

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 920, NOVEMBER 11, 2015

CALL TO ORDER AND ROLL CALL

Mayor Aalfs 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 Craig Hughes, Ann Wengert; Vice Mayor Maryann Moise Derwin, Mayor Jeff Aalfs.

Absent: Councilmember John Richards

Others: Debbie Pedro, Acting Town Manager
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS – None

(1) **ASCC COMMISSIONER INTERVIEWS AND APPOINTMENT**

(a) Jane Wilson

Ms. Wilson submitted a letter of interest to be considered for placement on the Architectural and Site Control Commission, included in the agenda packet for review by the Town Council. Ms. Wilson was interviewed by telephone.

Councilmember Hughes asked if the candidate had any experience in ASCC meetings and the process. Ms. Wilson said she has not worked from the planning side with the Town. She said she has attended ASCC meetings and read through minutes and has followed the ASCC's activities.

Vice Mayor Derwin asked regarding the candidate's experience in dealing with conflicts on the Library Committee. Ms. Wilson said she has been able to successfully resolve conflicts while working with the Library Committee.

Mayor Aalfs asked if the candidate foresaw any issues that would need to be addressed on the ASCC level. Ms. Wilson said she would like to see ASCC being more active regarding the protection of trees, views, and open space to protect the character of the Town, while still satisfying the applicant's building desires.

Councilmember Wengert asked how the candidate would handle situations wherein she did not personally agree with the Town's ordinance or regulation. Ms. Wilson said she is comfortable with abiding by the Town's and ASCC's regulations despite possible personal disagreement with some of them.

(b) Rebecca Flynn

Ms. Flynn submitted a letter of interest to be considered for placement on the Architectural and Site Control Commission, included in the agenda packet for review by the Town Council.

Councilmember Wengert asked how the candidate's skill set would fit in with the ASCC. Ms. Flynn said she has been very involved in the Town ever since she moved here approximately 15 years ago. She said the PVForum, which she founded and moderates, gives her a tremendous pulse on the Town as a whole. She said she has served on many committees and has a good sense of the very different desires of the citizens within the Town. She said she was very involved in the Town Center Planning Committee.

She said she is currently heavily involved in the Water Conservation Committee, and is very interested in general sustainability. She said many of the issues that will be coming through the ASCC will be due to issues and regulations that are being dealt with by the Water Conservation Committee.

Councilmember Hughes asked regarding the candidate's experience with the Town's building policies and ASCC meetings. Ms. Flynn said she has previously gone through the ASCC process as an applicant and said the present process is more efficient for applicants in that problem solving is more easily accomplished prior to reaching the ASCC. She said she is very familiar with regulations.

Councilmember Hughes asked regarding the candidate's experience in the construction process in general. Ms. Flynn said she has a lot of experience with contractors and has gone on-site to construction projects and pointed out issues to the contractors, and is familiar with reading and understanding plans. She described her experiences and heavy involvement with a guest house and pool project in which she acted as a general contractor.

Vice Mayor Derwin asked if there were parts of the architectural and design guidelines or building ordinances that the candidate found problematic. Ms. Flynn said the Town's building code is a conglomeration of layers and layers of new regulations that have been added over the years. She said that she is not in disagreement with any particular regulation and believes that the Town is as beautiful as it is due to these regulations. She suggested, however, that the codes should be reviewed for conflicts and clarification. Vice Mayor Derwin asked if the candidate would be able to uphold the regulations even if she saw irregularities. Ms. Flynn said she would.

Mayor Aalfs asked the candidate how she would like to see the codes and ordinances become more mainstreamed. Ms. Flynn said she prefers to educate first. She said she is very involved in the Passive House movement which includes very strict and sometimes impractical code. She said that information should be provided to applicants and contractors, educating them in this regard, and believes applicants would be receptive. She said educating the contractors, who are more apt to push back, would also be beneficial.

