

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 2

From: Dora Wong Seamans, Town Clerk
Reviewed By: Kevin Bryant, Town Manager

SUBJECT: MINUTES FOR APPROVAL

The minutes of the Special Town Council Closed Session and Special Regular Town Council Meetings of November 15, 2016 are attached for review and approval.

Attachment

TOWN OF WOODSIDE

TOWN COUNCIL SPECIAL CLOSED SESSION MEETING MINUTES November 15, 2016
Independence Hall, 2955 Woodside Road, Woodside 7:00 P.M.

CALL TO ORDER

ROLL CALL

COMMUNICATIONS

7:00 P.M. CLOSED SESSION

Conference with Legal Counsel - Anticipated Litigation
[Government Code §54956.9(b)]: Three Potential Cases

REPORT FROM CLOSED SESSION

There were no reportable actions.

COMMUNICATIONS

ADJOURNMENT

The meeting adjourned at approximately 7:25 p.m.

TOWN OF WOODSIDE

TOWN COUNCIL SPECIAL MEETING MINUTES
Independence Hall, 2955 Woodside Road, Woodside

November 15, 2016
7:30 p.m.

CALL TO ORDER

Mayor Gordon called the meeting to order at 7:30 P.M.

ROLL CALL

Present: Councilmembers Kasten, Livermore, Mason (arrived at 7:33 p.m.),
 Tanner, Yost, and Mayor Gordon
 Absent: Councilmember Shaw

Staff Present:

Kevin Bryant, Town Manager
 Jean Savaree, Town Attorney
 Jackie Young, Planning Director
 Sean Rose, Town Engineer/Director of Public Works
 Dora Wong Seamans, Town Clerk

PLEDGE OF ALLEGIANCE

Mayor Gordon led the Pledge of Allegiance.

COMMUNICATIONS

Timothy A. Johnson, Jr. submitted a letter about Grandview Drive to Council and for the record, with approved time ceded to him by Linda Switzer. He characterized their concerns and questions as a matter of public policy: there are 38 properties in the neighborhood that are served by two roads, Espinoza Road and Grandview Drive and the easements on these roads have been thought to be 50 feet in width; in 2007, the Town Attorney ruled that the Grandview Drive private easement was 50 feet wide; in 2012 the Deputy Town Attorney ruled that the Grandview Drive private easement was 18 feet wide; the other neighbors did not hear of this ruling until approximately two years later and state that there was a lack of notice or opportunity for neighborhood property owners to be heard; he is a retired real state attorney, found the 18-foot easement ruling unsupported, and appealed in March 2014; he suggested that the Town consider this a dispute between two private property owners that should be resolved in court; he stated that there have been multiple requests for a meeting with the Town Attorney and the property owners of 215 Grandview Drive but no meeting has been granted. In September 2016, he stated that the Town Attorney reaffirmed the 18-foot wide easement, and because the drainage systems, trees and other vegetative growth are located outside of the 18 foot-paved easement area and they cannot be legally maintained. He noted that they have had multiple landslides and sometimes the roads and retaining walls have had to be completely rebuilt and the use of equipment was outside the 18-foot easement. He stated that the neighbors' only recourse is to file litigation against the Town; the possible outcomes to the Town may include claims against the Town for reimbursement and litigation costs; he requested that the Town take no position and back out of this matter because it is between private citizens and it is for the courts to make the decision regarding this dispute; he requested this item be placed on a future Town Council agenda.

Mayor Gordon referred this matter to the Town Attorney for follow up.

Phil Venuti, resident on Grandview Drive, noted that a recent project to replace a culvert above his house by the Grandview - Espinoza Road Committee was outside of the 18-foot wide easement and opined that it would have been impossible to have done it inside the 18-foot easement. He also spoke in support of the prior speaker and the need for the 50-foot easement.

Roger Chapman, resident on Grandview Drive, said his title company is considering this because he was guaranteed a 50-foot easement. He spoke in support of looking further into the dispute because he opined that a 50-foot easement is necessary to maintain the roads.

Timothy Johnson asked for those who support this to stand up and observed that perhaps 90 percent of the audience (13 people) stood up. He asked that this matter be placed on the next Town Council agenda.

Mayor Gordon stated that the Town Attorney will respond to Mr. Johnson's letter and answer any other questions.

CONSENT CALENDAR

1. **Approval of Minutes: Town Council Special Meeting of October 25, 2016 and Regular Meeting of October 25, 2016.**
2. **Town Manager's Report.**
3. **Resolution Accepting Completion of the Woodside School Pathway Improvement Project - Phase 2 and Authorizing the Town Clerk to Record a Notice of Completion. Resolution No. 2016 - 7128.**
4. **Resolution Accepting Completion of the Woodside Library Renovation Project and Authorizing the Town Clerk to Record a Notice of Completion. Resolution No. 2016 - 7129.**
5. **Resolution: (1) Approving a Sewer Service Allocation to 1450 Cañada Road, Pursuant to Municipal Code Section 51.126; (2) Consenting to the Annexation of this Property into the Town Center Sewer Assessment District; and (3) Authorizing the Town Manager to Execute Revised Agreements with the City of Redwood City and Fair Oaks Sewer Maintenance District to Add this Property into the Approved Service Area for the Town Center Sewer Assessment District. Resolution No. 2016 - 7130.**
6. **Resolutions (1) Authorizing Staff to Apply for the Rubberized Pavement Grant Program through the California Department of Resources Recycling and Recovery and (2) Adopting an Environmentally Preferred Purchasing Policy. Resolution No. 2016 - 7131 and Resolution No. 2016 - 7132.**

Councilmember Kasten pulled Item 2 and Mayor Gordon pulled Item 6 for discussion.

