

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 962, FEBRUARY 28, 2018

CALL TO ORDER AND ROLL CALL

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

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

Absent: None

Others: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Keith Weiner, Deputy Building Inspector
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None

(1) Presentation – ALPR Software Demo – Update from Sheriff's Office

Town Manager Dennis introduced Capt. Corpus of the San Mateo Sheriff's Department. Capt. Corpus introduced Sgt. Jason Peardon, who works in the Gang Intelligence Unit and is one of their experts with the ALPR system. She also introduced Sgt. Acosta, who works in the Headquarters Patrol, and Deputies Griswald and Blanc.

Capt. Corpus said the Sheriff's Office has been working with the ACLU, trying to be very transparent with their policy. The ACLU reviewed the policies and the Sheriff accepted their recommendations, mostly about accountability, transparency, training, and audits. She said that when Portola Valley wants an audit, they can request it at any time by date, rather than the Sheriff's Office simply providing one yearly. She shared various experiences in other Towns that used the ALPR database that successfully led to arrests. She announced that the video camera system registry is set up, so residents can now fill out a form and the Sheriffs will map out all of the registered addresses, both private and commercial, that have cameras. She said this information stays within the database and is not vetted out to anyone. Town Manager Dennis said they will start letting residents know about the registry this week and will also have meetings with the Neighborhood Watch Captains.

Councilmember Hughes narrated a short video explaining what he and Town Manager Dennis learned about what the Town's cameras capture, the features, and the kind of information they can get, beyond law enforcement-related things. Sgt. Peardon described the equipment, how the camera-captured data is used, and how the different data gathering systems work with Vigilant and NCRIC.

Mayor Richards asked regarding the status of the Ladera plate cameras. Sgt. Corpus said they have all the equipment and she spoke with the owner of Odin Systems, who is the contractor for the poling, and he promised to provide a date by Friday.

CONSENT AGENDA [7:26 p.m.]

(2) Approval of Minutes – Town Council Regular Meeting of January 24, 2018. [Removed from Consent Agenda.]

(3) Ratification of Warrant List – February 14, 2018, in the amount of \$430,033.25.

- (4) Approval of Warrant List – February 28, 2018, in the amount of \$181,040.79.
- (5) Appointment by Mayor – Member to the Geologic Safety Committee
- (6) Appointment by Mayor – Members to the Parks & Recreation Committee
- (7) Recommendation by the Interim Finance Director – Audit and Financial Statements for FYE 06/30/17
- (8) Report by Interim Planning Director – 2017 Planning and Building Department Activities Report
[Removed from Consent Agenda.]
- (9) Recommendation by Deputy Building Official – 2017 Code Enforcement Activity Report
[Removed from Consent Agenda.]

Councilmember Aalfs moved to approve Items 1, 3, 4, 5, 6, and 7. Seconded by Councilmember Derwin the motion carried 5-0, by roll call vote.

- (2) Approval of Minutes – Town Council Regular Meeting of January 24, 2018.

Vice Mayor Wengert moved to approve Item 2 as amended. Seconded by Councilmember Aalfs, the motion carried 5-0.

- (8) Report by Interim Planning Director – 2017 Planning and Building Department Activities Report
[Removed from Consent Agenda.]

Town Manager Dennis said Interim Planning Director Cassidy has taken ill and asked him to present her report this evening. He said there has been a continued upswing in new residences and staff believes there is a correlation between the change in the number of permits and remodels, because more people seem to be doing new construction. He said the ADUs are not captured in the Planning Permits because they are typically wrapped up in a new residence and only require a building permit, so there is not a separate item listed, although on the Building side the ADU component is shown.

Town Manager Dennis said the Building side shows a significant drop in Building Permits in 2017, but this is because the new system pools some of the minor miscellaneous permits together. He said the number has not actually dropped as much as it appears. He said there are a significant number of ADU Permits on the Building side, as a result of the work the Council has done and the interest thereof. He said the total valuation is essentially on par with the last few years.

Town Manager Dennis thanked the Planning Commission for their excellent work.

In response to Mayor Richards's question, Deputy Building Official Weiner said the new software tends to bundle things together, so there may be a bedroom remodel and an ADU on the same property, which ends up as less permits but a comparable amount of work.

Vice Mayor Wengert said the bundling results in the loss of ability to compare. She said it sounded like using the system for the smaller permits that are being bundled has not really been a timesaver for the team. Deputy Building Official Weiner said there is a savings in paperwork for the technicians at the counter who are actually preparing the permits, but it is the same amount of work for him.