Councilmember Wengert asked the candidate how she feels about the ASCC playing a bigger role in post project enforcement. Ms. Flynn said that she was comfortable with enforcing a consequence to an applicant who did not comply with regulations.

Vice Mayor Derwin asked what role the candidate thought the ASCC should play in mediating neighbor disputes. Ms. Flynn said part of the role of the ASCC is to make sure that development fits with Town values. She said the ASCC should play a gentle role between neighbors, but, in the end, if the applicant's project is in compliance with Town's regulations, then they should be allowed to move forward.

Councilmember Wengert asked if the candidate saw any conflict with working in Town Government and continuing her role as moderator of the Forum. Ms. Flynn said she is a low-key moderator and only steps in for behavioral matters, such as when a post is rude or disrespectful.

(c) Megan Koch

Ms. Koch submitted a letter of interest to be considered for continuing with another term on the Architectural and Site Control Commission, included in the agenda packet for review by the Town Council.

Councilmember Wengert asked what the candidate thought was the most important thing she's learned while on the ASCC and what she would do differently. Ms. Koch said she learned a lot from Tom Vlasic – how to read through plans, walk through site visits, listen to applicants and neighbors, listen to

presentations, interacting in joint meetings with the Planning Department, and bringing it all together, while still maintaining her passion for Portola Valley.

Councilmember Hughes asked the candidate if she had any concerns about not having an architect on the committee next year and the impact it might have. Ms. Koch said it has been beneficial to have an architect's perspective on the Commission. She said knowledge of building is very important, but expertise in engineering, lighting design, or landscape, for example, is not required to be effective on the Commission. She said the Commission is strong because of their diversity.

Vice Mayor Derwin asked the candidate to describe a past success worked through at the ASCC and provide an example of where the ASCC could have done better. Ms. Koch said there were several illegal tree removal incidents they had to deal with. She said the Commissioners as a team did a great job, cohesively relaying the message to the applicants of the Town guidelines, why their actions were unacceptable, explaining mitigations such as restoration and repairs, mending neighbor relations, etc. She said although there was some stress, she was proud of the ASCC's handling of the issues – with a calm nature, an open ear, and an open mind. She said the ASCC has done a great job working with neighbors to reach compromises in situations where the applicant's plan was allowable and within regulations and guidelines, but negatively impacted a neighbor.

Mayor Aalfs asked the candidate if there was more support the ASCC could receive from the Council that would be helpful. Ms. Koch said several guidelines need to be revisited. She said that on paper the process is cohesive for applicants but perhaps not so cohesive among the Town regulatory bodies. She suggested that some sort of retreat summit with the Town Council, ASCC, Planning Commission, and other committees, perhaps twice a year, would be beneficial.

Mayor Aalfs asked, regarding code enforcement, if the candidate was prepared to ask a homeowner to tear down all or a significant portion of a project if necessary. Ms. Koch said it is important to keep consistent and in line with the Town's established guidelines.

(d) Terry Lynn

Mr. Lynn submitted a letter of interest to be considered for placement on the Architectural and Site Control Commission, included in the agenda packet for review by the Town Council.

Councilmember Wengert asked the candidate how familiar he was with the Town processes and if he'd ever participated in any committees or attended any meetings. Mr. Lynn said he has not participated in any of the Town committees. He said he is on the board of directors of the Christ Church and, because he's a CFO by training, tends to take on the finance subcommittee for budgets, etc., for the church. He said he is also a volunteer math tutor in the 2nd and 3rd grade.

Councilmember Hughes asked if the candidate was familiar with the ASCC process, and if he had attended meetings or read minutes. Mr. Lynn said the only permit he has pulled with Portola Valley was for a horse fence. He said he has successfully navigated the process in San Francisco, where it often seemed that his neighbors had more control over his property than he did.

Councilmember Hughes asked regarding the candidate's technical expertise in construction, reviewing plans, landscaping, and other issues addressed by the ASCC. Mr. Lynn said he has hired architects for a good design eye and also for engineering and construction advice. He said he can read plans and understand basic construction, but feels the role of ASCC is more design aesthetic, looking for design that is consistent with the desires of Portola Valley.

