

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 965, APRIL 11, 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 Jeff Aalfs and Craig Hughes; Vice Mayor Ann Wengert; Mayor John Richards

Absent: Councilmember Mary Ann Moise Derwin.

Others: Jeremy Dennis, Town Manager
Brandi de Garmeaux, Assistant to the Town Manager
Cara Silver, Town Attorney
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None

CONSENT AGENDA

- (1) Approval of Minutes – Town Council Regular Meeting of March 28, 2018. *[Removed from Consent Agenda.]*
- (2) Approval of Warrant List – April 11, 2018, in the amount of \$113,345.73.
- (3) Recommendation by Town Attorney – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)
 - (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____). *[Removed from Consent Agenda.]*
- (4) Recommendation from Assistant to Town Manager – Letter of Interest to Join Peninsula Traffic Congestion Relief Alliance JPA

Councilmember Hughes moved to approve the Items 2 and 4 of the Consent Agenda. Seconded by Councilmember Aalfs, the motion carried 4-0, by roll call vote.

- (1) Approval of Minutes – Town Council Regular Meeting of March 28, 2018.

Councilmember Aalfs moved to approve the Item 1 of the Consent Agenda, as amended. Seconded by Councilmember Hughes, the motion carried 4-0, by roll call vote.

- (3) Recommendation by Town Attorney – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)

- (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____).

Councilmember Aalfs moved to approve the Item 3 of the Consent Agenda, as amended. Seconded by Councilmember Hughes, the motion failed 2-2, Councilmember Aalfs and Councilmember Hughes voted in favor and Vice Mayor Wengert and Mayor Richards voted opposed. This item will be re-agendized for the full Council vote.

REGULAR AGENDA

COMMITTEE REPORTS & REQUESTS

- (5) Presentation by the Conservation Committee – Comprehensive Plan for Town Owned Open Spaces

Judith Murphy, Chair of the Conservation Committee, said that a year ago the Conservation Committee decided to pay more attention and guiding Public Works more carefully regarding several Town properties. She said Town Manager Dennis recommended that process be done in the context of an overall comprehensive plan for all open spaces. Ms. Murphy said the entire Committee worked very hard on this project for the last six to eight months. Ms. Murphy presented the comprehensive plan, as detailed in the staff report.

Ms. Murphy said the breakdown of the requested budget includes estimates of \$41,000 for Spring Down, \$1,500 for tree work, \$2,500 to limb up the large Live Oak remaining in the center of the meadow, \$13,000 for trapping instead of using rodenticides, \$20,000 to \$25,000 to thin the vegetation between Portola Road and Spring Down Open Space, \$500 to replace the metal stake fencing with old wood, \$1,500 plus \$50 a month for cell service to install a live trail camera focused on the pond, for a total of approximately \$80,000.

Councilmember Hughes asked why Triangle Park was classified as an intermediate parcel. Ms. Murphy said it was partly because Triangle Park does well and does not require much attention except for occasional tidying. She said they will look at it again next year, but the five most important parcels will require significant capital resources to bring up to a satisfactory condition.

Vice Mayor Wengert asked why Parcels #28, #34, and #25 (upper Blue Oaks Trail along seasonal creek) were being kept. Ms. Murphy said there is a Town trail there and they require no major work. She said the Blue Oaks people are responsible for the fire mitigation.

Vice Mayor Wengert thanked the Committee for the unbelievable amount of work they have done on this project. She asked Town Manager Dennis regarding the staff capacity to tackle these tasks. Ms. Murphy said these specific requests are for next year. Town Manager Dennis said Public Works Director Young feels comfortable with the tasks. Town Manager Dennis said staff would also utilize additional resources as needed, for example having Go Native perform some of the very invasive weeding. Ms. Murphy said the budget is higher because it is anticipated that much of the work will be outsourced and Go Native would do it rather than the Public Works staff. She said the majority of the expense is arborist work.

Vice Mayor Wengert asked staff if this proposed effort, a major renovation of the parcel, is categorized as Capital Improvements in the Open Space Fund. Ms. Murphy said they have discussed this specific issue with Open Space. She said Open Space's understanding is they purchase a parcel and spend whatever capital expense necessary to get it ready, but that they don't have responsibility past that. She said Open Space felt strongly that the Committee should not be asking them for help. She said this request is for

General Fund appropriation. Town Manager Dennis said there is a fairly clear delineation between Open Space getting the property up to some sort of use and then it becomes the responsibility of a different fund. Vice Mayor Wengert asked if this renovation could still be considered part of the initial capital expense. Town Manager Dennis said he could have further conversation with the Chair of Open Space if Council directs as such. He said it is a somewhat sensitive issue because of Open Space's efforts to preserve their Acquisition Fund for the purchase of properties which are getting more expensive. He said Open Space has been fairly generous in the last couple of years with Vernal Pond expenditures.

