

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 969, May 8, 2019

CALL TO ORDER AND ROLL CALL

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

Absent: None

Others: Jeremy Dennis, Town Manager
Laura Russell, Planning & Building Director
Arly Cassidy, Associate Planner
Cara Silver, Town Attorney
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None

CONSENT AGENDA

- (1) Approval of Minutes – Town Council Regular Meeting of April 24, 2019. *[Removed from Consent Agenda.]*
- (2) Approval of Warrant List – May 8, 2019, in the amount of \$100,280.66.
- (3) Recommendation by Town Attorney – Second Reading and Adoption of an Ordinance Requiring the Safe Storage of Firearms in Residence
 - (a) Second Reading, Waive Further Reading and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 9.09 [Storage of Firearms] to Title 9 [Public Peace, Morals and Welfare] of the Portola Valley Municipal Code to require the Safe Storage of Firearms in a Residence (Ordinance No.2019-432)

Vice Mayor Aalfs moved to approve Items 2 and 3 of the Consent Agenda. Seconded by Councilmember Derwin, the motion carried 5-0, by roll call vote.

- (1) Approval of Minutes – Town Council Regular Meeting of April 24, 2019. Councilmember Hughes moved to approve Item 1 as amended. Seconded by Councilmember Richards, the motion carried 4-0-1, with Councilmember Derwin abstaining.

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

- (4) Study Session – Future General Plan Update

Planning & Building Director Russell introduced the presentation and shared the outline for the study session regarding the General Plan Update. The presentation included the background of the General Plan and the reasons for the need of a comprehensive update, an initial research phase for the Council's

consideration and possibly forming a Council subcommittee, the comprehensive update phase, receiving public comment, and receiving Council's discussion and direction, as detailed in the staff report. Staff recommended the creation of the Council subcommittee and starting the research phase. After the research is completed, staff will report back to Council and request direction on next steps.

Town Manager Dennis said the word "comprehensive" was a deliberate word choice and asked the Council to consider if they were comfortable with the use of that word as it relates to the General Plan update.

Councilmember Richards asked if a consultant had been used on previous revisions. Planning & Building Director Russell said there has never been an outside consultant used. She said since the Town had consultant Planners, they had the capability of doing it themselves. Councilmember Richards said he understands this is an enormous project. He asked if the reason for going to a consultant is a matter of bandwidth and being able to move it along in a timely manner. Planning & Building Director Russell said those are significant reasons, with another reason being expertise. She said the benefit of having a General Plan consulting firm is the multiple experts available. She said staff wants the ability to draw from their expertise, particularly for the Safety and Sustainability Elements.

Councilmember Derwin said while she's served on the Council, they have worked on certain individual elements of the General Plan. In response to Councilmember Derwin's question, Planning & Building Director Russell said the proposal is to be truly comprehensive and look at every element, every goal and policy, and the organization of the General Plan.

Mayor Wengert said an outside consultant will initially review the existing General Plan and will likely find that some elements of the current plan are in better shape than others. Mayor Wengert said she is concerned that when a third party is brought in, there is the risk they will just scratch and start over with each element. Planning & Building Director Russell said the initial phase will be working with the consultant to understand the Town's goals. She said it will be important to look at the existing elements and retain the things that are appropriate and fitting so that everything doesn't go out the door. Town Manager Dennis said there is no desire on the part of staff to bring things forward that do not require change. He said comprehensive does not necessarily mean everything new, but means that it will be looked at through a modern lens.

Councilmember Hughes said the existing text is written by town residents and citizens with a sort of poetic, non-bureaucratic legalese. He said his concern is that a consultant may use a template that, although likely customized for the Town, loses the tone of the original document. The Council agreed. Town Manager Dennis said staff will retain management of the project and the consultant will do what is asked of them. He said that may be drafting, showing up at meetings and taking notes, doing technical work, or any mix of that. He said the other element will be the use of a committee made up of residents participating in the process.

