

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 990, MAY 13, 2020

CALL TO ORDER AND ROLL CALL

Mayor Aalfs called the Town Council's Special meeting to order at 7:02 p.m. 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
Cara Silver, Town Attorney
Laura Russell, Planning & Building Director
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None.

CONSENT AGENDA

- (1) **Approval of Minutes** – Town Council Regular Meeting of April 29, 2020.
- (2) **Approval of Warrant List** – May 13, 2020, in the amount of \$80,703.25.
- (3) **Recommendation by Town Attorney** – Approve California Office of Emergency Services Form 130 Designating Agents Necessary to Provide for All Matters pertaining to State and Federal Emergency Management Agency Reimbursements

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

REGULAR AGENDA

- (4) **Report by the Conservation Committee** – Annual Report to the Town Council

Judith Murphy presented the Conservation Committee's Annual Report. She recited the Committee's mandate: "To conserve the rural quality of Portola Valley and to maintain the Town as an attractive, tranquil, family-oriented residential community for all generations, compatible with the many physical constraints and natural features of the area." She said the Committee is hardworking with a lot of biological, horticultural, and botanical knowledge. She thanked everyone on the Committee for the many hours they've devoted to the Town. She noted that Don Ekstrom, broom-puller extraordinaire, retired this year after 25+ years on the Committee. Ms. Murphy listed the Committee's accomplishments of 2019-20, including the annual broom pull, year seven of the Backyard Habitat Program, site visits for ASCC/Planning, tree removal permits, education, and collaboration with other committees/commissions and public works. She said they developed the extensive and comprehensive plan for Town-owned open space, creating three categories of parcels – Most Important, Intermediate, and Trivial – with individual plans for each category. She said the Committee assumed increased responsibility for the oversight of the most important parcels and detailed the progress made so far. She noted that the Spring Down restoration was funded for three years and this is year two. She said the Town provided funds for additional mowing and slashing downed pines for fire safety at Frog Pond; however, this has not yet been done. The clearing of shrubbery is 90% completed at Triangle Park. Additional mowing has been approved for Ford Field. The cleanup work at Rossotti's Field is mostly done. The Committee decided not

to spend a lot of time and effort on the items in the Intermediate category because the Town doesn't have the funds or administrative bandwidth to fully attend to the Most Important. She described the proposed projects for 2020-21, most of which are ongoing projects. She said the expanded/updated Committee web page is being worked on. She said the Monarch Butterfly project is ongoing, with some planting of milkweed at Town Center and Spring Down. She said a new item under Education is the COVID Community Events. They've already done the broom pull and next will be the Stick it to your Thistles event. She said one of the new items proposed for 2020-21 is finding ways to unblock administrative bottleneck that would allow more timely response to the Conservation Committee guidance on care of Town-owned properties. They would like to see more professional development for Justin Bixby so that Public Works Director Young could delegate more to him. She explained that timing of the required maintenance is important to get the most value for the money spent, i.e., mowing before things go to seed costs the same as mowing after, but is much less effective. She said a part-time hands-on land manager would also be very valuable. The two remaining proposals are development of a procedure for administering donated set aside funds dedicated to Frog Pond Open Space and development of a procedure for allowing properly paid/supported workers to work alongside volunteers on volunteer work days. She said the Committee requests specific and substantial financial support in the Public Works budget be earmarked to continue the restoration of important Town-owned properties and also for funds to allow Public Works Director Young to do a better, more timely job in the rights-of-way, for example. She said the Town's most valuable assets should be nurtured, even in financially difficult times. She thanked Councilmember Richards, on behalf of the Committee, for his excellent service as Council liaison.

Mayor Aalfs invited questions. Hearing none, Mayor Aalfs thanked Ms. Murphy and the Conservation Committee for their report and excellent work.