Councilmember Tanner moved approval of Item 1, 3, 4, and 5 as presented.

Motion seconded by Councilmember Yost and carried by roll call vote:

AYES: Councilmembers Kasten, Livermore, Mason, Tanner, Yost, and Mayor Gordon
 NOES: None
 ABSENT: Councilmember Shaw

In response to Councilmember Kasten's request for further clarification on the Community Foundation and Caltrans, Mr. Bryant noted that there has been interest in improving the medians on Highway 84 particularly around Interstate 280. He said that a member of the Community Foundation recently approached them on this matter and the Town would like to work on this - the Community Foundation will do the fundraising while the Town Engineer/Director of Public Works will provide expertise in helping move this project forward. They are looking at a median in front of the parking lot.

Councilmember Kasten noted that this project has been a matter of interest for many years and Councilmember Mason opined that Caltrans needs to maintain these areas because it is not being done.

Mr. Bryant noted that it may be best for Council to apply political pressure, and in response to other Council questions about the Town's right to possibly maintain Highway 84, he said it would require an encroachment permit process. He spoke about the agreement between Redwood City and Caltrans and how Redwood City took on a significant portion of the cost to maintain their section of Highway 84 despite some reimbursement from Caltrans. In response to Council comments, Mr. Bryant said they will consider what is workable, negotiable, and

start a conversation with Caltrans on improving the area, including possibly doing this in phases due to cost concerns, and should the Town gain the right to work on these medians, have a contractor do the work and ensure it will fit into the character of the Town.

In response to Councilmember Kasten's question about the unfinished landscaping and weeds along Woodside Road between Alameda de las Pulgas and 280, Ms. Young stated that the Planning staff has had ongoing conversations with the Menlo Country Club and she noted that the Club had submitted a landscape plan for that entire frontage, which was reviewed and approved by the ASRB (Architectural and Site Review Board) but the Club has not followed through. Planning staff recently notified the Menlo Country Club that the recent work it has done does not meet the plan nor the Town's expectations.

Councilmember Mason suggested that the Town Attorney send a letter to Menlo Country Club on this matter.

Councilmember Kasten expressed her disappointment in the work Caltrans did in shoring up the failing retaining wall, opposite Southgate Drive, and opined that it is shorter, narrower, more dangerous, and it is already failing.

In response to Councilmember Kasten's request to have the Community Foundation come and do a presentation on what they are doing and her hope that it would help make people more excited to participate and volunteer, Mr. Bryant said he would extend that invitation to the Foundation.

Mayor Gordon stated that she pulled Item 6 because there may be someone in the audience to speak on it.

Mr. Bryant shared the suggestions George Offen made to edit the Environmentally Preferred Purchasing Policy, under 3.2 Source Reduction, 3.2.1, to add at the end "and purchase bulk quantities to minimize packaging materials" and to add a new section "3.2.3 Whenever practical, preference will be given to purchases in bulk quantities so that the quantity of packaging materials is minimized."

George Offen, Raymundo Drive, Chair of the Sustainability and Conservation Committee, noted that the Committee strongly endorsed the Climate Action Plan and while the Committee was not able review the policy as a Committee at its last meeting, he expressed support for the policies on a philosophical basis.

Councilmember Yost moved approval of Item 2 as presented and Item 6 as amended: 3.2.1 - add at the end "and purchase bulk quantities to minimize packing materials" and to add a new section 3.2.3 "Whenever practical, preference will be given to purchases in bulk quantities so that the quantity of packaging materials is minimized."

Motion seconded by Councilmember Tanner and carried by roll call vote:

AYES: Councilmembers Kasten, Livermore, Mason, Tanner, Yost and Mayor Gordon
 NOES: None
 ABSENT: Councilmember Shaw

NEW BUSINESS

7. **Resolution Extending the Interim Ordinance No. 2016-578 Regulating Cultivation and Prohibiting the Manufacture, Processing, Laboratory Testing, Labeling, Storing, Wholesale, and Retail Distribution of Nonmedical Marijuana in the Town of Woodside and Report Pursuant to Government Code 65858(D) as Prerequisite to Extension of Urgency Ordinance No. 2016-578. Resolution No. 2016 - 7134**

Ms. Savaree provided the staff report noting that Council had approved Urgency Ordinance 2016-578 which called for a time out on the regulation of the cultivation and distribution of Nonmedical Marijuana. While the time extension could be until September 20, 2017 to hear public comment, Council may consider it sooner as per their earlier input to have it brought back

sooner. She said that they are monitoring what the state and other cities are doing and all the Town and City Attorneys recently met with County Counsel on this. County Counsel would like to provide some regulations and analysis of the tax implications of this for all the cities and towns. Staff recommended that Council affirm the extension and to bring this item back as quickly as possible so that they can begin the process on what they wish to do on a more permanent basis.