Councilmember Hughes asked if there were any grants that might be used for this project. He said, for example, the Town received money from PG&E for cleaning up the eucalyptus trees. He wondered if there was a fire prevention aspect or other places they could get money to offset some of the expense. Town Manager Dennis said there may be funds that could help with some aspects. He said a lot of this work may be viewed more as more maintenance to those who would offer grants. Town Manager Dennis said the Town does not typically go out to try to secure grants for different projects and said staff will look into that possibility.

Ms. Murphy said the Council has in the past approved removing some of the eucalyptus, but it was never a high enough priority that it got done. She said some of these tasks are not outside the realm of what the Council might have approved in another year. She said, for example, it would have been less expensive to remove the sprouting eucalyptus than removing them as they grow larger. She said that is why they feel it's important to get these things done when they're small before they get bigger and more expensive.

Town Manager Dennis said staff is looking to the Council for a general sense of comfort, any outstanding issues that jump out, or different ideas. He said the Conservation Committee is to be commended for the extensive time spent preparing this comprehensive plan.

Mayor Richards said the comprehensive report was the best Committee report he's seen since he's been on the Council.

STAFF REPORTS AND RECOMMENDATIONS

(6) Study Session – Green Infrastructure in Setbacks

Town Manager Dennis provided the background regarding the comprehensive effort of the entire managers team to bring forward this study session item concerning green infrastructure in setbacks, as detailed in the staff report.

Councilmember Hughes asked how many inquiries are received in a typical year. Town Manager Dennis said only a couple maximum, usually for solar panels.

Councilmember Hughes asked what is currently allowed in setbacks, besides landscaping paths, retaining walls, and parking surfaces. He pointed out that utility access is also allowed, which is sometimes poles above ground. Councilmember Hughes asked if someone wanted to connect to the utilities with a large battery as part of the conduit, for example, what are the rules on what is allowed with regard to utility connections. Town Manager Dennis said his understanding is that it is somewhat limited, but he has not fully explored that yet.

Mayor Richards said structures are limited in the setback, but a utility connection with a meter sticking up on a post does not count as a structure. Councilmember Hughes asked when something becomes a structure, for example, a big complicated panel looks a lot like a structure. Town Manager Dennis said it is subjective, but he would say they would most likely call that a structure. In response to Councilmember Hughes question, Mayor Richards said a leach field is allowed in a setback and does not count as a structure. Mayor Richards said there is also a garden structure exception.

Vice Mayor Wengert asked if there had been any complaints from a visual standpoint about the items listed being installed in setbacks. Town Manager Dennis said they occasionally get complaints regarding reflections from solar panels, but nothing related to the setbacks that he is aware of. He said they have received complaints about devices that make noise, such as high frequency animal repellent devices.

Councilmember Aalfs said he recalls when he was on the ASCC there were projects where solar panels were proposed in setbacks with discussions between neighbors. He said some of these items have been worked out in the ASCC and Planning processes. Town Manager Dennis said there are certainly items deemed green infrastructure that have been put in setbacks in the past. He said the current interpretations by staff would not allow them. He said they would like to lessen the subjective aspect.

In response to Vice Mayor Wengert's comment, Town Manager Dennis agreed that today staff enforces nothing within the setbacks; however, he said there are not a lot of requests so there is no particular pressing issue about it. He said in reviewing previous decisions by previous administrations, they saw there were interpretations that they would have difficulty applying now.

Vice Mayor Wengert asked if all applications for green infrastructure in setbacks had to go to the ASCC or if there were some that would be small enough to not require ASCC approval. Town Manager Dennis agreed that smaller projects may not have even sought permission. He said they also do not receive many requests that are only for a green infrastructure. He said they may see more requests as graywater or other technologies evolve. Mayor Richards said most of the items would require a permit some would require some kind of review.

In response to Councilmember Hughes' question, Mayor Richards said drainage systems are allowed in setbacks.