(5) Report by the Historic Resources Committee – Annual Report to the Town Council

Chair Nancy Lund presented the Historic Resources Annual Report, as detailed in the staff report. She described the digitizing work they have been working on. They have four recognition plaques prepared for people who have helped with the historic rehabilitation. They also have two historic markers – one for the Fromhertz House and one for the Hallett Store. Ms. Lund said the Committee requests that they receive administrative power over their computer so they can do updates without having to go through staff. Ms. Lund said she is recording, for posterity, Portola Valley activities and response in the time of COVID-19.

Mayor Aalfs invited questions from the Council.

Councilmember Wengert said she and Councilmember Richards are the two Council liaisons to Mid-Peninsula Regional Open Space District and they share the concern about the Hawthorns. She said this has been a long-running discussion and remains a top priority for the Town regarding all aspects of that property including the actual historic structure.

(6) Report by the Parks & Recreation Committee – Annual Report to the Town Council

Chair Jon Myers presented the Parks & Recreation Annual Report, as detailed in the staff report. Mr. Myers reminded the Council that their Mission Statement was updated a couple of years ago: "Our purpose is to enrich the lives of our Portola Valley resident community, using our collective and broad natural resources, fields, parks and sustainably built facilities." On behalf of the Committee, Chair Myers thanked Councilmember Wengert, the Committee's liaison, for her regular attendance and advice to the Committee. The report detailed the 2019 activities, including the Town Picnic, Zots to Tots, Pickleball, and Sports Leagues. He said they are still brainstorming how to handle the 2020 Priorities in light of the COVID-19 situation. It does not appear the Town Picnic and Zots to Tots events will happen, and the Committee is brainstorming ideas for a safe, fun event that abides by government guidelines and orders and would be appropriate for the Portola Valley community. He said the Committee is coordinating videoconference meetings with the Town staff and sports leagues to decide on the appropriate plans for the sports leagues and the use of the fields. At this time, the fields are closed, and the leagues have

canceled games. He said the enthusiastic Pickleball community has grown dramatically. The Committee is coordinating discussions with the Town Staff and the Pickleball community on when and how the courts will be available for use. The report included a list of all Town Fields and Facilities and their amenities.

Mayor Aalfs invited questions from the Council. There were none

Town Manager Dennis thanked Chair Myers for his involvement over the last few months related to responding to COVID and working closely with staff, Councilmember Wengert, the sports leagues, and coordinating discussions. Chair Myers thanked, in addition to Councilmember Wengert, Town Manager Dennis and the Town staff. He also thanked Howard Young and Justin Bixby in Public Works for the phenomenal job they do taking care of the Town's fields and courts.

Councilmember Wengert said this Committee has been very responsive to COVID. She said the Committee and leagues are working very hard to come up with alternatives on this long road.

STAFF REPORTS & RECOMMENDATIONS

(7) Report by Town Manager – Updates on COVID-19 and Town Response

Town Manager Dennis shared the San Mateo County COVID-19 dashboard where residents can learn up-to-date statistics such as number of cases, deaths, new cases, hospitalizations, testing, etc. There are 10 cases in Portola Valley. He reported that the House Democrats have proposed a major COVID response bill that would include hundreds of billions of dollars for local jurisdiction cities across the country, including \$500 million for the cities in San Mateo County. He said it is unclear if there will be a compromise on the bill yet. Town Manager Dennis reported that the State's modifications and revisions to the orders will continue on a regular basis. He said the County will be mirroring the State's responses to the orders as much as possible. He said the upcoming loosening of the orders allowing various activities is welcome but it should be cautioned that safety practices are still very necessary.

Town Manager Dennis said a number of Town services are already coming online, such as increased services from Planning and Building. He said they are working toward having the rest of their services available electronically. He said there have been approximately 12 building inspections and four or five site development inspections.

Town Manager Dennis said they have been meeting regularly to discuss the details of the reactivation of the remaining Town Hall services, with the guidance, feedback, and support of Mayor Aalfs and Councilmember Richards. He expects the draft reactivation plan to be presented to the Council at the May 27 meeting. He said they are looking at a phased approach such as advised by the County Health Officers. He said staff is working through the due diligence of the necessary investment in technology and hardware to make this work. He said staff misses the interaction with residents very much but it will be a little longer before there are face-to-face meetings in order to keep everyone safe.

