

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 922, JANUARY 13, 2016

CALL TO ORDER AND ROLL CALL

Mayor Derwin 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, John Richards; Ann Wengert; Vice Mayor Craig Hughes, Mayor Mary Ann Moise Derwin.

Absent: None

Others: Debbie Pedro, Interim Town Manager
Leigh Prince, Town Attorney
Sharon Hanlon, Town Clerk
Brandi de Garreaux, Sustainability and Special Projects Manager

ORAL COMMUNICATIONS – Laura Fanucchi, Associate Director of HIP Housing presented Council with its 2016 calendar and thanked Council for their support.

CONSENT AGENDA [7:03 p.m.]

- (1) Approval of Minutes: Town Council Regular Meeting of December 9, 2015
- (2) Ratification of Warrant List: December 23, 2015, in the amount of \$85,485.23.
- (3) Approval of Warrant List: January 13, 2016, in the amount of \$309,659.03.
- (4) Recommendation by Parks & Recreation Committee – Request Approval of Parks & Recreation Committee Survey [*Pulled from Consent Agenda*]
- (5) Recommendation by Water Conservation Committee – Request for Amendment to Committee Charter
- (6) Recommendation by Public Works Director – Request Approval of a Resolution Authorizing a Professional Services Agreement with Nicholas Consulting Engineers and Approval of a Letter Agreement for the FY 2015/2016 Street Resurfacing Design Project.
 - (a) Resolution of the Town Council of the Town of Portola Valley Authorizing a Professional Services Agreement with Nicholas Consulting Engineers and Approval of a Letter Agreement for the FY 2015/2016 Street Resurfacing Design (Resolution No. 2679-2016)

Councilmember Richards moved to approve Items 1, 2, 3, 5, and 6. Seconded by Councilmember Aalfs, the motion carried 5-0.

- (4) Recommendation by Parks & Recreation Committee – Request Approval of Parks & Recreation Committee Survey

Councilmember Wengert said the survey should first ask if the survey taker is a user of the facility being commented on to provide a way to gauge usage numbers.

Councilmember Wengert will work with the Committee to enhance the survey. The revised survey will be brought back to the Council at a near future meeting.

REGULAR AGENDA [7:08 p.m.]

- (7) Recommendation by Interim Town Manager – First Reading of Ordinance Amending Chapter 15.32 of the Portola Valley Municipal Code – Water Efficient Landscape Ordinance
- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 15.32 [Water Conservation in Landscaping] of the Portola Valley Municipal Code (Ordinance No. ____)

Interim Town Manager Debbie Pedro presented the staff report and slide show regarding the proposed ordinance amending Title 15, Chapter 15.32, of the Portola Valley Municipal Code. She explained the Drought Executive Order of April 2015 and described the key revisions to the State MWELo, as detailed in the staff report.

Ms. Pedro reported that the State has reduced the landscape size that triggers the ordinance for new projects from 1,000 to 2,000 square feet down to 500 square feet. For rehabilitative landscape projects, the size threshold remains at 2,500 square feet; however, the Town adopted an ordinance in 2010 that holds the threshold to 1,000 square feet and the proposal is to maintain that 1,000-square-foot threshold.

Ms. Pedro reported that the Evapotranspiration (ET_o) number has gone from 70% to 50%, basically meaning the Maximum Applied Water Allowance (MAWA) formula has been reduced.

She said the incentive for smaller landscape projects of less than 2,500 square feet is qualification for the Prescriptive Compliance Option, which requires much less documentation, waiving the requirement for a soils report, a landscape plan, an irrigation plan, or a grading plan. If the smaller project is entirely irrigated by gray water, the only requirement is to ensure their project complies with the checklist items.

She said a dedicated landscape meter would be required for a residential landscape project of more than 5,000 square feet.

Ms. Pedro reported that the State is requiring a yearly update indicating the number and size of landscape projects approved. She said this is an effort by the State to quantify how much irrigated landscaped exists in California. The State has provided a standardized form for this report.

In response to Councilmember Aalfs question regarding the County's guidance regarding gray water, Ms. de Garneau said the County is developing a checklist that is not yet complete.