Councilmember Derwin presented the scenario where someone was building an addition, a pool, and solar. She asked if that would be three permits or one permit. Deputy Building Official Weiner said it could be done either way. He said if the projects were not going to be done concurrently or in a timely manner, he would recommend separate permits for each so that each permit can be finalized as needed

for financing, occupancy, etc. He said for other projects, such as solar panels on a new ADU, he would bundle them together. Councilmember Derwin said it is difficult to figure out how many solar, how many pools, how many remodels, etc., if some are only reflected under one category. Deputy Building Official Weiner said they can break it down within the permitting system.

Councilmember Hughes said the individual breakdowns are pretty much flat year to year, except for solar, which that has dropped by half, and miscellaneous, which has dropped by more than half. He asked if it was the miscellaneous permits that tended to get grouped together. Deputy Building Official Weiner said prior to the permitting system, anything that didn't fall into the category of remodel, addition, roof, or electrical was put into miscellaneous. He said now there are many more categories within the software to assign these permits so the miscellaneous total is lower because many of those permits have been recategorized.

In response to Councilmember Derwin's question, Deputy Building Official Weiner said the miscellaneous would include something like a graywater or rainwater capture system and that information could be extracted for 2017 and forward, when the software began being used.

Vice Mayor Wengert asked about the impact of the permit bundling on the residents. Deputy Building Official Weiner said it lowers their costs.

In response to Councilmember Aalfs, Deputy Building Official Weiner said he would assume that HVAC, water heater, and roof permits are categorized as miscellaneous. He said there have been few permits issued for water heaters.

- (9) Recommendation by Deputy Building Official – 2017 Code Enforcement Activity Report
[Removed from Consent Agenda.]

Deputy Building Official Weiner presented the 2017 Code Enforcement Activity Report, as detailed in the staff report.

Councilmember Hughes said there has been preliminary work done with the Accela tool, which may boost the number of complaints received. He asked if Deputy Building Official Weiner had thought about how that might impact his ability to address complaints if there is an uptick or surge. Deputy Building Official Weiner said even if the number of complaints tripled, it would still be less than most places he's worked. He said he almost always gets cooperation. Town Manager Dennis said they started their Accela discussion efforts around code enforcement. He said the internal group includes Public Works Director Young, Planning Director Pedro, Deputy Building Official Weiner, and Planning Technician CheyAnne Brown. He said the Code Enforcement page was developed, which assigned some timelines to when people should hear back from staff. He agreed with Deputy Building Official Weiner that while there is the possibility of a significant increase in the number of complaints, because the number is so low to begin with, it will not affect staff's ability to address issues in a timely manner, in a way that residents expect.

Vice Mayor Wengert asked if Deputy Building Official Weiner worked closely with the ASCC, for instance, to address issues related to projects that have been approved but conditions are not being met during revisits in the final stages. Deputy Building Official Weiner said the ASCC will usually contact Carol Borck on the Planning side. He would come in more on the enforcement side; however, he doesn't usually deal with things such as landscape plans, etc.

REGULAR AGENDA

COMMITTEE REPORTS & REQUESTS

- (10) Sustainability and Environmental Resources Committee – Leaf Blowers – Education Program

Town Manager Dennis presented the background of leaf blower regulations and impacts, and described the resident education and incentive program regarding the appropriate use of leaf blowers, as detailed in the staff report.

Councilmember Hughes asked how outreach is being handled with regard to the incentive program and if the right people are being reached. Town Manager Dennis said they have discussed methods of outreach and how to build out a program. He said they have discussed some kind of rebate program. Councilmember Hughes said the outreach would not be to the usual people, such as those on PV Forum, but more an indirect thing where the gardeners may or may not get the message. Town Manager Dennis agreed it will be a challenge to reach everyone they want to reach.

Vice Mayor Wengert encouraged that, in addition to incentive and trade-in programs, the Town helps financially.

The Council approved a resident education and incentive program to be reviewed in six months.

STAFF REPORTS AND RECOMMENDATIONS

(11) Recommendation by Town Manager – Adoption of a Resolution Calling a Special Election for June 5, 2018, to Vote on Ballot Measure to Temporarily Reduce Utility Users Tax from 5.5% to 4.5%

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Calling and Giving Notice of the Holding of a Special Election to be Held on June 5, 2018 for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Temporarily Reducing the Utility Users Tax from 5.5% to 4.5% (Resolution No. 2753-2018)

Town Manager Dennis presented the staff's recommendation to adopt the proposed resolution, as detailed in the staff report.

Vice Mayor Wengert said it is important that people understand that if nothing is done, the UUT goes to 5.5% on July 1 in perpetuity until otherwise changed, and that it this ballot measure proposed setting the UUT at 4.5% for potentially five years and the ability to raise or lower it after that.

Councilmember Aalfs said part of the rationale was to provide the opportunity to put together a clear five-year plan for capital expenditures and have better information to determine an appropriate rate.

