

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 910, MAY 13, 2015

I CALL TO ORDER AND ROLL CALL

Mayor Aalfs called the Town Council's regular meeting to order at 7:30 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Craig Hughes, John Richards, Ann Wengert; Mayor Jeff Aalfs

Absent: Vice Mayor Maryann Moise Derwin

Others: Nick Pegueros, Town Manager
Leigh Prince, Town Attorney
Sharon Hanlon, Town Clerk
Brandi de Garreaux, Sustainability and Special Projects Manager
Debbie Pedro, Planning Director/Town Planner

II ORAL COMMUNICATIONS

Sue Chaput, Alamos Road, Portola Valley, Cultural Arts Committee member, recommended the Council include and utilize the Town's talented residents and committee members when undertaking future projects.

III CONSENT AGENDA [7:33 p.m.]

- (1) Approval of Minutes: Town Council Regular Meeting of April 22, 2015.
- (2) Approval of Warrant List: May 13, 2015, in the amount of \$ \$95,376.81.
- (3) Recommendation by Sustainability and Special Projects Manager – Adoption of a Resolution Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials Between the Town of Portola Valley and GreenWaste Recovery, Inc. (Resolution No. 2654-2015)
 - (a) A Resolution of the Town Council of the Town of Portola Valley Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials Between the Town of Portola Valley and GreenWaste Recovery, Inc. (Resolution No. 2654-2015)
- (4) Recommendation by Mayor – Amendment No. 1 to the Town Manager Employment Agreement.
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving the Amendment to Town Manager Employment Agreement (Resolution No. 2655-2015)

Councilmember Wengert moved to approve Items 1 through 4 of the Consent Agenda. Seconded by Councilmember Richards, the motion carried 4-0.

IV REGULAR AGENDA [7:34 p.m.]

- (A) Presentations – None

(B) Committee Reports and Requests

(1) *Report by the Nature & Science Committee* – Committee Annual Report to the Town Council

Chair Yvonne Tryce presented the Nature and Science Committee Annual Report. Mayor Aalfs congratulated Ms. Tryce and the Committee on their successful events, and thanked them in particular for their role in the Town's 50th Anniversary celebration.

(2) *Council Liaison Reports*

- Councilmember Wengert – Attended Trail and Paths Committee meeting on March 12; there was no quorum. Attended the Water Conservation Committee meeting today, with the focus being on alternatives for a water survey and other communication techniques relative to the drought.
- Councilmember Richards – None.
- Councilmember Hughes – Attended Parks and Recreation Committee meeting on May 4, where they discussed the skate ramp, the Ford Field scoreboard and snack shack, the June 6 Town Picnic, and the Zots to Tots Race. Attended the Open Space Acquisition Advisory Committee on May 5, where they elected a new chair and discussed the purposes and goals of the committee, potential committee projects, open space easements, and the committee charter.
- Mayor Aalfs – Attended ASCC meeting on May 11, where they approved the Buck Meadow residence and are recommending use of the Private Open Space Easement (POSE) for construction staging, which will come before the Town Council for approval.

(C) Public Hearings: None

(D) Staff Reports and Recommendations [7:53 p.m.]

(1) *Report from Town Manager* – Request from Town Residents for up to \$10,000 to hire an Aviation Consultant to Study Alternative Landing Procedures for Arriving Commercial Airlines at San Francisco International Airport (SFO)

Nick Pegueros said staff is asking that the Town Council review and discuss the request of residents Tina Nguyen and Vic Schacter for Town assistance to hire an aviation consultant to assist with research.

Dr. Tina Nguyen presented the request. She said that she, Vic Schacter, and Jim Lyons have attended Roundtable meetings for more than five years, but have not received any help to address Portola Valley's air traffic noise problem. She said they would like to hire a technical expert who understands the complexity of the problem and can develop solutions and model flight paths. She said they would hire an aviation consultant that has SFO experience and a track record for helping other communities solve their noise problems.

In response to the Council's question, Dr. Nguyen said her group had initiated litigation in the form of an appeal to the FAA's finding of "no significant noise impact." She said the lawsuit is seeking a full environmental assessment study. She said the request to hire a consultant is to find alternative flight paths and is not related to the litigation.

Councilmember Hughes asked if providing the FAA with alternative routes would have any effect. Dr. Nguyen said there is a history of the FAA having responded to the aviation consultant in other cities. She said they also want the technical report to present to the Congressional leaders and Senators.

With no other questions from the Council, Mayor Aalfs called for public comment.

Michael Tennefoss of Ladera supported the proposal. He said that despite more than 2,500 protests to SFO regarding the noise, the consistent response is there is no increase in noise and no problem. He said that technical hard facts from an expert need to be presented to Anna Eshoo and Diane Feinstein.

Mayor Aalfs asked what the Town can realistically expect from this process. Dr. Nguyen said she would expect an evaluation of why Portola Valley is the location for the unofficial holding pattern and why the planes cannot be flown over the Bay.