Town Manager Dennis said one of the reasons staff wanted to bring this forward was to possibly encourage sustainability activity. He said staff would not suggest giving the opportunity to do this without a significant reason. He said there are also properties where it would pose no visual impact.

Councilmember Aalfs said it would basically be a variance. Mayor Richards said it could be an exception. Town Manager Dennis said they would recommend it be something less than a variance.

Councilmember Hughes said other benefits, beyond the purely visual aspect, is possible future ambiguity of ownership because of mis-measuring or erroneous surveys. He would suggest surveys be done prior to any installation to ensure it is located on the correct property. Town Manager Dennis said this issue did come up and they identified that a certified survey would be required, which has ancillary benefits for the Town and residents.

Councilmember Hughes said there are other design issues around impervious surfaces and runoff and drainage issues. Town Manager Dennis said water storage tanks are a good example of detail that would need to be worked out. He said a water tank would require a pad of a certain size.

Councilmember Hughes said most of the systems could potentially be located underground which would mitigate most if not all of the concerns. Town Manager Dennis said they have had requests to bury equipment such as water tanks and staff will allow it in the setback if it is not visible.

Vice Mayor Wengert said no setbacks are the same, so there is a strong basis for supporting staff review with some discretion, assuming all the impacts have been included – visual, offsite, runoff, etc.

Councilmember Aalfs asked if any of the items should go to ASCC for review. Vice Mayor Wengert said it would depend on size.

Assistant to the Town Manager de Garmeaux said there may be more requests as more water catchment and gray water systems are installed.

Town Manager Dennis asked the Council for their thoughts about a theoretical situation where there is a fairly visible setback but good rationale for someone to put equipment there. He asked if the requirement would be to minimize the visual impact at a significant additional cost, or if there would be more discretion as it relates to promoting and allowing green infrastructure.

Town Manager Dennis said his intent is to bring the feedback he receives tonight to the bodies and have some discussion with them within the parameters determined by the Council.

Councilmember Aalfs agreed with Vice Mayor Wengert that no two setbacks are alike, and no two pairs of neighbors are alike. Councilmember Hughes said the tanks are big and ugly. Mayor Richards said if a large system was invisible from anywhere, then it would be fine. He said, however, that situation would be the exception and most of them would have some kind of visibility. Mayor Richards said a big tank would probably require an ASCC review.

Town Manager Dennis said he would imagine the ASCC would want to minimize the visual impact through conditions. He said another issue would be if the only place to put a piece of equipment was where a nice tree was located. Mayor Richards said that would have to also go to the Conservation Committee. Vice Mayor Wengert said, except for heritage trees, they could probably be flexible.

Councilmember Hughes said it irritates him to see utility boxes at the side of the road in the scenic corridor. He said visual mitigation can go a long way to screening some of that kind of thing if done thoughtfully. Vice Mayor Wengert said if an applicant has a clear need or rationale for having their equipment within the setback, staff can also provide them with input regarding visual mitigation.

Town Manager Dennis summarized that the goal is to find some balance, perhaps erring on the side of encouraging green infrastructure, but making sure visual screening is encouraged, particularly in the public rights of way and thresholds. He said there did not appear to be any issue if something was not visible or audible. He said he will bring this discussion to the ASCC and Planning Commission in the next couple of months to consider noise, screening, public right-of-way, and threshold matters and then bring recommendations back to Council.

(7) Recommendation by Town Manager – Budget Amendments to the Fiscal Year 2017-18 Capital Improvement Program

Town Manager Dennis provided the background regarding the need for two budget amendments, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Vice Mayor Wengert asked Town Manager Dennis if all of the needed adjustments have been identified. Town Manager Dennis said the confusion and the overlapping fiscal year expenses for the road project item appeared to have occurred due to using an encumbering system that hadn't been fully developed. He said that should not happen again this year and will not impact the audit. He said it is difficult to work with the cutoff date. He said most municipalities will re-appropriate unspent capital project budgets as part of their budget for the next year to eliminate that issue. He said that is a potential option, instead of hustling to get all the bills in before the books are closed.

Councilmember Hughes moved to approve Budget Amendments to the Fiscal Year 2017-18 Capital Improvement Program. Seconded by Councilmember Aalfs, the motion carried 4-0, by roll call vote.