In response to Councilmember Kasten's and Mayor Gordon's questions, Ms. Savaree stated that this may come back to Council around the end of January and while County Counsel hopes that cities may adopt their regulations, they may tweak it as they see fit.

Public Comment

Neal Roberts, Montecito Road, stated that consumption of cannabis is now legal with the passage of Proposition 64 and opined that it would be too expensive to cultivate and grow marijuana in Town. He spoke against the ordinance and resolution as wasteful of both Town and police resources, archaic, and having no effect on the commercial production of pot.

An anonymous speaker spoke in opposition to this item because prohibition of this substance is ineffective and he would rather get rid of the liquor licenses downtown and prevent the problems associated with alcohol instead.

Randall Schwabacher, Audiffred Lane, a 30-year resident questioned the agenda wording for this item as opposed to the resolution wording; asked for clarification on personal uses; why an urgency ordinance was done; why and where is the threat to the health and safety of the community; this should have been brought up earlier to allow for more discussion and consideration since the Proposition was on the ballot for months; the ordinance is not clear; questioned use of marijuana outdoors; the ordinance should only pertain to commercial and industrial uses; Council should not take any stance on personal use or the growth of marijuana indoors or outdoors.

In response to Mr. Schwabacher's questions, Ms. Savaree clarified the following: the urgency ordinance would not allow for outdoor growth during the time it is in effect and thereby allow Council time to consider if they wish to propose regulation on this; the Council has not taken a position on use and the urgency ordinance does not prohibit use nor is this something Council is being asked to consider; this was brought before the Council to give them the time and opportunity to involve the community in a discussion on possibly imposing any regulation should they choose to do so.

Mayor Gordon commented that there are different viewpoints and that Council wanted to give everyone the opportunity to weigh in; some people do feel the commercial aspect is a threat and impacts neighborhoods; the Town Council has not taken any stance because they wish to give those with different points of view the time to express them.

Randall Schwabacher continued to question the use of the urgency ordinance as a draconian measure despite the passage of the state proposition. He said that he does not personally use marijuana and he urged Council to modify the ordinance to pertain only to commercial and industrial uses and to state that it will not take a stance on the personal use or growth of marijuana indoors and outdoors, unless there is evidence that growth outdoors is a problem because many people have sufficient land to grow it outdoors.

Mayor Gordon closed the public hearing.

Council deliberations included the following: the urgency ordinance was initially a placeholder to allow time for discussion at a future study session.

Councilmember Yost stated that while he voted for Proposition 64, he observed some confusion expressed online at Nextdoor Woodside on this; he would not have supported the urgency ordinance had there not been a sunset measure in it; at the last Council meeting, they heard that some people do not want the large-scale manufacturing of marijuana or tobacco and given the way

Proposition 64 was written, the Town would have lost any opportunity to regulate that without passing the urgency ordinance; for the future, he spoke in favor of having a light, permissive touch on allowing plants outside, they have heard some people favor some regulation and that large scale industrial growth may not be appropriate; there is a September 2017 expiration date; County Counsel is working on this and they hope to get more information on this at the end of January and may hopefully resolve it shortly thereafter.

Additional Council comments included the following: this urgency ordinance is not definitive and it is just a placeholder; community input will be taken in the normal fashion used for the development of any regulations with study session(s); the imposition of the urgency ordinance is short-lived and it does not say smoking is illegal; support for the time and opportunity for people to weigh in; support to start the process as soon as possible in January; observation that 1920s prohibition policy was not successful; there is a need for community input on whether there should be any ordinance or restriction on commercial sale; some people are concerned about home sales and stands and there is hyperbole on both sides; the goal is to have everyone who wishes to weigh in on this have the opportunity to discuss and come to a consensus on their vision(s) for what life in Woodside is like.

Mayor Gordon noted that Council is not weighing in on what is going to happen and asked Mr. Bryant to comment on the vote count for Proposition 64 in the Town of Woodside.

Mr. Bryant stated that the vote count in Woodside mirrors the statewide vote count with perhaps a higher approval rate on Proposition 64 than statewide.

Councilmember Livermore moved approval of Item 7 as presented.

Motion seconded by Councilmember Mason and carried by roll call vote:

AYES: Councilmembers Kasten, Livermore, Mason, Tanner, Yost, and Mayor Gordon
NOES: None
ABSENT: Councilmember Shaw

REPORTS

8. Mayor and Councilmember Communications.

There were no communications.

COMMUNICATIONS

ADJOURNMENT

The Meeting was adjourned at 8:19 P.M.