Vice Mayor Derwin asked how the candidate thought drought and other climate change scenarios would affect the Town ordinances related to the ASCC's purview. Mr. Lynn said absolutely the rules would flow

down to Portola Valley and did not foresee a problem with them. He said that over the years rules have been added in response to particular groups' agendas and he has concern that with so many rules in place, eventually only extremely wealthy people will be able to afford to develop in Portola Valley.

Mayor Aalfs asked the candidate regarding his comment about his experience in San Francisco where he felt his neighbors had more control of his property than he did. He asked the candidate to provide his guidelines or outlook on having to step into a neighbor conflict where the candidate may know one or both of them personally. Mr. Lynn said in San Francisco one neighbor in a block could have an issue with a project and stop it. He said the difficulty would be in a situation where discretionary review is involved. He said if it was a violation of a rule or regulation, there is no question it should be enforced. Mr. Lynn added that as a landlord in San Francisco, he's dealt with problem tenants. He said he has learned that by having a dialogue and laying out the facts, an issue can usually be worked through without having to go through legal recourse.

Mr. Lynn said he recently spoke at his church and some elderly women who have lived in Portola Valley for many years said they used to know everyone in Woodside and Portola Valley and it was very neighborly, which is common in rural areas. He said he feels that Portola Valley has changed and become more of a bedroom community. He feels the neighborly rural aspect of Portola Valley must be preserved.

Vice Mayor Derwin asked the candidate how he would preserve the neighborly aspect. Mr. Lynn said there are some Town guidelines that actually stymie neighborhood conversation. He said when there is a point of discretion, for example maybe something is within a setback but it will be obnoxious or create a problem with the neighbors, or something that really inhibits that feeling, if there is a way to have discreet power, then he would keep that in consideration.

The Council thanked the candidates.

Ms. Prince said that paper voting was acceptable. She instructed the Councilmembers to pass their nominations to Ms. Hanlon to announce who each Councilmember voted for, tally the votes, and announce the top two candidates.

Ms. Hanlon announced that Mayor Aalfs voted for Ms. Koch and Ms. Wilson; Councilmember Wengert voted for Ms. Koch and Ms. Wilson; Vice Mayor Derwin voted for Ms. Koch and Ms. Wilson; and Councilmember Hughes voted for Ms. Koch and Ms. Wilson.

Councilmember Wengert moved to approve the appointment of Megan Koch and Jane Wilson to the ASCC. Seconded by Councilmember Hughes; the motion carried 4-0.

(2) PLANNING COMMISSIONER INTERVIEWS AND APPOINTMENT

(a) Judith Hasko

Ms. Hasko submitted a letter of interest to be considered for continuing with another term on the Planning Commission, included in the agenda packet for review by the Town Council. Ms. Hasko was interviewed by telephone.

Councilmember Wengert asked the candidate what she has learned since being on the Planning Commission and what she would have done differently. Ms. Hasko said she came in without a planning background and, once on the Commission, dealt with a spectrum of issues. She said she has learned the standards for reviews of certain types of variances, interacting with the ASCC, field meetings, and how important it is to understand the entire scope of what the applicants deal with. She said going forward she

will get a better sense of property history and review more historical minutes to get a fuller historical context regarding projects.

Councilmember Hughes asked the candidate her thoughts on issues the Planning Commission ought to address with regard to future planning such as potential ordinance changes or other things that affect the future of the Town. Ms. Hasko said an example recently came up wherein they were asked to review an application to remove a specific amount of soil from a site. She said the Planning Commission feels they should be involved earlier in the process. She said they need to help citizens understand why the rules exist and better articulate the important criteria that will be applied. She said the Commission has played a role in looking at the Portola Road Corridor Plan. She said they are looking at the Town Center long-term plan, for example, discussing long-term plans regarding accessing any other open space behind the Town Center.