Councilmember Derwin asked why there needed to be a review after two years. Vice Mayor Wengert said there is no obligation for the Council to do anything at two years. The Finance Committee may advise to keep the tax the same or lower it, and the Council can approve or deny that request. She said the Finance Committee was concerned that the Council would not look at it again for four years. She said they felt that in the interest of transparency and good government, the Council should agree to look at it on a more systematic basis after a certain period of time.

Councilmember Derwin said that she felt like if she voted for this, she was agreeing that she would be willing to drop it in two years, although she has no facts before her to lead her to believe that would be a good choice. She said it seemed as though voting for this was just placating the Finance Committee, because she cannot see how she would ever decide to drop the tax. Town Manager Dennis said this could be a valuable tool for a future Council. He said they've asked the Finance Committee to start doing work on appropriate reserve levels, work that will continue through the end of the fiscal year, building off of what the Council has already done as it relates to assignments within the General Fund Reserves. He said there will also be a five-year capital plan that will be laid out. He said there is potentially a future scenario where the General Fund Reserve assignments are fully funded and the Council feels as though

the Capital Reserves are at a place that supports capital expenditures over a period of time. He said this tool could then be used to reduce the amount of revenue coming in when assignments are fully funded. He said this depends completely on subsequent work coming in. Town Attorney Silver said without this authority built into the ballot measure, even if the capital projects were fully funded and there was no need for the tax, the Council would not have the legal authority to reduce it because it's a voter initiative, so it provides some flexibility in that respect.

Councilmember Derwin said she finds the measure confusing and she thinks the voters will also find it confusing. She asked if there would be an education campaign about it. Town Attorney Silver said the Council can certainly edit the ballot measure if it is not clear. She said there is a word limit that must be succinct, and then the actual ordinance is attached for reference. The Town Attorney prepares an impartial analysis, which can be longer and go into more detail, which may be the mechanism to use to explain it to the voters. Town Manager Dennis said there is a two-year process that the rate is lowered, and then after a certain period of time the rate can be adjusted depending on circumstances.

Councilmember Derwin said it is sort of a carbon tax and she doesn't like the idea of bringing it down. Councilmember Aalfs agreed. He said if there was ever concern about not needing the money from this tax, it could be turned into a revenue neutral tax with refunds on a per household basis. Town Manager Dennis said the important piece is that even though the Council has the tool, it doesn't mean they have to implement the tool. Councilmember Hughes said there are few taxes for which the Town has control or flexibility. He said he liked that the Town can actually have flexibility with this tax, never removing the upper cap, but having the temporary ability to lower it. Councilmember Aalfs said he would also be unlikely to want to reduce it below 4.5%, but said it is fair for the Council to assume that responsibility and doesn't disagree with the principle behind it. Vice Mayor Wengert said the Finance Committee will have to do a great deal of work in capital budgeting because the Council would not consider changing anything without a compelling case put forward. Councilmember Hughes agreed and said he has been reluctant to lower any tax because this is a very small Town and a small fluctuation has an enormous impact on the budget. He said the flexibility and planning will be very important.

Councilmember Wengert moved to approve the Adoption of a Resolution of the Town Council of the Town of Portola Valley Calling and Giving Notice of the Holding of a Special Election to be Held on June 5, 2018, for the Purpose of Submitting to the Voters of the Town of Portola Valley a Ballot Measure Temporarily Reducing the Utility Users Tax from 5.5% to 4.5%. Seconded by Councilmember Aalfs; the motion carried 5-0.

(12) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Hughes – He attended an Open Space Acquisition Committee Meeting, where they nominated a new chair and discussed the Spring Down Pond project. He attended the February 7th BPTS Committee meeting. He said there was a big uptick in the number of traffic citations, because the Committee asked the Sheriff's Deputies to step up enforcement in a couple of spots. He attended a Planning Commission meeting on February 7. He said they have done a very good job working on the cannabis issue, refining the ordinance that will come to the Council next month. He attended a Cable and Undergrounding Committee meeting where they updated the members about the Rule 20A project with PG&E and the status of the discussions about the fees. Town Manager Dennis said staff will be following up on that on Monday. They also discussed San Mateo County Communications Authority (SAMCAT). The Committee decided that although Portola Valley will not be a formal member of SAMCAT, one of their members will probably attend the SAMCAT meetings as a member of the audience. He also met with the Sheriff's Office regarding ALPRs, data collection, and policies. He noted that Sgt. Peardon finds the Vigilant system more useful for queries than NCRIC for crimes such as those that occur in Portola Valley.

Councilmember Derwin – She attended a Home for All Event in Belmont with Mayor Richards. She said there were three speakers, including Kol Peterson, who wrote "The Backdoor Revolution." She said Mr. Peterson has been very successful with getting people to build financially feasible ADUs in Portland.