Mayor Wengert said the initial outreach will be the most critical element. She said the minute a major General Plan revision discussion is opened, a very large and significant conversation will likely ensue regarding current zoning, allowable square footage, AMFA, etc. She said changes to the vision statements will be incredibly sensitive and the community will want to have a tremendous amount of input and they should. She said that is the heart of who the Town is but also about who it is becoming and who it will become. She said changes have already occurred and more are coming and that will be a very intense part of this. She said she is only hesitating slightly because of the timing, considering all the other things the Town is doing. She said she is also gasping at the hundreds of thousands of dollars this will cost. She said she is not afraid to spend it if it's money well spent over time. She said since the Council is directing the research, the research will really be focused on public input at this point. She said it will be focused on the status of the General Plan relative to current state-of-the-art General Plans. She said she is more concerned that the Town be very prepared to bring in all of the input being sought. Mayor Wengert said it is about the engagement, the process, and how broad it is.

Councilmember Derwin said the timing is something to think about. She said someone may think the Town is changing the General Plan so they can start to build apartments all over town. Mayor Wengert said there have been a lot of changes this year that have already surprised some of the residents, particularly about the pace in which the Town is attempting to address the issues and the local crises.

Councilmember Richards said an important key to the first phase is making sure people understand what the General Plan is, that it is not the zoning ordinance. He said the focus should be on the core values of the General Plan and not the intricacies of the zoning ordinance.

Councilmember Hughes said this is a 2-1/2-year process and there always has been and probably always will be something going on in Town that may be focused on during a General Plan discussion, currently the Housing Element, and trying to find a better time may not be helpful.

Councilmember Derwin said the evaluation of the Safety Element and wildfire danger should be emphasized.

Vice Mayor Aalfs agreed he would not want to delay the process to wait for a better time.

Mayor Wengert agreed it will take a while to complete the research. She said the initial outreach to announce the initiative, describe it, and seek feedback will be critical.

Vice Mayor Aalfs asked if the \$25K budgeted is in the '18-'19 budget with the next phase '20-'21. Mayor Wengert said it could go even longer. Town Manager Dennis said the numbers are high and more toward the worst-case scenario. He said it is very possible this process will not take two years and may cost much less. He said the upcoming budget will have some asks by staff that could make this more of an internal than external process; however, it will be critical to have a consultant available as well as technical expertise. He said the research period is to understand the current situation and what needs to be done.

Councilmember Derwin asked where the ASCC and Planning Commission fit into this. Planning & Building Director Russell said it is most common for Planning Commissioners to have an active role on a General Plan advisory committee, as well as representatives of other important committees and commissions. Town Manager Dennis said visioning typically involves the Planning Commission and there will likely be joint meetings of the two bodies.

Mayor Wengert said the process part of this will be critical in terms of who is involved and how it moves through. She said the hardest work will be on the Planning Commission who will need to drill down and create all the detailed sections of each element. Depending on the scope of their recommendations, it can be a long process and must be managed well.

Town Manager Dennis said staff understands the Council's broad direction is to maintain the rural character of the town in the spirit and ethos of how the town was founded. He said the focus will be whether or not the General Plan still intends to do that and if it is reflected into the zoning code in a particular way. He said the community has questioned the very large homes being built and if there is an inconsistency of that with maintaining rural character.

Mayor Wengert recalled the amount of time and effort it took to define the term open space. She said she would expect that any discussion about the town's most vaunted terms will be an amazing process and part of a very large and potentially engaged community.

Town Manager Dennis said the Council has an integral role in this by setting the stage for what they expect from a committee, which is why the upfront visioning is so important, to provide the lanes by which they operate and whether they're broad or narrow. He said the Council may find they want to give them

more discretion or they may find that the General Plan is in pretty good shape as it relates to the most fundamental language and want to keep that lane fairly narrow.

Councilmember Hughes asked if the research portion of the project would determine which elements needed more time and focus. Town Manager Dennis said that issue will require help from the subcommittee. Town Manager Dennis said he sees it more as an opportunity to see what has happened in 20 years and what kinds of improvement should be looked at. He said there would then be a process conversation once there's been a decision to initiate something and then take time to build that out. He asked Planning & Building Director Russell if she had a different opinion.

Planning & Building Director Russell agreed fundamentally. She said the consultant experience can be used to address some of the largest concerns such as best practices and applying reasonable parameters to result in successful outcomes and good resident participation.