Vice Mayor Derwin asked what the candidate thought the Town should be doing regarding addressing housing, since it's become such a critical problem in the region. Ms. Hasko said this issue was particularly difficult given Portola Valley's geologic limitations and type of community. She said the second units have been a critical piece of that and she sees it continuing forward, and that it seems to be a mechanism people are comfortable with. She said they have loosened up a little bit in the last year regarding what the second units can look like in terms of size and configuration. She said although it is difficult for the Town to play a big role in fair housing, it can continue to support the efforts of the organizations that work to help people stay in their homes. She said the dialogue must be ongoing and not only occur when the Housing Element comes up every seven years.

Mayor Aalfs said the Commission had recently dealt with enforcement cases regarding illegal tree removals. He asked the candidate what she thought the Town Council or Planning Commission could do to alleviate the problem or make those issues easier to handle. Ms. Hasko said with more people being able to build their dream homes, the Town would likely see this occurring more frequently because new applicants perhaps aren't aware of the correct process or may hire people who are not familiar with Town practices. She said part of what the Town has articulated as a value is that the housing and structure should be subservient to the land and nature. She said there are a lot of permits going on now and the Commission must be vigilant. She said there is a balance on how to incentivize or how to penalize that is more the role of the Town Council, but said it is important to provide more specific direction on the importance of earlier intervention in a process and be clear on what is and what isn't permitted.

Mayor Aalfs asked how the candidate felt about the effectiveness of the current enforcements in place, such as fines. Ms. Hasko said although the cases haven't come up frequently, when they have, they have been huge and emotionally charged. She said it would be beneficial to revisit the penalties, the messaging, and the processes when people are starting to plan. She said a message needs to be sent that this is important to the entire community and is not just one of the rules.

(b) Emily Jagoda

Ms. Jagoda submitted a letter of interest to be considered for placement on the Planning Commission, included in the agenda packet for review by the Town Council.

Councilmember Wengert asked the candidate what inspired her to apply to the Planning Commission. Ms. Jagoda said she initially considered applying to the ASCC, but said the issues coming before the Planning Commission were more interesting to her personally and more broad-based. She said she finds the character of Portola Valley fascinating and she is interested in participating.

Councilmember Wengert asked the candidate if she had attended or participated in any Planning Commission meetings. Ms. Jagoda said she had not.

Councilmember Hughes asked the candidate her thoughts on the forward-looking role of the Planning Commission. He asked what issues the candidate thought the Planning Commission should take on over the course of the next four years in Portola Valley in terms of proactively looking at possible policy changes. Ms. Jagoda said the housing issue is important and interesting. She supported the second unit ordinance and felt that taking that step on a policy level was huge and an important step forward. She said she lives on Los Trancos Road and the tree issue is very important to her. She discussed problems that occurred due to a small tech company renting space at the Pony Tracks Ranch. She said there was a need not being met with regard to employers in town. She said she was not proposing a commercial corridor, and did not necessarily believe that everything had to be legislated, but felt the need should be acknowledged and addressed.

Vice Mayor Derwin asked what the candidate found interesting about the tree removal issue. Ms. Jagoda said she did not know the specifics of the tree removals, but has heard stories of large trees being removed in the Blue Oaks neighborhood. She said she believes that when people do that kind of clearing, they know they are adding tremendous value to their property by creating views, and the fines are not enough to deter them. She said she has not heard of anyone who was unaware of the consequences of removing trees. Vice Mayor Derwin asked the candidate if she thought the penalties should be more severe. Ms. Jagoda suggested bigger fines and also restoration requirements, for example if someone removes a large old oak, they may be required to plant four smaller ones and also one downtown.

Mayor Aalfs asked if the candidate had done any work as an architect in the communities along the hillsides. Ms. Jagoda said she has never done work in Portola Valley but has in San Mateo, Menlo Park, San Mateo County, Palo Alto, Los Altos, etc.

