

**PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 982, FEBRUARY 12, 2020**

**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, John Richards, and Ann Wengert; Vice Mayor Maryann Derwin; Mayor Jeff Aalfs

Absent: None

Others: Jeremy Dennis, Town Manager  
Brandi de Garmeaux, Assistant to the Town Manager  
Cara Silver, Town Attorney  
Sharon Hanlon, Town Clerk

**ORAL COMMUNICATIONS**

Resident Betsy Morgenthaler said she was pleased when the Council removed Frog Pond from the housing list in December. She said the Council had directed staff to return to address the standing committee's broader recommendation of a connected open space for the trail system along Western Alpine Road connecting multiple open space properties. She said since then, she spoke with Town Manager Dennis on January 23 at the Open Space Acquisition Committee meeting, she learned it would be more narrowly focused on Frog Pond itself. She said they discussed requesting funds for a survey at the meeting. She said at the meeting Town Manager Dennis said there would be a 100-foot right-of-way request. She said that is a substantial request given that Portola Road itself is 50 feet from the edge to the edge, including the generous shoulders. She asked how that number was selected, who had input, who did not, and further considerations. She said she was unsure as to what venue to post such a question.

Councilmember Hughes said he will talk about this a bit in the Councilmember reports section at the end of tonight's meeting. He said there will be no action taken but there will be discussion regarding the thoughts of staff and Council. Town Attorney Silver said the speaker could speak during that section of the meeting.

**CONSENT AGENDA**

- (1) **Approval of Minutes** – Town Council Regular Meeting of January 22, 2020.
- (2) **Approval of Warrant List** – February 12, 2020, in the amount of \$183,332.31.
- (3) **Appointments by Mayor** – Members to the Nature & Science Committee
- (4) **Recommendation by Town Manager** – Tennis and Sports Court Rules Update
- (5) **Recommendation by Town Manager** – Request for Budget Amendment for OpenGov Contract Agreement
- (6) **Recommendation by Town Manager** – Woodside Fire Protection District Station 8 Planning Fee Waiver

Councilmember Richards moved to approve the Consent Agenda. Seconded by Councilmember Wengert; the motion carried 5-0, by roll call vote.

## **REGULAR AGENDA**

### **(7) Discussion and Council Action – PV Palooza Sponsorship/Fundraising**

Paige Bishop, Chair of the Cultural Arts Committee, and John Badger, Committee Member, presented a proposal to extend the music contribution to the Town by adding another music event called the PV Palooza, an all-day summer music festival (proposed for July 25, 2020), as detailed in the staff report. They said there appears to be a lot of local support and enthusiasm for the concert, consisting of local talent only, with 10-12 bands, two stages, youth bands, and gourmet food trucks, with sponsorship from local businesses and with local promotion only.

Staff recommended the Town Council allow the Cultural Arts Committee to fundraise for the upcoming “PV Palooza” music festival and amend the Commission and Advisory Committee Policies & Procedures Handbook to allow sponsorship of event elements.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked how long the softball field would be out of action if something is set up there. Mr. Badger said they will be having same-day pickup so that teardown is prior to the weekend activities on the field.

Councilmember Hughes confirmed that the goal was for the Committee to collect 100% or more of their revenues from donations.

Councilmember Wengert asked regarding the hours of the event. Mr. Badger said the festival would run from approximately 11:00 a.m. to 6:00 p.m.

Councilmember Wengert asked if there were any other Town events scheduled in July. Ms. Bishop said they ran through possible dates with Assistant to the Town Manager de Garneau and Communications & Community Engagement Analyst Chinn and determined that July 25 looked like the best date. Mayor Aalfs said children’s events are pretty much done when school is out so it is mostly the adult softball league or soccer league that could be impacted. Mr. Badger said they checked with Spring Down to make sure there is not a horse show that day and let the church know it might not be a good day for a wedding.

Town Manager Dennis said Ms. Bishop and Mr. Badger showed an enormous amount of leadership and staff was very pleased to receive this proposal. He said staff appreciates the commitment to use volunteers because staff’s ability to take on more events is limited. Town Manager Dennis said this model is different from what the Town has done before. He said they were comfortable with allowing some level of sponsorship because it is increasingly commonplace with events such as this. Staff brought this proposal to the Council for feedback on how to do that in an appropriate and aesthetically correct way.

Councilmember Hughes asked, since each band would receive \$500, if there is any potential conflict of interest having members of the Committee or immediate relatives in the bands. Town Attorney Silver said she would research that and get back to the Council.

With no further questions from the Council, Mayor Aalfs invited public comment. Hearing none, he brought the item back to the Council for discussion.

Councilmember Wengert said it makes sense to revisit the sponsorship policy now, allowing it in a reasonable, controlled fashion, particularly related to the music side of it. She was supportive of the

proposal. She said Ladera would also be included in the sphere of influence. She said she would support trying it for this one event to see how it goes and to see if any unanticipated issues arise.