Mayor Wengert suggested that even in the early stage, as part of the initial conceptual discussions, there should be representatives from the Council, the Planning Commission, and the ASCC. She said the beginning will be less about direction and more about understanding the priorities and scope. She asked Planning & Building Director Russell if that felt too cumbersome. Planning & Building Director Russell said she understood the concern that the first step provides a lot of information. She said it may be difficult to get direction on the first step and staff will benefit the most from Council's direction. She said they can then talk about involving the right people in a future phase. Mayor Wengert suggested the subcommittee check in with the Council a couple of times as they are working. Councilmember Hughes said the subcommittee members can always reach out to the Planning Commission and ASCC members for input without them needing to be present for the detailed discussions. Councilmember Hughes said it may not just be those committees, and may be worthwhile to check in with other committees such the Conservation, Trails, Sustainability, Parks and Recreation, and Open Space because they are all elements here.

Town Manager Dennis said the ASCC has a particular specific function and their involvement early on may not be necessary. He said the Planning Commission makes more sense. He said the Council needs to set some clear goals as early as possible to allow the other bodies to work within their group. He agreed that having a Planning Commission member participate early on but he feels strongly that the Council should have ultimate discretion, which might mean it's just the subcommittee to start.

Town Attorney Silver said the Housing Element is required to be updated every eight years. She said the current Housing Element expires in 2022. She said the Town will probably be required to update the Housing Element in that same time period regardless of where we are in this process.

Councilmember Derwin asked how often the subcommittee would be meeting, their tasks, and who the subcommittee will meet with.

Planning & Building Director Russell said they anticipate working with the subcommittee to draft the RFP. She said staff would collect other example RFPs, working on some drafts with the subcommittee on the language, to make sure the first research scope is useful and productive for the Council to use moving forward. She said they will then issue the RFP for the whole General Plan update, looking to other communities' best practices, subject to changes. She said staff would then ask the subcommittee to participate in the interview process of a consultant firm, making sure the work product is on track, and checking in with the subcommittee as staff works with the consultant on the results received, and how that will be packaged to come back to the full Council at the completion. Town Manager Dennis said there were likely be intense meetings up front, then a lull, then a few here and there. Councilmember Derwin said it is a lot of work and will require a lot of reading and researching. Mayor Wengert said the research scope is very important and will direct where they're headed, while being as efficient as possible. Planning & Building Director Russell estimated that it would take approximately six months to bring

information back to Council. Mayor Wengert said that because of the importance of the scope, it will be important to bring it back to the Council before the RFP is issued.

Councilmember Richards and Councilmember Hughes volunteered to serve on the subcommittee.

- (5) Recommendation by Planning & Building Director – Review the Housing Element Annual Progress Report for 2018 and Authorize Submittal to the California Department of Housing and Community Development (HCD)

Planning & Building Director Russell presented the 2018 Progress Report for the Annual Housing Element, which is required to be submitted annually to the California Department of Housing and Community Development. She described the background, discussion items, and the eight programs – inclusionary housing, affiliated housing, second units/ADUs, shared housing, fair housing, energy conservation and sustainability, exploring future housing needs, and transitional and supportive housing ordinance amendments, as detailed in the staff report. She reported that the Town has met its below market rate housing requirements under the Element with 69 housing units (mostly ADUs). Staff recommended Council review the report and authorize staff to forward it to the HCD.

Mayor Wengert invited questions from the Council.

Councilmember Hughes confirmed with staff that target numbers still apply to only the building permits issued even though additional figures will be reported.

Councilmember Hughes asked if the excess in the very low-income category could be bumped up to the low-income category. Planning & Building Director Russell said that has to do with the allocation formula. She said staff will follow up on that question.

Councilmember Derwin asked how SB-50 will affect this process. Planning & Building Director Russell said she doesn't think anyone knows the answer to that. She said everyone in the planning circle is tracking it. She said the annual reporting is so important right now because people are paying so much attention to it with media, academic, and think tank coverage. She said it is important that a community like Portola Valley is creating units and meeting the overall unit goals, but people are using the data for many different reasons to analyze the housing crisis. She said what they make of it and what legislation follows is a big question mark. Town Manager Dennis said the RHNA process is very challenging for municipalities. He said there is no responsibility to build units but there is responsibility to plan for the units. He said Portola Valley ADUs are the primary source of below market rate units, which will be generated by the market. He said there is a disconnect between the powers the Town has to actually influence ultimately how many are created, other than creating an environment by which they can be created, which the Council has been doing. He said in moving forward it is entirely possible that the state looks at a model where cities have more responsibility to actually create the units. He said what that does to this process is anybody's guess, as is whether or not the Town can count on the state's emphasis on ADUs as it relates to this.