Mayor Richards said they learned about the County's online tool to design a space and figure out costs. Town Manager Dennis said staff bought a copy of "The Backdoor Revolution" and it is at the front counter. She attended a League of California Cities quarterly event held at MLK Center at Stanford. Councilmember Derwin and Assistant to Town Manager de Garreaux held a conference call with the California Public Utilities Commission regarding water waste. She said the Office of Ratepayer Advocates (ORA) are not supportive of the raised rates that will accompany smart meters. She attended a C/CAG Legislative Committee meeting, where they are closely watching an effort to repeal SB 1. They adopted the final 2017 Congestion Management Program and received an update about the Water Summit to be held on March 30. Councilmember Derwin is running for Legislative Committee Chair. She attended a Sustainability and Environmental Resources Committee (SERC) meeting where they discussed the leaf blowers and the smart water meters, a microgrid study, and announced that Earth Fair is on Saturday, April 28, in Portola Valley this year. She attended ASCC meetings on February 12. She attended a Library JPA meeting on February 5 where they approved the new donor funds policy, which will come back to the Council for approval. They also approved the formation of a Library Foundation that will fundraise systemwide. Councilmember Derwin and Councilmember Aalfs attended the Silicon Valley "State of the Valley" meeting. Councilmember Derwin and Councilmember Aalfs attended the memorial held for Jean Lane on February 10. Councilmember Derwin attended a C/CAG Resource Management Climate Protection Committee. She attended an ASCC meeting held on February 26 where they discussed the proposed new lighting ordinance and design guidelines. She attended a C/CAG Finance Committee meeting with Vice Mayor Wengert today.

Councilmember Aalfs – He attended the Alpine Hills Town Hall Meeting on February 27 where they updated members on the progress. Windmill is completely moved out and are operating at their new facility. He said Alpine Hills had to significantly cut back the scope due to skyrocketing construction costs. They are now required by their bank to vote on the new scope in the budget before the loan funds will be released. Councilmember Aalfs and Councilmember Hughes met with members of the Portola Valley School District. Councilmember Aalfs was asked to sit in on their facility committee meeting where they will be discussing a long-term facility plan for the buildings. He attended a Peninsula Clean Energy meeting where the Board passed a resolution supporting the idea of a revenue-neutral carbon tax. He said Chair Dave Pine stepped down and is now the Founding Chair, and Councilmember Aalfs was elected Chair.

Vice Mayor Wengert – She attended a San Francisco Airport Roundtable Arrivals Workgroup meeting where they discussed the various routes the FAA has not been able to implement as promised. She also attended a regular Roundtable meeting where they heard a plea to not accept new members and said it appears there will not be enough of a consensus to approve new members. She met with Mid-Peninsula Regional Open Space District, with Mayor Richards and Town Manager Dennis, to discuss the Hawthorns property. She attended the Finance Committee meeting held on February 12.

Mayor Richards – He attended an Emergency Preparedness Committee meeting on February 8 where they discussed the upcoming year's goals, trainings, and a staff training drill to be held on March 22. He attended a Conservation Committee meeting held on February 27, where they discussed preparing things in a timely matter to get into the budget properly, the Spring Down Preserve, and rodenticides.

(13) Town Manager Report – Town Manager Dennis reported this Saturday, March 3, 2018, is the Home for All Community Housing Meeting. All Councilmembers plan to attend. He said the Finance Committee is charged with looking at reserve levels and a five-year plan. He said a Neighborhood Watch Captain meeting is scheduled for early March. He said staff is putting together an all-committee meeting to be held in April. Town Manager Dennis had lunch with former Assembly Member Rich Gordon, who sent the Council his regards. Town Manager Dennis said that, at the suggestion of Town Clerk Hanlon, staff is looking at modifying the old principal's desk that has been kept in storage for use as the public table in the Historic Schoolhouse.

WRITTEN COMMUNICATIONS

(14) Town Council Digest – January 26, 2018

#4 – Invitation from Peninsula Volunteers, Inc. – Meals on Wheels March for Meals Community Champions Breakfast – Wednesday, March 21, 2018. Mayor Richards will attend.

(15) Town Council Digest – February 2, 2018

#8 – Invitation from Michael Gross, Joint Venture Silicon Valley – 2018 State of the Valley Conference. Councilmembers Aalfs expressed interest in the Zanker Recycling Tour.

(16) Town Council Digest – February 9, 2018

None.

(17) Town Council Digest – February 16, 2018

None.

(18) Town Council Digest – February 23, 2018

None.

ADJOURNMENT [9:31 p.m.]

Mayor Richards adjourned the meeting.

Mayor

Town Clerk