Bud Eisberg, retired airline pilot, said he understands the complexity of the Bay Area flight patterns and the problems faced with three major airports close together. He said there has been traffic increase in the air as well as on our highways. He suggested conferring with an air traffic controller regarding their opinions on holding versus vectoring. He requested the Council consider whether spending this money on a consultant could be any more effective than the Roundtable. He would advise against it if the only solution is to push air traffic into someone else's air space. Dr. Nguyen responded that there were more than 800 Town residents who signed the petition expressing concern about the air traffic noise. She said it is their intention to hire a former FAA leader that is an air traffic control manager.

Jennifer Landesmann, Palo Alto, supported the proposal. She said this is a political issue and she supported Dr. Nguyen and the others for their advocacy for the interests of people on the ground. She said that unlike highways on land, air highways are dynamic and can move.

Councilmember Wengert said she is also concerned about the difficulty in effecting change with the FAA; however, she believes the people's voices need to be heard with constant public input. She said the Roundtable is a good vehicle for that and the airport does listen to the Roundtable comments and has effected some change, albeit on a smaller level. Councilmember Wengert said the problem lies with the increase of vector traffic, which is a very complex issue. She agreed with Mr. Eisberg that the burden of increased air traffic is here to stay as a result of the prosperity of the San Francisco Bay Area. She said she is not looking for a full shift of the burden, rather a dispersement that is equitable to all the involved communities. She said a technical consultant could help facilitate getting the data necessary to perform an accurate analysis of the changes that have occurred. Councilmember Wengert suggested modifying the scope in the proposal. She said there needs to be a very strong argument, backed by facts, presented to the FAA proving that the Town has suffered an unduly significant burden with the additional noise. She said the community has clearly voiced their concern regarding the noise issue and she supported the proposal to hire a consultant, recommending that the scope be fine-tuned before bringing it back to the Council for final approval for the expenditure of public funds.

Councilmember Richards supported the proposal and deferred to Councilmember Wengert regarding modifications to the scope.

Councilmember Hughes supported the proposal and agreed that Councilmember Wengert should work with Dr. Nguyen to modify the scope and bring it back to the Council for final approval.

Mayor Aalfs said that he and Vice Mayor Derwin support the proposal. He also supported Councilmember Wengert assisting in the fine-tuning of the proposal and bringing it back to the Council for final approval.

Dr. Nguyen said the intent was not to shift all of the air traffic away from Portola Valley. She added, however, that they are not acceptive of a 220% increase in traffic over Portola Valley.

The Town Council was in general support of the proposal to hire an aviation consultant. Councilmember Wengert agreed to work with Tina Nguyen to further develop a consultant agreement for Council's consideration at its May 27 meeting.

(2) *Presentation by Planning Director/Town Planner* – Planning Department Reorganization for the Fiscal Year 2015-16.

- (a) Adoption of a Resolution of the Town Council of Portola Valley Authorizing a Reorganization of the Planning Department Including the Elimination of the Deputy Town Planner Position and Adoption of Job Class Specifications and Salary Ranges for The Associate and Senior Planner Position (Resolution No. 2656-2015)

Debbie Pedro presented the proposed resolution and said that staff recommended the Council adopt the proposed resolution and approve the reorganization plan.

Councilmember Hughes asked for an explanation of the performance incentives for Woodside and Saratoga. Ms. Pedro said in those Cities there are stepped salary ranges with additional incentive compensation, probably in the form of bonuses. She did not know the parameters or the criteria for awarding incentive compensation.

Councilmember Wengert asked why the Portola Valley salary ranges were low on the comparison chart of salaries of neighboring agencies. She expressed concern about being competitive in the job market. Ms. Pedro said the attempt was to set the top step for the Senior Planner position to be in line with the salaries of other senior level positions in Town. She said the recruitment process will be open for both Associate and Senior Planners and staff is open to filling the position at either the Associate or Senior level.

Councilmember Wengert asked if any salary surveys had been done for other Town Staff positions. Mr. Pegueros said the last salary survey was done in late-2012 or early-2013, which came to the Council as part of a review for the total compensation package and which included a change to the medical benefit for Town employees. He said the final step of implementing that medical benefit change occurs on January 1, 2016. Mr. Pegueros recommended that toward the end of this calendar year a salary survey be conducted.

With no public comment forthcoming, Mayor Aalfs brought it back to the Council for comment.

The Council unanimously supported the adoption of the proposed resolution.

Councilmember Wengert moved to approve the Adoption of a Resolution of the Town Council of Portola Valley Authorizing a Reorganization of the Planning Department Including the Elimination of the Deputy Town Planner Position and Adoption of Job Class Specifications and Salary Ranges for The Associate and Senior Planner Position. Seconded by Councilmember Richards, the motion carried 4-0.

(3) *Update on Drought Emergency.*

Nick Pegueros presented the update report regarding the drought emergency. He said that Cal Water has adopted updated regulations, to be effective June 1, 2015. The staff report detailed the updated regulations, enforcement, and efforts underway at Town Hall, and the impacts of refocusing staff time to attend to the drought emergency.