Ms. Pedro explained that the Town adopted the BAWSCA Model Ordinance in 2010, which was a regional effort. She said that last October BAWSCA formed a working group to update the regional ordinance. She said the State allows local agencies to create individual regional ordinances as long as they meet the minimum State requirements. She said a benefit of aligning with other BAWSCA members includes providing residents, designers, contractors, and landscapers with generally consistent requirements across regional boundaries.

Ms. Pedro said the proposed ordinance was presented to the Water Conservation Committee, the ASCC, and the Planning Commission, and have all reviewed it and unanimously recommended approval. She said there have been no public comments. She said the State deadline for the Town to adopt a regional ordinance is February 1, 2016. She said if the Council introduces the proposed ordinance this evening, it will return for adoption at the next Council meeting on January 27 and will take effect on February 22, 2016.

She said the BAWSCA regional ordinance incorporates all of the State updates as required. She said that for existing landscapes over one acre in size, an audit program can be developed with the local water

agency. She said the Town has not yet ever implemented this aspect of the ordinance, but it is carried over and the Town may consider setting up a program for existing large landscape projects.

Ms. Pedro presented a chart comparing the 2009 BAWSCA ordinance, the 2010 (current) Portola Valley ordinance, the 2015 State WELO, and the 2015 BAWSCA ordinance, highlighting the key differences. Ms. Pedro said BAWSCA has tightened the incentives so that the landscape projects must have no turf and 80% of the plantings must be low or native in order to bypass the water budget process. She said that the new proposed ordinance requires new pools and spas to have covers.

Councilmember Wengert asked Water Conservation Committee Chair Al Sill regarding the Committee's views on the proposed ordinance. Mr. Sill said he and the Committee are pleased with the outcome.

Councilmember Aalfs asked if it was difficult to determine if a planting plan matches the actual plantings. Ms. Pedro said the ordinance has a compliance sign-off requirement by the landscape installer certifying that they have installed the plants per the plans.

Councilmember Richards said there had been some confusion regarding the triggers for the requirements of each of the categories. He clarified that the requirements are triggered by the issuance of a site development permit and not just landscaping by itself.

With no further questions, Mayor Derwin called for questions from the public. Hearing none, she brought the topic back to the Council for comments.

Councilmember Aalfs moved to approve the First Reading of Ordinance Amending Chapter 15.32 of the Portola Valley Municipal Code with Second Reading scheduled for the January 27, 2016, Council Meeting. Seconded by Councilmember Wengert, the motion carried 5-0.

(8) Recommendation by Interim Town Manager – Approval of Comment Letter on the FAA Initiative

Interim Town Manager Pedro presented the staff report regarding a document released by the Federal Aviation Administration (FAA) describing the actions to be taken to address noise concerns identified by community groups and elected officials in various Bay Area communities. She said that Congresswoman Eshoo has urged the Town to provide comments on the initiative as soon as possible. Town Consultant Williams Aviation reviewed the initiative, analyzed each proposed measure regarding its impact on the Town, and prepared a comment letter, with the assistance of Town Resident Tina Nguyen, with specific suggestions and recommendations as detailed in the staff report.

Mayor Derwin called for questions from the Council. Councilmember Aalfs asked Ms. Nguyen if she had any comments to add regarding the letter. Ms. Nguyen thought it was interesting that the request didn't include Los Altos or Los Altos Hills. In response to Mayor Derwin's question, Ms. Pedro said the Town plans to send the letter directly to the FAA with a copy to Congresswoman Eschoo's office, per her request. With no further questions from the Council and no further comments from the public, Mayor Derwin brought the topic back to the Council for discussion.

Councilmember Wengert thanked Ms. Nguyen and Ms. Pedro for their work on this comment letter. She said the question remains if there is an ability to impact what the FAA has already embarked on, despite the multiple efforts underway to ensure the FAA listens to the public input. She said having the consultant onboard was critical and there will be no hesitation to use them again as this process moves forward.

Councilmember Wengert moved to approve the proposed Comment Letter regarding the FAA Initiative. Seconded by Vice Mayor Hughes, the motion carried 5-0.

(9) Recommendation by Interim Town Manager – Resolution Supporting Congresswoman Eshoo's FAA Reform Legislations.