Ms. Bishop said one of her concerns would be how to make sure they reach all the businesses. Town Manager Dennis said the business license program would be the appropriate place to get that information and it is public information. Town Manager Dennis said the handbook would not be amended but staff will bring back a resolution of a one-time allowance for sponsorship.

Mayor Aalfs said he is comfortable with supporting sponsorship.

Councilmember Richards said that Chase Bank in Ladera may not fit in with the program. Councilmember Wengert said there are a couple of big players in the sphere of influence, such as Stanford Medical. Councilmember Hughes noted that Ladera businesses may not be on the Portola Valley business license list.

Councilmember Hughes said sponsorship makes sense. He said there have been various events in the past where various different business in town have donated food. He suggested leaving it up to the Committee's discretion to determine the correct level of acknowledgement of the sponsorship, such as size of signage, with the most conservative the better.

Town Manager Dennis said staff would like some feedback on how to acknowledge sponsorship. He said discussions have included things such as tasteful banners along the stages. He said if the sponsorship extends to glasses and schwag, staff would like Council input. He said staff is not entirely comfortable with schwag having names on it.

Councilmember Hughes said he is comfortable with that detail being decided by the Committee and staff. He said if it's wrong it can be fixed next year; if it's right, it can be very successful. Councilmember Richards said schwag shouldn't have individual company names but they can have a banner or signs at their store. Ms. Bishop said there could also be a collective banner that lists gold circle sponsors or certain stage sponsorship, etc. Mayor Aalfs said he would not be opposed to cups with sponsorship logos.

Councilmember Hughes said if the full amount cannot be raised, he would be willing to have the Committee come back to the Council for additional funding versus selling wristbands. Town Manager Dennis said this item will be included in next year's budget. Councilmember Hughes said there can also be a budget amendment if necessary.

Assistant to the Town Manager de Garmeaux said it is important to decide ahead of time if there is extra funding and where it will go because the sponsors will want to know. Town Manager Dennis asked if the funding from the Town would go into a restricted fund for the purposes of the PV Palooza or generally into the Cultural Arts Committee's coffers.

Councilmember Wengert said she anticipated the Palooza being a successful event and she would support a restricted fund for the Palooza, to start planning for it now. She said if something changed, that could also come into their fund directly. Ms. Bishop said they have to place deposits on stages or tents and asked if that money can be fronted and then reimbursed. Town Manager Dennis said that will not be an issue. Town Manager said the last meeting in June may be a good time to check in.

Vice-Mayor Derwin said it doesn't bother her at all that the Almanac wants to do an article about the Palooza because it does get the word out to Portola Valley residents.

In response to Ms. Bishop's question, Town Manager Dennis said there is no problem if individual citizens also wish to sponsor. Councilmember Hughes suggested that for non-business sponsors, there might be a lower fundraising minimum, perhaps \$50 instead of \$1,000.

Councilmember Richards moved to authorize the Cultural Arts Committee to fundraise for the PV Palooza. Seconded by Councilmember Hughes; the motion carried 5-0.

Councilmember Richards moved to authorize staff to bring back a resolution for a one-time sponsorship waiver. Seconded by Councilmember Wengert; the motion carried 5-0.

(8) **STUDY SESSION** – Update to the Green Building Ordinance

Assistant to the Town Manager de Garneau led the Study Session regarding the Update to the Green Building Ordinance. She described the background and discussion items including: BIG GreenPoint Rated Checklist and Mixed-Fuel Model; Consider Eliminating the Small Additions or Remodels Project Type; Review Requirements for Accessory Dwelling Units (ADUs); and Update Electric Vehicle Charging Requirements, as detailed in the staff report.

Rachael Londer, Senior Sustainability Specialist with the Office of Sustainability, was also present to help answer questions.

Staff recommended the Town Council discuss the potential updates to the Town's Green Building Ordinance and to direct staff on next steps.

Mayor Aalfs invited questions from the Council.

Councilmember Wengert said that small additions or remodels is an area of a lot of sensitivity in the community. She said the Town does not want to disincentivize people to apply for permits in order to bring their additions and improvements to code. Assistant to the Town Manager de Garneau said it is estimated to cost an additional \$750 to prewire a normal-sized house. She said if someone decided to build all-electric, it is actually less expensive because the home will not include the infrastructure for natural gas appliances. She said, with regard to EV ready, what they do know is that the cost to add it at the time of construction is marginal compared to the cost of a retrofit. She said she will bring back the specific numbers. Mayor Aalfs said last summer Peninsula Clean Energy (PCE) helped adapt the code from studies done showing that all these measures are cost effective and meet the energy code requirements for being cost effective. Councilmember Hughes said it is important to realize that a lot of electric appliances are physically smaller than the gas appliance equivalent. He said with a small project or small ADU, you can make more space available in your cabinets by having, for example, an induction cooktop instead of a gas cooktop. Ms. Londer said they pulled numbers from the cost effectiveness studies, which were commissioned by the statewide utilities (PG&E included). PCE supports the effort and cite many of the cost savings to builders. She said it is a large engineering report that includes the costs for every appliance and model for several building types and she can mine for specific data points if desired. She said they also have data on lifetime savings by using electricity versus gas.