Councilmember Wengert said there are conditions in some of the existing Conditional Use Permits that are creating some financially onerous circumstances for some tenants. She said she, Town Manager Dennis, and Planning & Building Director Russell have discussed the possibility of creating a mechanism by which there could be some assistance offered to some of these tenants. She suggested the possibility of a streamlined process not requiring a full CUP amendment or reapplication process in an effort to help facilitate some of the relatively minor changes that could be needed in specific situations. She said Planning & Building Director Russell has some good ideas on how to accomplish this if necessary. Councilmember Wengert said the goal would be to accommodate existing tenants, working with them in different ways to allow minor modifications to their CUPs that could improve their chances for economic viability. She said some businesses have not been able to operate at all and some have been operating at partial capacity and would welcome some changes to their CUPs that may allow them to be more efficient going forward and also allow for more financial viability. She asked the Council if they would be

willing to consider allowing Town Manager Dennis and Planning & Building Director Russell to develop an emergency ordinance. She said, as an example, Woodside passed an emergency ordinance last night allowing for sidewalk sales and distribution, creating an additional space that they would not have previously allowed under a CUP.

Councilmember Hughes said a lot of the variations will probably be curbside-pickup type things. He said he is generally supportive of the concept while thinking through some of the places in town where that might happen and what the traffic implications might be. He said another question would be the timeline, which will depend on how restrictive the orders will be in the new normal. He said at some point the new reality may need to be recognized and built into the CUPs formally.

Vice-Mayor Derwin asked if the Councilmember Wengert had discussed this idea with Town merchants. Councilmember Wengert said she did because the question was raised by one and she has heard anecdotally that others are having other issues. She agreed with Councilmember Hughes about avoiding traffic situations. She said there are also other situations, not traffic related, with some of the CUPs that are very micro-specific that may need some adjustments. She agreed that over the long term there may be a number of changes coming but she would like to allow staff to think about how an emergency ordinance may be crafted. Councilmember Wengert invited Planning & Building Director Russell to share her ideas.

Planning & Building Director Russell said an emergency ordinance could take a couple of different forms depending on what the Town businesses need, which is not yet known. She said Portola Valley does not regularly do economic development. She said there are tools used in other communities but they include things like extra staff assistance to help applicants through the process, streamlined review processes to help businesses operate under these unique conditions, and gives priority to affected businesses instead of the first-come first-serve process. She said if warranted, the Town can consider more large-scale changes on a short-time horizon to allow businesses to operate a little differently right now. She said one model to consider is ADU staff discretionary reviews, which are reviewed by staff and an ASCC member. She said perhaps minor amendments could be made by her or Town Manager Dennis along with the Planning Commission Chair, for example. She said staff has some broad ideas on how to help but wants to get some insight into the Council's interest in that regard before they spend a lot of time developing those different options.

Councilmember Richards was supportive of staff moving in this direction. He said not knowing what the changes will be, it will be interesting to have the Planning Commission review some of these things after the fact to see how things come out. He said this could lead to some interesting and positive changes.

Mayor Aalfs is supportive of staff working on some plans to deal with this issue to help local businesses.

Town Manager Dennis said Planning & Building Director Russell comes from communities where she's worked on issues that have economic development slants or require quick CUP amendments and her expertise is very well suited for this particular situation. He expressed appreciation for having Planning & Building Director Russell on staff.

Councilmember Wengert said there may be an issue with one of the awardees in the San Mateo Strong Fund program. She said SAMCEDA has not yet determined how the second round will go, and she suggests pushing off the discussion regarding how much the Town will allocate to additional Portola Valley and potentially others to the next Council meeting. She said her hope is that the program will be further refined by the next discussion.

Councilmember Wengert said there is a button on the San Mateo Strong website where anyone can donate to the pool but not individual cities/towns. She said the more likely use for the Town's funds will be in the second round since there are still remaining dollars available for local tenants.