- (a) A Resolution of the Town Council of the Town of Portola Valley Supporting Congresswoman Eshoo's FAA Reform Package (Resolution No. 2680-2016)

Interim Town Manager Pedro presented the staff report regarding the Town's support of Congresswoman Eshoo's proposed legislation – the Quiet Communities Act of 2015 and the FAA Community Accountability Act of 2015 – intended to address the issues of increased aircraft noise and facilitate a long-term solution for the region.

Vice Mayor Hughes moved to approve the Resolution Supporting Congresswoman Eshoo's FAA Reform Legislations, as amended. Seconded by Councilmember Richards, the motion carried 5-0.

- (10) Recommendation by Town Attorney – Resolution Confirming a Ban on the Cultivation of Medical Marijuana Pursuant to the Town's Permissive Zoning Ordinance

- (a) A Resolution of the Town Council of the Town of Portola Valley Confirming a Ban on the Cultivation of Medical Marijuana Pursuant to the Town's Permissive Zoning Ordinance (Resolution No. 2681-2016)

Town Attorney Prince presented the staff report, pointing out that if the Town does not have a land use ordinance in place regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under the principles of permissive zoning, by March 1, 2016, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applications. The proposed resolution is intended to retain local control over permitting relative to the cultivation of medical marijuana.

Mayor Derwin called for questions from the Council.

In response to Councilmember Aalfs question, Ms. Prince that the Permissive Zoning Ordinance does cover the issue and this proposed resolution provides retention of local control and an extra layer of confirmation of the Town's ban on cultivation of medical marijuana.

Councilmember Aalfs moved to approve the Resolution Confirming a Ban on the Cultivation of Medical Marijuana Pursuant to the Town's Permissive Zoning Ordinance. Seconded by Councilmember Wengert, the motion carried 5-0.

- (11) Council Liaison Committee and Regional Agencies Reports

Councilmember Aalfs – Attended the speech by Treasure Secretary Jack Lew at the Computer History Museum on January 4, 2016, along with Councilmember Wengert.

Councilmember Richards – Attended the January 6, 2016, Planning Commission meeting.

Councilmember Wengert – Attended the January 6, 2016, Water Conservation meeting where they discussed WELO, a change in the meeting date, Earth Day (April 23, 2016), and Focus for 2016.

Vice Mayor Hughes – Attended the Parks & Recreation Committee meeting. They finalized their survey, and discussed the start of sports season and the winter down time for fields. They reported that a horseshoe pit will be installed by the tennis courts in the spring. The Committee reviewed the current Town Center Master Plan. Vice Mayor Hughes also attended the Bicycle, Pedestrian & Traffic Safety Committee Meeting, where they reported that citations for December were light. He said the lighted crosswalk is out again and Public Works Director Young will replace it with a more reliable crosswalk. They reported that Cal Water's project on Portola Valley has been delayed due to rain, which will also delay some of the Town's road projects until spring of 2017. The retaining wall on Alpine Wall is reportedly holding up nicely.

Mayor Derwin – Attended the December Council of Cities dinner meeting in Colma, which held elections.

WRITTEN COMMUNICATIONS

(12) Town Council Digest – December 11, 2015

(13) Town Council Digest – December 18, 2015

#17 – Request from University of California, Davis, re: Survey about Shale Drilling “Fracking.” Councilmember Aalfs will complete the survey.

(14) Town Council Digest – December 23, 2015

(15) Town Council Digest – January 8, 2016

#10 – Notice from County of San Mateo re: Community Meeting on Alpine Road Traffic Corridor Study – Thursday, January 21, 2016. Public Works Director Young will attend.

#11 – Request for Survey from Menlo College Professor, Melissa Michelson, re: Evaluation of November 3, 2015, All-Mailed Ballot Election. Vice Mayor Hughes personally replied to the survey.

ADJOURN TO CLOSED SESSION [8:04 p.m.]

Mayor Derwin adjourned the meeting to the closed session.

(16) Public Employment – Government Code § 54957, Town Manager

REPORT OUT OF CLOSED SESSION

None to Report.

ADJOURNMENT [9:10 p.m.]

Mayor Derwin adjourned the meeting.

Mayor

Town Clerk