Councilmember Wengert said she is looking more at the bigger picture as opposed to individual appliances and would like to see an aggregate, such as a 1,200-square-foot all electric ADU compared to mixed used.

Councilmember Wengert asked regarding the differences between the CALGreen system and the current system. Assistant to the Town Manager de Garneau said that is something that would need to be looked into further. She would suggest going with this for the first round and defer multifamily to the code, so that when the planners look at it, they have something to point to. Staff would then go back to the Sustainability Committee and study the updated GreenPoint Rated Checklist for multifamily and bring that

back to the Council. She said more studying needs to be done in that regard, even though the Town does not currently have much multifamily.

Councilmember Hughes asked how the code addressed if someone built in, as part of their project, a back-up generator capability, using perhaps propane, natural gas, or gasoline. He said he would not want to interfere with the ability for people to have power in outages but also does not want abuse of that when the intention is to use clean electricity. Mayor Aalfs said the energy code does not address backup generators but does incentivize batteries. He said it is standard now for solar to be required for any new construction and the code gives you credit for energy compliance if you add a battery but it does not address the diesel generator. Councilmember Hughes said the point is that an all-electric house may be entirely driven by a propane generator sitting 200 feet from the house. Assistant to the Town Manager de Garmaux said at the last Sustainability Committee meeting, Stefan Unnasch, one of the Committee members, is working on a chart comparing the cost, energy use, and greenhouse gas emissions for each type of backup power. She said while the code does not address it, the Committee is working on it and their next meeting will be a study session about it.

Councilmember Hughes asked about if the special conditions in Portola Valley where electric is just not possible or they need something more reliable. Assistant to the Town Manager de Garmaux said that kind of situation could be included in exceptions. Councilmember Hughes said because of PG&E frequently turning off the power, more people will be purchasing generators or batteries, and it would be great if the Town could encourage them to do the right thing. Mayor Aalfs said PCE has a whole program around trying to get more batteries installed.

Vice-Mayor Derwin said in places like Portola Valley all-electric cannot be mandated until the other piece is figured out. She said you cannot tell people they must have all electric when PG&E keeps shutting down the power.

Vice-Mayor Derwin asked if there would be a distance requirement for the EV charging station for an ADU. Assistant to the Town Manager de Garmaux said that will be at the Council's discretion. She said they could perhaps use language to indicate that the EV charging station would be near the parking place for the ADU and not require a specific proximity to the ADU itself.

Mayor Aalfs invited public comment.

Suzanne Emerson. Ms. Emerson said she has been performing GreenPoint ratings in Portola Valley for the last decade. She said in new construction there are no longer standing pilot lights on natural gas appliances. She said even if someone has a natural gas water heater, fireplace, or furnace, none will turn on if the electricity is out.

Ms. Emerson said the GreenPoint program is great but the real need is to address climate change and stop burning fossil fuels. She encouraged the Town to look at the examples that have adopted all electric for heating and water heating or all electric throughout the home. She said there is also an air quality issue with cooking with gas inside the home. She said Portola Valley has a history of going above the minimum of green building. She said the things done in the last code cycle with turf and gray water are great. She said it is important to no longer build with fossil fuel burning equipment.

Tom Kabat, Environmental Quality Commissioner in Menlo Park. Mr. Kabat said they worked on the Green Reach Codes. He thanked Town Attorney Silver for her great advice and enabling the city to have the courage to develop this alternative to the threshold situation that many energy analysts were fixated on. He said it is a good method of trimming off the problem areas and making the building code simpler, by having the building department able to administer a simple thing. He said this all builds upon the great building stepping stone provided by PCE to get to the carbon neutral goal. He said the State has a carbon neutral goal by 2025 and gas appliances such as furnaces will be stranded. Mr. Kabat said they are first

out of the gate after Berkeley trying to use the building code to do it, so they left some exemptions in there, but said you don't have to. He said they are busy now trying to remedy that. He said everyone should have a propane camp stove as a backup.

Diane Bailey, Menlo SPARK. Ms. Bailey said they are working toward a carbon-free future for Silicon Valley. She said she also represents the Fossil-Free Building Campaign for Silicon Valley. She said they are comprised of 30 different groups working together to get all of their homes and buildings off of fossil fuels throughout the region. She strongly supported Option 2 to require all-electric homes because swift action is necessary in this climate crisis. She said since Portola Valley's last study session, many cities have taken action to go all electric and just yesterday San Mateo County adopted an all-electric reach code for all building sectors, tightening the exceptions to be very limited. She said nine other cities joined the County with all-electric reach codes. She said they are requiring all electric for the largest gas uses – the water heater and space heaters, which comprise approximately 85 percent of the gas used in buildings.