Mr. Pegueros said staff had some reservations relative to the responsibility of the burden that the ordinance would place on the Town to carry out and enforce regulations that are the responsibility of Cal Water and asked for Council guidance. Leigh Prince proposed three options:

Option 1: Adopt Cal Water's proposed ordinance.

Option 2: Adopt a resolution supporting Cal Water's enforcement of their own Rule 14.1.

Option 3: Adopt an ordinance easily enforceable by the Town.

The Council directed staff to draft a resolution supporting Cal Water's Ordinance by reference.

With regard to the draft letter to holders of pool permits, Councilmember Hughes expressed concern that the permit holders will have to fill their new pools to avoid structural damage and will likely do it despite the possible fines assessed. He also noted that some of the open permits appeared to be for resurfacing and remodeling, which may be considered completing structural repairs, and not prohibited from refilling. Mr. Pegueros said staff will review the draft letter further.

Ms. de Garneau continued with the staff report presentation, describing the efforts underway at Town Hall. She said a survey was developed by Water Conservation Committee Member Rebecca Flynn; however, it was discovered that using a survey developed by a Town committee member made the completed surveys subject to a public records request, which creates a privacy issue. She said the Water Conservation Committee has recommended employing a third party to conduct the survey and have recommended Steve Schmidt of High Energy Analytics, the company the Town used when addressing energy use in high energy homes. She said this would eliminate the privacy issue with the added benefit of this company's extensive experience with survey response. Ms. de Garneau said the \$5,000 cost could be reallocated from the Sustainability Committee budget that was not utilized for energy efficiency programs.

Staff requested Council's approval to sign the contract with High Energy Analytics. The Council unanimously approved.

Mr. Pegueros updated the report on other Town projects that have been impacted due to Staff resources being devoted to the drought emergency. Mr. Pegueros said he and Ms. de Garneau are confident they can work with the Cultural Arts Committee to get their survey out within the next week or two. He said staff will; however, need to defer any corrective actions to the Emergency Preparedness Committee for review that are revealed during the May 16 EOC drill.

Ms. de Garneau said that at the Mayors' Meeting with Cal Water, they pushed for timely monthly data so that the Town can provide feedback to the community on their water conservation efforts.

(4) *Recommendation by Town Manager* – Adoption of Resolutions Approving Agreements Between the County of San Mateo and the Town of Portola Valley for Basic and Supplemental Law Enforcement Services

Mr. Pegueros presented the proposed agreement and costs of renewing the three-year agreements with the San Mateo County Sheriff's Office for providing law enforcement services.

- (a) Adoption of a Resolution of the Town Council of Portola Valley Approving an Agreement for Basic Law Enforcement Services for Fiscal Year 2015-16 through Fiscal Year 2017-18. Between the Town of Portola Valley and the County of San Mateo (Resolution No. 26457-2015)
- (b) Adoption of a Resolution of the Town Council of Portola Valley Approving an Agreement for Supplemental Law Enforcement Services for Fiscal Year 2015-16 through Fiscal Year 2017-18 Between the Town of Portola Valley and the County of San Mateo (Resolution No. 2658-2015)

Councilmember Richards moved for Adoption of a Resolution of the Town Council of Portola Valley Approving an Agreement for Basic Law Enforcement Services for Fiscal Year 2015-16 through Fiscal Year 2017-18. Between the Town of Portola Valley and the County of San Mateo. Seconded by Councilmember Hughes, the motion carried 4-0.

Councilmember Richards moved for Adoption of a Resolution of the Town Council of Portola Valley Approving an Agreement for Supplemental Law Enforcement Services for Fiscal Year 2015-16 through Fiscal Year 2017-18 Between the Town of Portola Valley and the County of San Mateo. Seconded by Councilmember Wengert, the motion carried 4-0.

(E) Council Liaison Reports on Regional Agencies and Organizations [9:04 p.m.]

- (1) Councilmember Wengert – None
- (2) Councilmember Richards – None
- (3) Councilmember Hughes – Will teleconference in to the ABAG Special General Assembly Business Meeting tomorrow.
- (5) Mayor Aalfs – Attended Cal Water's Mayors' Meeting.

V WRITTEN COMMUNICATIONS [9:11 p.m.]

(1) Town Council Digest: May 1, 2015

#9 – Survey of Council and Commission Compensation and Benefits. The Council discussed and agreed that at this time they were not interested in receiving compensation; however, compensating Councilmembers may be considered in the future.

(2) Town Council Digest: May 8, 2015

#10 – Email from Selena Brown, the CERPP Coordinator, re: Water Purification System. Mr. Pegueros said the Town has purchased one of the water purification units and when the unit arrives, Mr. Novitsky will conduct a demonstration.

#11 – Email from Resident Kathy Fitzgerald re: Request for Bench to Honor Milan Gambhir. Mr. Pegueros said the Council policy, which was adopted in 2008, states the request for memorials will only be considered following a two-year respite from time of death. The Council gave permission for Mr. Pegueros to relay that information to Ms. Fitzgerald.

VI ADJOURNMENT [9:22 *p.m.*]

Mayor Aalfs adjourned the meeting.

Mayor

Town Clerk