Mayor Aalfs asked what the candidate, as an architect, saw as effective or ineffective with regard to those communities' land use policies, and how that would influence her thoughts about Portola Valley's land use policies. Ms. Jagoda said she likes Palo Alto's process whereby the Planning Commission is involved early in a project.

In response to Councilmember Hughes's question, Ms. Jagoda said she lived in unincorporated County.

(c) Nicholas Targ

Mr. Targ submitted a letter of interest to be considered for continuing with another term on the Planning Commission, included in the agenda packet for review by the Town Council.

Mr. Targ expressed his appreciation for serving on the Commission, in this past year as Chair. He said he has received good support from his fellow Commissioners, the Town Attorney, and the Town staff. He discussed his work with the Commission and their process in dealing with satisfying the requirements of the Housing Element and Portola Road Scenic Corridor.

Councilmember Wengert asked the candidate where he saw the next generation Planning Commission's efforts being focused. Mr. Targ said an important specific project, Windmill, is coming up that will require a General Plan amendment and a zoning amendment. He said the role of modular housing in affordable housing will be very interesting and will need to be studied from an environmental aesthetic and long-term perspective. He said tensions between HOAs and the Town, with regard to aesthetic architectural control, ordinances, and regulations, needs to be examined. He wants to better understand the inclusionary housing fund. Mr. Targ suggested that listening/study sessions around these kinds of issues would be beneficial.

Councilmember Hughes asked the candidate what he thinks the Council should be doing to help support the Planning Commission. Mr. Targ said joint sessions are very beneficial for clarity of discussion, to

understand points of departure in understanding, understand issues regarding drafting, word choice, precision, etc.

Vice Mayor Derwin asked the candidate to share a specific challenge he faced while on the Planning Commission. Mr. Targ said he is quite passionate about trees as important to the character of the Town. He said as the values of properties increase, more people will want to build their dream homes in Portola Valley, and they will have different expectations with regard to size, massing, shape, light, pools, pathways, and also the million dollar view. He said an extraordinary penalty for illegal tree removal may be considered as merely a cost of doing business and the Town cannot let that happen. He suggests implementing an education process for property owners and developers. He suggested an education course, perhaps voluntary or perhaps by ordinance, for every arborist in Town. He said arborists are required to have a business license and should know the laws and be held accountable for their work on trees. He suggested perhaps listing those arborists who have completed the education course on the Town's website. He said that a person who does violate and takes out a heritage tree should have the opportunity to make a contribution, to do something with an aspect of restorative justice to demonstrate remorse – creating a human process with a way for some healing to come out of the process.

Mayor Aalfs asked the candidate how proactive he thought the Council should be with regard to affordable housing. Mr. Targ said he wants to see more conversation to really get a pulse on what affordable housing should look like in Portola Valley, what we can be doing and what we should be doing.

At the conclusion of the candidate interviews, Mayor Aalfs called for discussion regarding whether or not there is a preference for Commissioners to be residents of Portola Valley.

Ms. Prince said the current handbook says, "In making and confirming appointments, the Mayor and Town Council shall give preference to those applicants who reside in the incorporated area of the Town of Portola Valley, all other factors being equal." She said there is flexibility in that language and there will be an opportunity later in the evening to talk about possibly changing that.

After tallying the votes, Ms. Hanlon announced that the Council was unanimous in voting for Ms. Hasko and Mr. Targ.

Councilmember Hughes moved to approve the appointment of Judith Hasko and Nicholas Targ to the Planning Commission for four-year terms. Seconded by Vice Mayor Derwin; the motion carried 4-0.

The Council took a five-minute break.