Ms. Bailey explained that it not about sacrificing but is about embracing new technology to make communities more resilient. She said an all-electric home makes it cheaper to add battery energy storage to get through a power outage. She said new homes must have solar, with the payback time being about seven years. She said the benefit of having power from that battery storage during an outage can't really be measured. She said a new home saves a minimum of \$10,000 going all-electric. She said, having worked on a lot of campaigns to phase out diesel and coal use, she was shocked to learn about the serious health impacts of gas. She said all-electric homes save 4 tons of carbon. She encouraged the Town to join the nine other cities in the County to go all-electric.

Mayor Aalfs invited additional public comment. Hearing none, he brought the issue back to the Council for discussion.

Mayor Aalfs said the Town has been using GreenPoint ratings for a decade, which has worked well and creates better buildings. He said the difference between the two options is that GreenPoint rating allows for gas furnace and water heater but it takes significantly more work to meet the energy code than with the all-electric building, allowing both but with a strong incentive to go electric for space and water heating. He said the other option would be to take gas space and water heating off the table for residential, which is what he would prefer because it sends a stronger message and is easier to enforce because most people are less averse to electrically heating water or furnace. He said most people do like cooking with gas but when cooking with gas the indoor air quality fails even outdoor federal standards. He said the things coming off the burner creates a fairly unhealthy atmosphere in the kitchen, especially if not using the ventilation hood. In response to Vice-Mayor Derwin, Mayor Aalfs said exceptions could be created such as for gas dryers, fireplaces, and gas cooktops. Assistant to the Town Manager de Garreaux said those would be prewired so that if at some point natural gas was no longer available, the appliances could be changed to electric.

In response to Councilmember Wengert's question, Mayor Aalfs confirmed this discussion applied to new construction only. Mayor Aalfs said for major remodels, such as gut and rebuilds, he would push for all electric and certainly prewiring for future electrification. Councilmember Richards said whether or not these codes would need to be met would likely fall under the current percentage guidelines.

Vice-Mayor Derwin asked if battery backup could be required to prevent people from bringing in the horrible gas generators. Town Attorney Silver said it would need to be included in the cost effectiveness survey. Mayor Aalfs said it never has been. Ms. Londer talked about a community that required either prewiring or actual battery storage based on their community's feedback regarding their concern about resiliency and people installing illegal generators.

Assistant to the Town Manager de Garneau said the backup battery storage would be part of the electrical code and not the energy code, so it may not trigger the cost effectiveness study, but staff will look into it and what the options would be for requiring rewiring and/or limited backup. Mayor Aalfs said he would be supportive of rewiring. He said he is seeing a lot of solar-plus power walls and he assumes they island and self-power when power goes out.

Councilmember Richards asked if there had been consideration for pre-plumbing for rooftop hot water. He said that's a difficult thing to retrofit but covers approximately 70 percent of hot water usage. Mayor Aalfs said GreenPoint gives credits for that. Assistant to the Town Manager de Garneau said it is already part of the energy code ordinance under solar thermal.

Mayor Aalfs said the Town can maintain the GreenPoint Rating checklist and require the all-electric option within that checklist, with exceptions for fireplaces and cooking. Councilmember Hughes said he would be supportive of all-electric with exceptions for fireplaces and cooking. Vice-Mayor Derwin agreed.

Councilmember Richards said he would support all-electric with no exceptions.

Councilmember Hughes said his concern is about providing heat in the winter in a power outage. He said he has subfloor heating and when the power goes out, he can't circulate the water through the floor, and he cannot stay at his house on a cold winter day. He said he is a foodie and has gotten used to cooking with electric over the last few years. He said the modern induction cooktops are great and gas cooktops are no longer necessary. He said, however, as long as PG&E cannot provide reliable power, people still need a way to be able to stay in their homes. Vice-Mayor Derwin agreed.

Councilmember Wengert said she was hesitant about eliminating the cooktops because she does not trust PG&E enough. She recognizes that gas is not ideal health-wise. She said she would be reluctant to take away the gas cooktop as an option right now.

Councilmember Hughes said needing to stay warm in your home in the event of a power outage is a public safety issue whereas people can eat uncooked food. He agreed with the choice aspect but said people should be driven to make the right choices from public policy and public health standpoints.

Councilmember Wengert said most people's fireplaces are only ornamental at this point so to use a fireplace for heat is an exception to most people's usage. She said if you can heat water and cook, you can stay in your home but if you have no ability to heat or cook then she would be reluctant to take that option away from the residents.

Mayor Aalfs said he could make the exception for fireplace and gas cooktop and persuade people that the induction cooktop is a better option for various reasons. He said he is more concerned about pushing for the rewiring of all these uses. He said the gas industry will eventually enter a death spiral.

Councilmember Hughes said he would be okay with leaving gas cooking as an option but the rewiring would still be required. Councilmember Wengert agreed.

Vice-Mayor Derwin said she came prepared that there should be the gas option but is now more inclined to be more supportive of all electric with no exceptions. She said she could live with the gas fireplace option but is not sure about the cooktop.