Town Manager Dennis reported that the Farmer's Market will continue in its current form through the end of the month. They are working with the vendor to see what that may look like later. Town Manager Dennis said parking was being closely monitored this weekend as it related to Windy Hill reopening. He said Sunday was a fairly typical nice weekend day with a full lot and people parking on Willowbrook. He said the parking restrictions on Willowbrook and Alpine Roads for Windy Hill will be lifted shortly, but the order will be kept in place should such restrictions need to be reapplied. He said parking restrictions on Portola Road will remain in place per the rest of MROSD.

Mayor Aalfs invited questions from the Council. Hearing none, Mayor Aalfs invited public comment. There was none.

(8) **Recommendation by Town Manager** – Extension of Local Emergency Declaration in Response to Novel Coronavirus (COVID-19)

Town Manager Dennis described the background, including the Local Emergency Declaration adopted at the March 17 meeting, and discussion items as detailed in the staff report. Town Manager Dennis noted a correction to the staff report regarding staff's recommendation. He said the recommendation is that the Town Council extend the Town's Local Emergency Declaration for another 60 days (not 30 days).

Town Attorney Silver said that although the Governor adopted an executive order that does not require the continuing local emergency declaration renewals, most cities are extending them for 60 days. She said this gives the Councils oversight and the communities expect the Councils to be involved in these types of decisions.

Mayor Aalfs invited questions from the Council.

Councilmember Wengert said in the next 30-day period some on-site activities will resume in terms of the Town Center and Town Hall on a part-time, socially-distanced basis. She said she struggled a bit with extending it for the full 60 days because there will be a lot of changes over the next period and it may even go in the reverse direction if there is a spike. She suggested thinking about the advantages and disadvantages of 30 days versus 60 days. She said it may be better to extend it 30 days because it is easy to extend it further as necessary.

Councilmember Richards was supportive of a 30-day extension because so little is known and it changes so constantly. He agrees there is the possibility that the changes may move in the opposite direction.

Vice-Mayor Derwin asked if a 60-day extension constrained the Town at all. Town Manager Dennis said it did not because the Council can always change the extension or rescind it. Town Attorney Silver agreed. Town Manager Dennis said the 60 days provides consistency with the initial order but there is no issue from the staff's perspective on making it 30 days.

Councilmember Hughes said the length of the extension doesn't matter since the Council will be meeting every two weeks and it can be changed at any time and will likely be renewed repeatedly. He said that realistically there will be an emergency situation well through the end of the year and probably into next year.

Town Manager Dennis said an advantage of a 30-day extension is it provides some semblance of a return to normalcy giving the full Council its typical set of authorities. He said that can be fairly meaningful in a time of uncertainty.

David Cardinal. Mr. Cardinal said his only concern with shortening the extension to 30 days is that may make people think this will end in 30 days, which is drawing false hopes.

Mayor Aalfs said he had the same concern about creating expectations. He said, however, he thinks a 30-day extension is reasonable as long as it is continuously made clear that this situation will not be going back to the old normal any time soon.

Councilmember Hughes moved to approve the Extension of the Urgency Resolution of the Town Council of the Town of Portola Valley Declaring Existence of Local Emergency by 30 days. Seconded by Vice-Mayor Derwin; the motion carried 5-0, by roll call vote.

(9) **Recommendation by Planning & Building Director** – Annual Housing Element Progress Report by 2019