Councilmember Hughes asked about units that do not yet have permits issued, such as potential Priory and Stanford projects – if it was known how those below-market-rate units would be categorized on the income level. Planning & Building Director Russell said she was not sure.

Councilmember Derwin said she thinks the state will pay particular attention to places like Portola Valley. She said when she was lobbying in Sacramento a couple of weeks ago with C/CAG, they heard from multiple people that the narrative is the rich communities such as Atherton, Hillsborough, Portola Valley, and Woodside, are not building housing and they will not stand for it anymore. She said that's why the RHNA numbers can no longer be shared.

Councilmember Hughes moved to Authorize Submittal of the Housing Element Annual Progress Report for 2018 to the California Department of Housing and Community Development. Seconded by Councilmember Derwin; the motion carried 5-0.

- (6) Recommendation by Town Manager – Appointment of Resident Members to the Ad-Hoc Wildfire Preparedness Committee.

Town Manager Dennis described the background and discussion items regarding the Ad Hoc Wildfire Preparedness Committee, as detailed in the staff report. Staff recommended the Town Council appoint five resident members to the Committee.

Mayor Wengert invited questions from the Council.

Councilmember Hughes noticed Al Sill is applying as a non-member of the ASCC as opposed to the ASCC spot. Town Manager Dennis said ASCC will need to appoint an ASCC member.

Town Manager Dennis noted that two applicants are present – Lorrie Duval and Michael Tomars.

Councilmember Richards suggested Duties & Function #3 could be expanded a bit. Town Manager Dennis said he discussed this with the Chair of the Conservation Committee and there are some efforts they are undertaking related to wildfire and appropriate landscaping, which will be folded into this work. He said that committee does not consider fire when looking at landscaping, which is something they are starting to think about separately.

Mayor Wengert confirmed that the partner agencies included Woodside Fire. Town Manager Dennis said Woodside Fire has been notified that multiple members of their staff will be participating in the technical aspects.

Mayor Wengert suggested that Duties & Function #7 is too broad. She suggested “analyze additional options for improving wildfire preparedness as requested by the Town Council or resulting from research.”

Councilmember Richards moved to approve the five Resident Members who have applied to the Ad-Hoc Wildfire Preparedness Committee. Councilmember Derwin seconded; the motion carried 5-0.

- (7) Recommendation by Town Manager – FY 2019-'20 Council Priorities

Town Manager Dennis described the background, discussion items, and fiscal impact of the proposed 2019-'20 Council Priorities as detailed in the staff report. Staff recommended that the Town Council adopt the Council Priorities as presented.

Mayor Wengert invited questions from the Council.

Mayor Wengert recommended picking two items in each category that are priority for those tasks, otherwise it appears that everything is a priority. Town Manager Dennis said the priorities are formatted within the budget book into six priority areas, followed by: “projects may include the below.” Mayor Wengert offered suggestions of priorities within each category.

Councilmember Richards said a lot are ongoing projects. He said that the headline items #1 - #6 are really the priorities. Mayor Wengert said it will be a real reach to complete all of these priorities in one fiscal year. Councilmember Richards said the list can be reduced by things that have to happen anyway, such as the garbage franchise. Mayor Wengert said there should be a true priority attached to the items within the categories.

The Council discussed and reordered some of the priorities in each category.

Mayor Wengert was concerned that she did not see something relative to a shorter-term plan to stabilize the Finance Department under Health of Town Resources. Town Manager Dennis said he didn't include anything there because he thought this could be dealt with quickly within the next couple of months, once the budget process is completed. Councilmember Derwin asked for clarification regarding Recruitment for the next generation. Town Manager Dennis said there are generational differences related to the people the Town will be hiring in the future, which may be now. He said Generation Y and Millennials have expectations of a work environment, how much work they will be doing, expected benefits, etc., that is a completely different environment, as well as how to communicate between different generations. He said that may affect the Town's very tight working environment and may look fundamentally different and may require an adjustment period.

Mayor Wengert suggested a category of Community Oversight or Vigilance, which came to mind relative to the ALPR and enforcement. Town Manager Dennis said #3 includes Neighborhood Watch Support. Councilmember Hughes suggested the enforcement element fit under #4, Communications and Community Engagement, because it goes hand-in-hand with communication. Town Manager Dennis explained the sensitivities around enforcement issues. The Council agreed on the category title name of Community Oversight and Enforcement to be under the Communications and Community Engagement category.