Mayor Aalfs said he does not see the cooktop as essential. He said there are some homes in town that have gas fireplaces that heat to some extent but many of them are electrically ignited and would not work without that. He said only a small percentage of people would benefit by allowing gas fireplaces.

Councilmember Hughes said if a new house is required to be all-electric, people will not be inclined to go the extra expense of plumbing for a gas cooktop.

Assistant to the Town Manager de Garmeaux said at the last Sustainability Committee meeting they expressed strong feelings about the feasibility of heating pools with electricity. She said there is a gas cooktop in the Community Hall and they are exploring a demo project with PCE to put in an induction stove so they can demonstrate the benefits.

Councilmember Hughes said if you cannot heat your pool in a way that does not kill the planet, don't have a pool. Vice-Mayor Derwin said she has a pool but does not have a heater.

Councilmember Wengert said ADU production should not be discouraged. She said some barriers will be created by implementing these kinds of restrictions. Mayor Aalfs said he would push for the prewiring requirement for building. For the self-certification, they can put gas in and just meet the energy code and do not have to beat the energy code. Town Attorney Silver said the new ADU legislation presented a bit of a question about whether a town is allowed to mandate all electric for ADUs. Assistant to the Town Manager de Garmeaux said they have received some technical advice through PCE but need to weigh in with the Town Attorney because the laws are not entirely clear on what is and is not allowed. She said that based on the Council's recommendation, she will confer with the Town Attorney and decide what to bring back. She said she has been told something cannot be required in an ADU that is not required in a single-family residence. She said that question will be researched further.

Town Attorney Silver said staff also needs some direction on whether this should be extended to multifamily.

Councilmember Hughes said he would recommend the all-electric option for single-family, multifamily, and commercial – any new construction. Mayor Aalfs asked if the same recommendation would apply to a restaurant. Councilmember Hughes said if it was a newly constructed restaurant, yes; but not if it was a remodeled kitchen. Vice-Mayor Derwin asked if a commercial kitchen can operate as well with all electric and no gas. Councilmember Hughes said he did not know for sure but Berkeley seems to think so. Town Attorney Silver said that with Menlo Park's ordinance, there was an exception process for certain restaurants that had barbecue or outdoor cooking.

Ms. Londer said yesterday the County passed all-electric with no exceptions for single family residences and all-electric for commercial facilities unless they had a special cooking need and they could appeal that through the building official. She said all-electric is required for both multifamily low-rise (three stories or less) and high-rise (four stories or more). She said the requirements extend to the ADU.

The Council agreed the ordinance should require all-electric with no exceptions for new residential and multifamily construction. For new commercial construction, they agreed on all-electric unless receiving an exception from the building official for certain cooking needs. Mayor Aalfs said he would assume the Alpine Hills pool would still need a gas heater but the Town could defer to the building official on that exception. Town Attorney Silver said she would need to look at the ADU issue further. Councilmember Hughes asked about public agencies, such as the fire department. Ms. Londer said Cal Fire Jonathan Cox said an exception would be helpful for fire departments and the County included that exception.

The Council agreed to allow the exception from applying the GreenPoint Rated Checklist to small additions or remodel projects under 400 square feet.

The Council agreed that new construction should be EV Ready so a charging station can be simply plugged in. For detached ADUs that require parking, that parking should be EV Ready if convenient, at the discretion of the building official.



The Council agreed that prewiring should be required for battery storage.

Assistant to the Town Manager de Garneau anticipated returning to the Council with the draft ordinance for the first of the two public hearings in late-March.

(9) **Discussion and Council Action** – Fundraising for the Road Remnant portion of Frog Pond Open Space

Town Manager Dennis described the background, discussion items, and fiscal impact of the proposed fundraising for the Road Remnant portion of the Frog Pond Open Space, as detailed in the staff report. Staff recommended the Town Council authorize this fundraising effort.

Danna Breen said that when that property is designated as part of the Frog Pond Park, it will then open another opportunity for an endowment for the entire space. She said right now that money is for the road remnant.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked regarding the timeline for collecting pledges if the designation did not happen or happened in some way that was incompatible with the fundraising. Town Manager Dennis said he does not at this point see any issue related to the designation of the property. He said that from a technical standpoint they are still looking at issues around utilities, etc., but there is no particular issue about the designation. Councilmember Hughes said the final form may or may not be compatible with the basis of the fundraising and the relative timing of how the fundraising progresses. Town Manager Dennis said he is not worried about timing. He said Ms. Breen, in her role working on pledges, has a very good sense of the kinds of issues people are interested in supporting that seem consistent with what staff would recommend as it relates to supporting the property. He does not anticipate that ultimately something created through the Committee would be incompatible with what people thought they were pledging for. He said because the survey piece is taking longer than anticipated, they wanted to bring something forward as quickly as possible to demonstrate to the community that the Council has a serious commitment to this issue. He said he would have preferred to come first with the designation and surveys but that takes time and he did not want too much time to pass with community members becoming concerned about the sincerity of the Council's position.