Planning & Building Director Russell described the background of the requirement to submit an annual Housing Element Progress Report to the California Department of Housing and Community Development (HCD) to track the progress on the Regional Housing Needs Allocation (RHNA). She shared the Town's progress in meeting RHNA goals. This year, in light of COVID-19, HCD recommended that cities/towns submit the reports on time and take it to their governing body at a later date as their COVID-19 response allowed. Therefore, staff submitted the Annual Progress Report (APR) in April and is now bringing it forward for Council review and public comment. If the Council requests changes to the report, then staff will submit a revised version to HCD. Staff recommended reviewing the report and authorizing staff to forward any revisions to the California Department of Housing and Community Development, as detailed in the staff report.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked if it had been determined whether or not HCD would allow moving some of the lower priced units into the other categories, for example using the extra 10 very low units as credit against the low. Planning & Building Director Russell said she does not know if that question has been posed directly. She said there has been, in the last few legislative cycles, increased attention to the different income categories which was not previously as important as it has become over the last few years. She said in larger communities with much larger numbers in those categories, they want to make sure the cities are hitting all of their goals. She said it is a relevant point to follow up on.

With no additional questions from the Council, Mayor Aalfs invited public comment. There was none.

Town Manager Dennis said on Monday the Town received a letter from the Association of Bay Area Governments (ABAG), which is the entity that manages the RHNA allocation. They have made modifications to the upcoming RHNA allotment schedule. The Town anticipated receiving RHNA numbers in a few months but that timeline has been pushed out substantially, with the draft RHNA methodology not even going to HCD until the winter of 2021. Planning & Building Director Russell said she most recently heard that when there is a draft methodology in fall 2020, they could get some draft allocations then, but there will be no official allocations until spring 2021. Town Manager Dennis said because all of this has been pushed out, it shortens the window for the Town to prepare a solid Housing Element for January 2023. He said it will be a more challenging endeavor, particularly with higher numbers, which could theoretically mean more substantial conversations around the zoning code.

Councilmember Wengert congratulated Planning & Building Director Russell on the excellent report.

Councilmember Wengert moved that the Town Council of Portola Valley authorize staff to forward the Annual Housing Element Progress Report for 2019 to HCD. Seconded by Councilmember Hughes; the motion carried 5-0, by roll call vote.

(10) **Recommendation by Town Manager** – Request for Authorization of Matching Funds for PG&E Vegetation Management Grant

Town Manager Dennis introduced Denise Enea, former Fire Marshal and President of San Mateo County Fire Safe, and Don Bullard, current Fire Marshal. Town Manager Dennis explained this request came so quickly there was no opportunity to prepare a staff report.

Denise Enea said she applied on Monday for the \$100,000 PG&E Vegetation Management Grant, which they have received every year, for work that is done for fuel management within 1,000 feet of their infrastructure. She said if awarded, they would split the grant with \$50,000 each for Woodside and Portola Valley. She said PG&E will want the towns to collaborate and have a match, which is common with these types of grants. She said they need a letter of commitment from Town that if they receive the award, the Town will match up to 50% of whatever is used in the Town of Portola Valley. She said there have been years when she only received \$25,000. She said this year she added the Tier 3 projects and she will know in a few weeks if she gets the full amount. Chief Bullard added that this work will need to be completed by September 2022. Ms. Enea said this is a very fast-track grant and they want the Town to be three-quarters of the way complete by September 30, which is doable.

Councilmember Hughes asked if they would be able to spend \$200,000 on tree trimming before September 30, especially with COVID-19 restrictions. She said they would be using much larger tree companies than are commonly seen around town. She said the work they will be doing will include target hazard trees, which is essential work. She said they can also use PG&E's tree contractors who get the trees down very quickly. She did not foresee a problem.

Councilmember Wengert asked if the work scoped out is half on Portola Road and half in the Highlands. Ms. Enea said \$50,000 could be \$30,000 on Portola, targeting the large trees by the transformers in front of Family Farm and an approximately \$10,000 or \$20,000 in the Highlands on Santa Maria and Russell, and then the Town's \$50,000 could be used more in Tier 2 areas. Fire Chief Bullard said they are also looking at Tier 2 trees with a partial list started along Portola and Alpine. Councilmember Wengert was supportive of that approach.