Vice Mayor Aalfs moved to adopt the FY 2019-'20 Council Priorities. Seconded by Councilmember Hughes; the motion carried 5-0.

(8) Recommendation by Town Manager – Formation of a Council Subcommittee, Website Refresh

Town Manager Dennis described the background of the website, which was last updated in 2009, and discussion items. Staff recommended the Town Council create a subcommittee to support the upcoming website refresh.

Councilmember Hughes and Mayor Wengert volunteered to serve on the subcommittee.

(9) **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Councilmember Richards – Attended a Planning Commission meeting where they discussed the Housing Element Progress Report. He attended the Conservation Committee meeting where they discussed dogs digging near the pond at Spring Down, which disrupts their attempts to reestablish the native grasses and wildflowers. They discussed placing signs to remind people to keep dogs on the paths.

Councilmember Hughes – Attended a Bicycle, Pedestrian & Traffic Safety Committee meeting where they discussed that the Sheriff's Office is now recording whether or not a person receiving a traffic citation is a Town resident or not – 7% of the citations were Town residents and 93% were non-residents. They also discussed the Traffic Safety Study and next steps. May 9 is Bike To Work Day.

Councilmember Derwin – Attended a subgroup meeting from the C/CAG Legislation Committee. They discussed submission of a letter indicating San Mateo's general position on SB-50. She shared a map that charts High Opportunity and Jobs-Rich areas which includes Portola Valley but excludes Woodside. Attended a Home for All tele-meeting with Mayor Wengert, Town Manager Dennis, and Planning & Building Director Russell, where they discussed the June 1 convening. She attended an Affiliated Housing subcommittee meeting with Vice Mayor Aalfs, Planning & Building Director Russell, and Town Manager Dennis where they discussed expanding the program to add new partners, including the Town. She introduced Representative Jackie Speier at the library visit promoting her new book, "Undaunted." She attended a badge pinning ceremony for new Fire Chief Rob Lindner. She also attended George Comstock's memorial service.

Vice Mayor Aalfs – Attended the Affiliated Housing subcommittee meeting. He said Peninsula Clean Energy got their credit rating yesterday and are investment grade, the second CCA to have the rating.

Mayor Wengert – Attended a C/CAG Bike Pedestrian Committee meeting where they approved the transportation grants. She attended the Redwood City Chamber of Commerce Legislative Capitol Bus tour. The accompanying luncheon included a panel with a variety of lobbyists. She said it is going to be difficult to stop the housing bill train. Mayor Wengert said she has looked more closely at SB-50 and the implications of Portola Valley being defined as a job rich community. She said this will be continually monitored. Councilmember Derwin said when she was in Sacramento, they discussed AB-1487, Housing Agency for the Bay Area (HABA), which she thinks will also pass. Mayor Wengert attended the Parks & Recreation Committee meeting where they discussed the picnic.

(10) Town Manager Report – Town Manager Dennis said they expect the June 1 convening regarding housing to be well-attended. He acknowledged that Lucy Wicks, Director of Office of Government and Community Relations at Stanford University was present at tonight's meeting. Town Manager Dennis said a letter was sent to Supervisor Joe Simitian asking for consideration for mitigation measures for the General Use Permit (GUP). Town Manager Dennis said he's met with the people organizing pickleball and have discussed using tape instead of paint to mark a pickleball court. He said they'd like to see more events to make sure it is something that can be sustained. He said it has brought up the issue of thinking about how the tennis court space is utilized as far as scheduling time. Town Manager Dennis said that as part of the budget preparation, he looked at revenue recommendations yesterday and today and things are looking good. He said because Measure W passed, the Town has an additional approximately \$130,000 related to roads and transportation issues. He said staff did the CIP review today and have a lot of potential projects to bring forward. He said they will look at expenditures tomorrow and hope to put something out in approximately two weeks.

WRITTEN COMMUNICATIONS

(11) Town Council Digest – April 25, 2019

#4 – Memo – Assisted Listening Device is now available in the Historical Schoolhouse. Councilmember Derwin asked if anyone has asked for it yet. Town Clerk Hanlon said it has not been requested yet.

(12) Town Council Digest – May 2, 2019

None.

ADJOURNMENT [9:07 p.m.]

Mayor Wengert adjourned the meeting.

Mayor

Town Clerk