Councilmember Wengert agreed and said it was stated strongly in December that the Council is moving forward to designate it as open space. She said she is comfortable that the first steps would be to allow the Committee to move forward and start with their fundraising. Councilmember Wengert asked the Conservation Committee if they felt they had the bandwidth to tackle how the monies would best be expended. Conservation Committee Chair Judith Murphy said they are already doing it for a number of other properties and including the Frog Pond is not an issue. Town Manager Dennis said they would not want to assign a timetable to the Committee for that. He said there is authority within the Open Space Acquisition Fund to help bring properties up to a certain level of maintenance before going into the Operational Maintenance Fund. He said he wants to do that right and it make take some time on the Committee level. Councilmember Wengert asked that it be confirmed whether or not Open Space Acquisition Fund only applied to purchased properties and not just acquired properties.

Mayor Aalfs invited public comment.

Angela Hey, 4570 Alpine Road. Ms. Hey said she understood from the December meeting that Town Attorney Silver was going to come back with some legal designations that would make the Frog Pond Road Remnant open space. She said there seemed to be a few issues. One was that even though the Town owns the property, we could make it part of the Windy Hill Open Space Preserve so the whole corridor is open space. Another was to say the Town would manage it under Portola Valley Ranch, put a

covenant on it for 99 years that nobody can build on it. She asked how that research has come along, regardless of surveying the parcel.

Town Attorney Silver said there are several tools to be used. She said the easiest and quickest way is to designate it as open space in the General Plan. She said she thought that was the direction they were heading. She said if the Council wants to do something further by placing a permanent covenant, staff would need to negotiate that with MidPen or another nonprofit, which will take considerable time.

Town Manager Dennis said as staff understood Council discussion and subsequent staff conversations, they believed there were three distinct elements – the open space designation for this portion of what will be the new Frog Pond Property, the recommendations from the Committees on the larger connected open space issue, and the status of right of way in the Town's Scenic Corridors adjacent to open space. He said designating the property open space as described does not preclude it to be part of some system later on. He said that is a more substantial conversation for which staff has already done a lot of research, but they wanted to get through this piece first before bringing in the more complicated issue.

Judith Murphy, 8 Portola Green Circle. Ms. Murphy said when the pledges were collected, they specifically said the money was pledged to be given after the Council has named this property officially part of the open space. She said she appreciates that tonight they Council is saying they really mean it but as a matter of protocol she does not think that they would collect those pledges until the property is officially declared part of open space.

Nona Chiariello said the fact that this is not a parcel and the survey will only cover part of the border means there are still some fine points to work out, even what it will be called and whether there is a covenant. She said some of the issues that people will care about really haven't been resolved. She said maybe they could make it an open-ended option for fundraising.

Town Manager Dennis said the Council can authorize the proposal as written or continue it until staff can bring back the other item. Mayor Aalfs said it needs to be authorized at some point and they can authorize it now whether or not people donate at this point. Councilmember Wengert said the missing part is an understanding of the Council's next steps. She said if it is authorized, the Committee will still be in limbo relative to when and what they would do. She said the discussion might be around if this is a General Plan amendment, if there needs to be a broader discussion of the larger corridor issue at the same time, or if it can be separated.

Town Attorney Silver said if the Council provides direction to proceed with a General Plan amendment, the survey would be completed, the property would be mapped, and it would then proceed to the Planning Commission hearings.

Mayor Aalfs said there are several complicated questions but tonight the discussion is on fundraising. He asked if the fundraising question should be put off until the other questions are answered or if the Committee can be given permission to fundraise.

Town Manager Dennis read the request Ms. Breen sent to the pledgers: "We would like to accompany the request of this open space designation with a \$100,000 pledge, which would act as an endowment fund for its future care and maintenance. This would only happen in the event that the Council chose to move forward to protect this parcel's open space in perpetuity." He said he does not read this as requiring a formal designation at the Council with a vote. Ms. Breen said that really came out of the Conservation Committee budget issue when they were unable to get the things they wanted covered. So they said if they wanted to do this, they needed to cover the care and maintenance of the land, getting it mowed once a year for the next 25 years and \$100,000 ought to cover it.

Mayor Aalfs said he would be happy to approve it tonight or would be happy to wait. He asked if it matter either way. Town Attorney Silver said this was first she heard the wording of the letter. She said, with regard to “in perpetuity,” a General Plan amendment does not guarantee that a subsequent Council could not change it.

Councilmember Hughes said there is a distinction between pledge and the terms under which somebody might donate. He said if people contribute into a restricted fund, they are contributing with an understanding of the restrictions of that fund. He said something similar could be done for the Frog Pond. He said if people feel obliged to contribute because they signed a pledge, great. If they want to contribute without signing a pledge, great. If they signed a pledge and they feel this is substantially different, they don't have to contribute. He said that was his point about the timing and order of this process. He said if he is pulling out his checkbook, he wants to first know what it is. He said if it is in the same spirit as the pledge, he would still write the check. Town Manager Dennis said staff understood that was likely to be the case but the challenge was if they were not able to bring forward the designation of open space in the timely manner they wanted to, there was a risk the community would start to think it was not a sincere gesture. He said there is some symbolism wrapped up in this that moves it forward.