Councilmember Wengert asked Town Manager Dennis how much budget the Town had remaining for Firewise Committee and some of the fire efforts. Town Manager Dennis said he is comfortable that existing flexibility in the current budget can handle it. He said it also has a relationship to next year's budget. He said they are considering continued support for the Vegetation Management Program. Town Manager Dennis said there is a deficit that is forming and he initially thought, to make this neat, it could just be an allocation out of the reserve assignment, which he fully supports, and the continuing with additional work as part of the budget proposal that will come to the Council in about a month. He said last year they set aside \$28,000 for right-of-way vegetation management work. The current thinking is that the same number would be in the budget but it would be used over three months instead of the remainder of the year and then come back to the Council in September with additional expenditures amounts to consider for the remainder of the year. He said in order to continue with a regular and effective vegetation management program, it will require additional expenditure.

Councilmember Richards agreed that it is a worthwhile expenditure. He said it will be interesting to see the list Public Works Director Young and Chief Bullard develop.

Town Manager Dennis said the work being done by Woodside Fire and Public Works Director Young has concentrated on specific areas of town that have a relationship to fire safety, such as evacuation routes and corridors. He said he appreciates the desire to spread the grant monies throughout town, focusing energy on some of the areas where there is a bigger bang for the buck. He would like to have further discussions with Ms. Enea about this issue. Ms. Enea agreed, noting the large eucalyptus on Cervantes.

Kristi Corley asked if there were plans to do any work in the canyons. Ms. Enea said they likely concentrate more on trees in the right-of-way. The category she selected in the grant was ingress/egress and for evacuation, which goes hand-in-hand with the Fire Committee's recommendation to Council and

what the Council approved. She said for this specific grant they are focusing on the evacuation routes where the power lines are to stay within the 1,000 feet to qualify for the grant.

Councilmember Hughes moved to authorize matching funds for PG&E Vegetation Management Grant; Seconded by Councilmember Richards; the motion carried 5-0, by roll call vote.

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

Councilmember Wengert – None.

Councilmember Hughes – Attended Bicycle, Pedestrian & Traffic Safety Committee meeting. They will be presenting a draft letter asking Cal Trans to look at improving the bike lane on Skyline. He said PG&E has reported they hope to complete hardening of 0.1 miles of the dangerous power lines and will be turning off power multiple times this summer. He said the citizens should be notified that this is coming. He pointed out that it will be challenging if people are not able to go to the office or stay with others when there is no power in town.

Vice Mayor Derwin – Attended a County Express Lanes JPA meeting where Leo Scott provided an update on the project. He reported they have saved \$4.4 million in the southern piece. He said COVID has been good for the project because they are able to get more hours in with less traffic and they are still on schedule to open the southern piece of the Express Lanes with the VTA going directly from Santa Clara County into San Mateo County seamlessly in the fall of next year and then the northern piece a year out. She said the Executive Council discussed the loan coming to the JPA board next month. She attended the Flood and Sea Level Rise Resiliency (FSLRR) District meeting, the first with the new CEO, Len Materman. Things are still being moved over from the County Flood District to the new FSLRR. The discussed Countywide projects and financing strategies for 2021 priorities. They shared the new website that will go live next month, oneshoreline.org.

Councilmember Richards – Attended Emergency Preparedness meeting where they discussed the new antenna being installed at Ray Rothrock's place and his request for reimbursement. Councilmember Richards asked Town Manager Dennis if getting the antenna up at the water company site is still a possibility. Town Manager Dennis said Cal Water has been fantastic through this process but it has been slowed down due to COVID. He checked in with Cal Water about a month ago but they were dealing with other things.

Mayor Aalfs – None.

(12) **TOWN MANAGER REPORT** – None.

WRITTEN COMMUNICATIONS

(13) **Town Council Digest** – April 30, 2020

None.

(14) **Town Council Digest** – May 7, 2020

None.

ADJOURN TO CLOSED SESSION

(15) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Government Code Section 54957
Title – Town Manager

- (16) **PUBLIC EMPLOYMENT**
Government Code Section 54957
Title – Town Attorney

ADJOURNMENT: 9:12 pm

Mayor Aalfs adjourned the meeting.

Mayor

Town Clerk