(8) Recommendation by Town Manager – Proposed Letter of Support for Cal Water's AMI Smart Meter Pilot Project

Assistant to the Town Manager de Garneau requested the Council's permission for Mayor Richards to sign a letter of support for Cal Water's upcoming Smart Meter pilot project, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Vice Mayor Wengert asked regarding the incremental costs the residents could expect to incur as these Smart Meters come out. Assistant to the Town Manager de Garneau said Cal Water has not released those figures yet but said it should be a small monthly cost. She said the proposed letter specifies "Assuming the costs are reasonable." She said based on Cal Water's initial estimates, it should be very reasonable.

Vice Mayor Wengert asked if it was known what percentage of Portola Valley's water use is due to leaks. Assistant to the Town Manager de Garneau said she had asked Cal Water to put a monetary figure on the leaks that they are aware of through the program that refunds half the expense. She said that would not include the leaks that were not reported or slow leaks that are not noticed. She said there are also a percentage of leaks that Cal Water has as part of their system that they account for.

Councilmember Aalfs asked if Cal Water spreads the full cost of the new meters over the three-year rate case or if they were amortized over a longer period. Assistant to the Town Manager de Garneau said she was not sure but knew it included the cost of the physical equipment, the deployment, and the monitoring. She said each time the data is pinged, there is a data cost.

Councilmember Aalfs moved to authorize the Mayor to sign the Letter of Support for Cal Water's AMI Smart Meter Pilot Project. Seconded by Vice Mayor Wengert; the motion carried 4-0.

Town Manager Dennis commended Assistant to the Town Manager de Garneau for her extraordinary efforts in working with Cal Water on this issue.

(9) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Hughes – Councilmember Hughes and Town Manager Dennis passed out Portola Valley Citizenship awards for second graders at Ormendale for sharing ideas and participating in Town government. He said the children were very enthusiastic and engaged. He attended the Finance Committee meeting on April 9 with Vice Mayor Wengert.

Councilmember Aalfs – None.

Vice Mayor Wengert – Attended a Home for All meeting on March 29, where they discussed next steps and planned a second meeting to coincide with Neighborhood Clean-Up Day. She also attended the Finance Committee meeting on April 9 with Councilmember Hughes. She said much of the discussion focused on the issues that will be faced in the coming budget. She said they discussed the utility tax changes, non-reoccurring capital expenses, and reserves. She said that are ready to begin the urban investment fund. Town Manager Dennis said they sat with LAIF yesterday to start the movement of money.

Mayor Richards – Attended the Planning Commission meeting where they heard the Alpine Hills annual review, a presentation on outdoor lighting, a proposed amendment to the ADU ordinance, and a proposed amendment regarding front setbacks on flag lots, which was denied.

(10) Town Manager Report – Town Manager Dennis reported that he has been in contact with the non-profit organization working with the Sheriff's Office on gun buyback. He said he learned the money

goes directly to the non-profit, not the Sheriff, and Town Manager Dennis is working on an agreement related to that. He met with the Friends of the Library and discussed the Town's approach to allocations for donor funds, potential uses, and the responsibilities of the County system, the Town, and the Friends of the Library. He met with the Fire Chief and hopes to soon begin discussing Jasper Ridge as an evacuation route in case of an emergency. Town Manager Dennis said there should be a website up tomorrow about the housing issues being discussed, including the report of the March 3 event. He met with the Deputy Library Director and Town Historian Nancy Lund regarding the contract the library has with a consultant to do scanning of historical documents and how to present that information. He said the County is willing to buy software to host all of Ms. Lund's materials, which will be made available to the public. He met with the Priory Building and Grounds Committee who are responsible for housing issues. He shared with them what happened at the housing event and they were very excited. He will meet with Tim Molak and Eric Hartwig April 12 to discuss the crossing guard at Brookside and the Priory entrance to try to identify a short-term solution they can all contribute to, anticipating longer term solutions may come out of the pedestrian study. He and Vice Mayor Wengert will attend the Progress Seminar this weekend put on by the Redwood City Chamber of Commerce for the entire County.

WRITTEN COMMUNICATIONS

(10) Town Council Digest – March 30, 2018

None.

(11) Town Council Digest –April 6, 2018

#7 – Invitation to the C-SPAN StudentCam Documentary Competition Awards – Woodside Priory, Tuesday, April 17, 2018. Councilmember Aalfs met with one of the awarded students.

ADJOURNMENT [8:50 p.m.]

Mayor Richards adjourned the meeting.

Mayor

Town Clerk