Councilmember Wengert asked if there was any downside with the Council moving forward with a General Plan amendment while the analysis work is continuing on the corridor. Town Manager Dennis said staff's plan is to bring to Council a few things related to the property – the resolution for the open space designation and the actual physical borders of the road remnant per the survey.

Mayor Aalfs said the agenda item is about fundraising and this discussion is moving into a process that goes beyond tonight's discussion item. Councilmember Wengert agreed but said it is important that everyone understands why the Council cannot do anything more tonight other than to allow the Committee to proceed with the fundraising.

Vice-Mayor Derwin moved that the Town Council permit residents to fundraise to support the road remnant portion of the Frog Pond Open Space. Seconded by Councilmember Richards.

Councilmember Hughes said residents can fundraise whatever they want so he did not know what this motion is approving. Town Manager Dennis recommended amending the motion to create an ad hoc committee so that Ms. Breen can fundraise. Town Manager Dennis said he understands the point that the Council has not made a formal designation of the property.

Town Attorney Silver said the contingency would be the demarcation of the Frog Pond area as open space.

Vice-Mayor Derwin moved that the Town authorize permitting residents to fundraise to support the road remnant portion of the Frog Pond Open Space contingent upon the Town Council's designation of the Road Remnant as open space. Seconded by Councilmember Richards; the motion carried 4-0-1 with Councilmember Hughes abstaining.

Ms. Breen said if and when it becomes an entire Frog Pond Park, that will then open it up for a different kind of fundraising for the entire thing.

In response to a comment from the audience, Town Manager Dennis responded that it may not be necessary to parcelize the road remnant but it could be demarked through a description of latitude and longitude and they could also create a Frog Pond Open Space with multiple parcels. He said one reason to do that is because the current Frog Pond Open Space has different restrictions than what the new addition would have. He said, for example, there are multiple parcels at Spring Down.

Mayor Aalfs called for a five-minute break.

(10) **Report by Town Manager – State Housing Bills/RHNA Updates**

Town Manager Dennis led a PowerPoint presentation of the State Housing Update, including the SB 50 summary and subsequent activity, 2020 bills, 2020 budget proposal, 2020 ballot initiatives, recent court cases, and upcoming RHNA.

Town Manager Dennis reported that SB 50, the carryover bill from last year that was expected to increase zoning density for cities in job- and transit-rich areas, did not advance out of the Senate. He said the Governor and the Speaker of the Senate announced their interest in some kind of housing production bill to be considered for adoption in this session. Town Manager Dennis reported that AB 725 recently passed the Assembly. AB 725, if enacted, will require 25 percent of housing units from a city's RHNA to come from multi-family zoning. AB 1905 will eliminate the mortgage interest deduction for second homes. Town Manager Dennis reported that a rent control initiative has qualified for the 2020 California ballot.

Town Manager Dennis reported on the Housing Accountability Act challenged in San Mateo, in which Judge Miram stated that the HAA was unenforceable. Town Attorney Silver said Judge Miram's reasoning was that the HAA was not applicable to charter cities so the challenge has limited applicability to other cities. Town Manager Dennis said there was a surplus land act decision whereby charter cities must offer their surplus land for housing first.

Town Manager Dennis said regional planning for the new RHNA allocation has begun for the next Housing Element cycle, which begins in 2023. He said it is expected that the Town's RHNA allocation, which should be released this summer, will be considerably higher than this current cycle of 64 total units at various income levels.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked what percentage of the Town's below market rate units were multi-unit zoned other than the Priory. Town Manager Dennis said the Priory units were the only ones. Town Manager Dennis said the Town did meet its overall RHNA number of 64 with 69 units, but the Town has not met various levels of the moderate and below-moderate allocations. He said the Town is still responsible to plan for those.

Mayor Aalfs asked how a project gets designated in the categories, i.e., moderate, below moderate, etc. Town Manager Dennis said 21 Elements developed a formula that the Town uses for the allocation. He said the formula is very complicated but does not include how the property is actually used.

Mayor Aalfs invited questions from the public. There were none.

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

Councilmember Wengert – Attended the January 23 BPAC meeting where they discussed the San Mateo County Conference of Bike and Ped plan, with a big update underway, and heard a presentation on Safe Routes to School. She asked what happened with the Town's Safe Routes to School program. Town Manager Dennis said that program is dependent on an active parent willing to take it on and that hasn't been the case in recent years. Councilmember Wengert said during oral communications a gentleman introduced the concept that he represents a group of recreational and transportation cyclists who use roads such as Old La Honda, 84, Kings Mountain, Skyline, etc., and have been trying to get Caltrans to improve bike lanes. He said he was meeting with some resistance but had got Palo Alto to sign on to help apply pressure. He also has a donor willing to commit \$1 million to the effort. Councilmember Wengert referred the gentleman to Portola Valley's Bicycle, Pedestrian & Traffic Safety Committee. Councilmember Wengert attended the Town's website meeting where they started the planning process. She attended the Roundtable meeting where they elected a new chair and vice chair, received an update

from the airport director relative to the impact of the corona virus, and had a discussion about moving forward with the regional body.

