work together on solutions for our county, and get to know how other cities handle issues, make friends and helpful connections, and learn what's going on with the "big" issues we seldom have time to discuss at council meetings.

Location
Jennings Pavilion Holbrook-Palmer Park 150 Watkins Ave Atherton, CA 650-752-0500

Schedule
6:00 pm Social Time 6:30 pm Dinner 7:00 pm Program 8:30 pm Adjourn

RSVP to Judi Herren at jherren@ci.atherton.ca.us or 650-752-0585

Buffet Style Dinner:

Chicken & Asparagus
Grilled Skirt Steak
Vegetarian Eggplant Parmigiana
Scalloped Potatoes

Seasonal Vegetables
Garden Salad
Assorted Desserts
Beer, Wine, Soft Drinks & Water

Cost: \$50 per person.

Please make check payable to Town of Atherton, 91 Ashfield Road, Atherton, CA 94027

Guest Speaker & Topics

Assistant County Manager Mike Callagy

- Building Projects around the County
- County Budget
- Aircraft Noise Update

Directions

101 South:

Take the Marsh Rd/CA-84 E exit, EXIT 406, toward Dumbarton Br.

Turn right onto Marsh Rd.

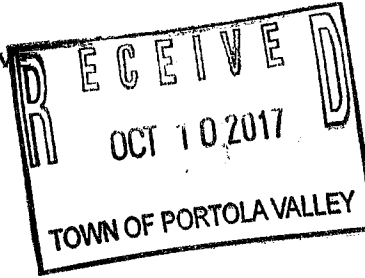
Turn left onto Middlefield Rd.

Take the 1st right onto Watkins Ave (If you reach James Ave you've gone about 0.1 miles too far)

S. JOSEPH SIMITIAN

SANTA CLARA COUNTY SUPERVISOR, DISTRICT FIVE

COUNTY GOVERNMENT CENTER, EAST WING
70 WEST HEDDING STREET, 10TH FLOOR
SAN JOSE, CALIFORNIA 95110
TEL: (408) 299-5050 or (650) 965-8737 FAX: (408) 280-0418
supervisor.simitian@bos.sccgov.org • www.supervisorsimitian.com



TO: Palo Alto City Council, City Manager, and Planning Director
Palo Alto Unified School District Board Members and Superintendent
East Palo Alto City Council, City Manager, and Planning Director
Los Altos City Council, City Manager, and Planning Director
Los Altos Hills City Council, City Manager, and Planning Director
Menlo Park City Council, City Manager, and Planning Director
Menlo Park City School District Board Members and Superintendent
Mountain View City Council, City Manager, and Planning Director
Portola Valley Town Council, Town Manager, and Planning Director
San Mateo County Supervisors, County Executive, and Planning Director
Woodside Town Council, Town Manager, and Planning Director

FROM: S. Joseph Simitian, County Supervisor *SJS.*
DATE: October 6, 2017
RE: Circulation of Stanford General Use Permit Draft EIR

I've been in touch in the past to let you know that Stanford University had submitted an application to Santa Clara County for an additional 2.275 million square feet of academic and academic-related development and 3,150 new housing units.

The Draft Environmental Impact Report (DEIR) has just been released and the comment period will run for 60 days. Santa Clara County staff have been contacting their counterparts in the various jurisdictions that contain Stanford lands or are adjacent to them to schedule presentations to interested entities.

I'm writing to assure you that Santa Clara County is interested in hearing from you, and to encourage your organization to review the Draft EIR and submit comments during the comment period.

(over)



Page 2

Comments may be provided orally during a presentation by Santa Clara County staff, in writing, or at a public meeting I'm hosting to receive comments on the Draft EIR. That meeting will be on October 19th from 6 – 8 p.m. at Palo Alto City Hall in Council Chambers.

Please feel free to contact me or Kristina Loquist of my staff at (408) 299-5050 or by email at Kristina.loquist@bos.sccgov.org if you have any questions or concerns.

Simply put, we can't consider your comments if we don't have them. Now is the time. Issues that are raised at the 12th hour are far less likely to be effectively addressed.