CONSENT AGENDA

- (3) Approval of Minutes: Town Council Regular Meeting of October 28, 2015.
- (4) Approval of Warrant List: November 11, 2015, in the amount of \$78,004.10.
- (5) Appointment by Mayor – Request for Appointment of Member to the Cable and Utilities Undergrounding Committee.
- (6) Recommendation by Interim Town Manager – Resolution Approving a Quitclaim Deed for an Open Space Easement on APN: 077-242-210
 - a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of a Quitclaim Deed Between the Town of Portola Valley and Carl V. Larson, Jr., and Shirley S. Larson (Resolution No. 2678-2015)

(7) Recommendation by Interim Town Manager – Extended Winter Closure for Town Hall

Councilmember Wengert moved to approve the Consent Agenda, Items 3 through 7. Seconded by Councilmember Hughes, the motion carried 4-0 by a roll call vote.

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

(8) Recommendations by Town Clerk – Draft Revisions to the Commission and Advisory Committee Handbook.

Ms. Hanlon presented the staff report regarding proposed revisions to the Commission and Advisory Committee Policies & Procedures Handbook.

The Council discussed the paragraph entitled “Portola Valley Sphere of Influence” within the Handbook. Councilmember Derwin stated that if someone on a committee is going to be enforcing the laws of the Town, they should be subject to the laws of the Town. Therefore, she stated that members of the Planning Commission and ASCC, as with the Town Council, should live in Town. Councilmember Hughes agreed generally; however, he said he would like to keep the option open in the event there was a situation where there was a limited number of appropriate candidates within Town and more appropriate candidates outside of Town. Councilmember Wengert said she would not want to keep talented people out; however, she said would prefer that a candidate for a regulatory body of Portola Valley, particularly the Planning Commission, live under the ordinances of Portola Valley. Mayor Aalfs suggested that the language be strengthened to: “Commission employees are expected to be Town residents and the Council may, at its discretion, appoint someone from the sphere of influence.” The Councilmembers agreed that Councilmember Richards’ input would be valuable in this discussion and they agreed to delay making any changes until having discussed that issue with Councilmember Richards.

For the section entitled “Role of the Secretary,” Councilmember Hughes suggested adding wording that the committees are strongly encouraged to post their meeting minutes to the Town’s website.

Councilmember Hughes moved to approve the proposed revisions as amended, with additional language stating “Committees are strongly encouraged to post their meeting minutes to the Town’s website.” Seconded by Councilmember Wengert; the motion carried 4-0.

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

Councilmember Wengert – Attended Trails and Paths Committee meeting on November 10 where they discussed the recently held town hike and welcomed a new applicant who will be appointed at the December 9 Town Council meeting.

Councilmember Hughes – Attended the Parks & Recreation Committee meeting on November 2. He said there was no quorum but they did discuss the proposed horseshoe pit to be located by the sports court. He attended the Bicycle Pedestrian & Traffic Safety Committee meeting on November 4, where they discussed the Sheriff’s reports, public works projects, flyers for Windy Hill parking lot, outreach to local groups regarding guest blog posts on local bicycle organization websites, and possible committee events for next year. He attended the Cable Committee meeting on November 3, and said they had reached an impasse with PG&E regarding the undergrounding project. He said the committee welcomed a new member, approved at tonight’s meeting. He also attended this year’s Connect 15 Conference.

Vice Mayor Derwin – None to Report.

Mayor Aalfs – Attended the first Community Choice Energy community workshop on November 5 with Interim Town Manager Pedro. He said there were 21 residents in attendance and the feedback was mostly positive.

WRITTEN COMMUNICATIONS

(12) Town Council Digest –October 30, 2015

#10 - Letter from Dr. Gwen Arnold, University of California, Davis re: Upcoming survey regarding Shale Drilling. Mayor Aalfs asked if the Town had received the survey yet. Ms. Hanlon said it had not yet been received. Mayor Aalfs said he would follow up with Dr. Arnold.

(13) Town Council Digest – November 6, 2015

#8 – Month End Financial Report–October 2015. Councilmember Hughes requested clarification of the unreserved/spendable percentage of General Fund under the Fiscal Health Summary.

ADJOURNMENT

Mayor Aalfs adjourned the meeting.

Mayor

Town Clerk