Councilmember Richards – Attended a HEART meeting regarding the ADU program they are putting together. He shared prototypes of the four models with the Council. He attended an Emergency Services meeting where they discussed the new fire evacuation program being put together by the County. He attended the Conservation Committee meeting where they discussed the Frog Pond Road Remnant and the broom pull. A dead bobcat was found near Westridge and Alpine, which tested positive for second-generation anticoagulants. The Conservation Committee is putting on another push for awareness. The scouts are helping with the milkweed program on the 15<sup>th</sup> at Spring Down. He attended two Planning Commission meetings – one had a presentation of the Stanford Wedge project and the other heard with the revised Neely Winery proposal. Councilmember Richards attended the Emergency Preparedness Committee where they are working on priorities to bring to the Council soon.

Councilmember Hughes – Attended the Open Space Acquisition Advisory Committee Meeting where they elected a new Chair. He said Town Manager Dennis attended to ask for some funding for the survey being done. Town Manager Dennis said the Committee did provide funding of up to \$10,000. They discussed the Frog Pond Open Space; the revised Open Space brochure and maps; and fuel reduction on Shady Trail. He said the Open Space Underutilized Properties have been put on hold. Town Manager Dennis said that is pending better understanding some recent state legislation because they are a bit reluctant to define properties as surplus. Councilmember Hughes attended the Town website redesign meeting. He attended the Bicycle, Pedestrian & Traffic Safety Committee with a presentation by Public Works Director Young and the traffic consultant. Some members had to leave so the quorum fell apart before they were able to discuss some of their agenda such as potential traffic impacts from the Neely Winery project. He said there has been discussion about what the Committee's appropriate role is in something like that. Town Manager Dennis said the Committee, when they prepared their agenda, included the Stanford item and the Neely Winery item, in which they were asking what their role is. Councilmember Hughes said the Committee is not saying they need to discuss it and provide an opinion but are saying they think they have some value to contribute and are asking what works for staff, what works for the Planning Commission, and if it would make sense for the Bicycle, Pedestrian & Traffic Safety Committee to get involved in a kind of advisory role. Town Manager Dennis said the staff conversation after that meeting was how to provide some guidance to the Committees if they wish to discuss certain items. For instance, if there will be an agenda for a meeting that will occur in three days and they have not talked to an applicant, they need to think about that, how an applicant may feel if their project is being discussed without being given ample time to attend the meeting. While there is no prohibition against the conversation because of their advisory role, staff has circulated a draft of bullet points amongst the managers that may be helpful. Councilmember Hughes attended the ASCC meeting with the traffic study and presentation of standard templates.

Vice Mayor Derwin – Attended San Mateo County State of Transportation 2020 where they presented a review of last year and what to expect for next year. She attended the January 27 ASCC meeting where they discussed a second-story habitable attic space at a project on 846 Portola Road. She attended two Floor and Sea Level Rise Resiliency District meetings where they had to create ordinances for all the policies as mandated by AB-825 and discussed the Climate Resiliency Bond that will be on the fall ballot. She attended the Council of Cities dinner in Burlingame where they saw a presentation on Vision Zero regarding the goal of eliminating traffic fatalities and severe injuries nationwide. She attended the Sustainability Committee meeting, which lost three members and gained one. She attended the monthly C/CAG meeting. She said a water summit will be held on March 31. She attended the Human Library on February 8. She attended the Library board meeting. She attended the Select Assembly Committee on Sea Level Rise and the California Economy meeting.

Mayor Aalfs– None to report.

(12) **TOWN MANAGER REPORT** – Town Manager Dennis reported that the School District has moved their meetings to Thursday nights. He reported that a subcommittee of the Finance Committee met to discuss a reserve policy and they will schedule another meeting. Town Manager Dennis said there is a substantial internal conversation about closing Alpine and Portola Road for the Zots to Tots race.

**WRITTEN COMMUNICATIONS**

(13) **Town Council Digest** – January 24, 2020

None.

(14) **Town Council Digest** – January 30, 2020

None.

(15) **Town Council Digest** – February 6, 2020

None.

**ADJOURN TO CLOSED SESSION**

(16) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** (Gov. Code Section 54956.8)  
Property: 725 Portola Road / APN: 076280130  
Agency Negotiator: Jeremy Dennis, Gregory J. Rubens  
Negotiating Parties: Goodstein Family Partners LP  
Under Negotiation: Transfer of Property to Town Ownership

**REPORT OUT OF CLOSED SESSION**

None to Report.

**ADJOURNMENT** [11:05 p.m.]

Mayor Aalfs adjourned the meeting.

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Mayor

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Town Clerk