TOWN COUNCIL WEEKLY DIGEST

Friday – October 20, 2017

1. Agenda (Cancellation) – Architectural & Site Control Commission – Monday, October 23, 2017
2. Agenda – Conservation Committee – Tuesday, October 24, 2017
3. Agenda – Open Space Acquisition Advisory Committee – Thursday, October 26, 2017

Attached Separates (Council Only)

(placed in your town hall mailbox)

1. Letter from Renew Financial re: Success of PACE Financial and supporting bills passed, AB 1284 and SB 242

**TOWN OF PORTOLA VALLEY****Meetings of the Architectural Site Control Commission (ASCC)****Monday, October 23, 2017****7:00 PM – Regular ASCC Meeting****Historic Schoolhouse****765 Portola Road, Portola Valley, CA 94028**

NOTICE OF MEETING CANCELLATION**ARCHITECTURAL AND SITE CONTROL COMMISSION
MEETING REGULARLY SCHEDULED FOR****Monday, October 23, 2017**

Notice is hereby given that the Portola Valley Architectural and Site Control Commission meeting regularly scheduled for Monday, October 23, 2017 has been cancelled.

The next regular meeting of the Portola Valley Architectural and Site Control Commission is scheduled for Monday, November 13, 2017 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



**TOWN OF PORTOLA VALLEY
Conservation Committee Meeting
Tuesday, October 24, 2017 – 7:30 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA**

MEETING AGENDA

1. Call Meeting to Order
2. Oral Communications
 - A. Welcome new member Catherine Magill
 - B. Welcome visitor, new Town Communications and Sustainability Management Analyst, Ali Taghavi
3. Approval of September 26, 2017 minutes
4. Current Site Permits:
 - A. Subcommittees to report
5. Current Tree Permits:
6. Old Business
 - A. Oversight of Significant Town Owned Open Space properties
 1. Springdown
 2. Frog Pond
 3. Ford Field – last report August ‘17
 4. Town Center – last report September ‘17
 - B. Tip of the Month/What’s blooming now - Plunder
 - C. Kudos of the Month – Murphy
 - D. BYH – DeStaebler
 - E. Committee/Town cooperation
 1. Public Works
 2. Town Center Master Plan Committee
 3. Sustainability and Environmental Resources Committee (previously Water Conservation Committee)
 - F. Weed seedling info sheet photos labeled – Plunder (will be ready for approval at February meeting)
 - G. Fall Town evening on Rodenticides – Chiariello (debrief)
 - H. Winter event: Mountain lions – Chiariello Fire?
7. New Business
8. Adjournment
9. Next meeting 11/28/17, 7:30 pm, Old Schoolhouse



**Town of Portola Valley
Open Space Acquisition Advisory Committee
Thursday, October 26, 2017, 7:30 pm
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of January 26, 2017 minutes
4. Old Business
 - Shady Trail
 - [update needed] current status of Euphorbia along Shady Trail and adjoining properties (Nona or Gary)
 - General education
 - [update needed] status of online calendar of weed seedlings by Conservation Committee (Nona)
 - Portola Valley Open Space Fund Guidelines
 - Final submission approved by the Town Council
 - Open Space
 - [update needed] Lane Property monitoring: does Town staff member need to be present? (Craig, Gary)
 - [update needed] location of monitoring reports (Craig)
 - Easements
 - [update needed] Review properties of interest (Chip)
 - [update needed] Chaput open space easement: clarification of wording and requirements (Nona)
5. Springdown Pond: review of progress (Gary, Nona)
 - Review budget and costs to-date
 - Review request for wildflower planning
6. Open Space Acquisition Fund Financials (Craig, Gary)
 - [update needed] Input to Finance Committee; review of Blues and Barbecue history obtained from Nancy Lund
7. New Business (All)
 - Discuss the Open Space Fund Guidelines in the context of next steps on Springdown Pond
 - Discuss coordination between Conservation Committee and Open Space Acquisition Advisory Committee regarding open space monitoring and other actions.
8. Adjournment