

**PORTOLA VALLEY TOWN COUNCIL SPECIAL TELECONFERENCE MEETING NO. 992, JUNE 10, 2020**

**CALL TO ORDER AND ROLL CALL**

Mayor Aalfs called the Town Council's Special meeting to order at 7:00 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  
Brandi de Garneau, Assistant to the Town Manager  
Cara Silver, Town Attorney  
Sharon Hanlon, Town Clerk

**ORAL COMMUNICATIONS**

Carter Warr said he was hoping to see a discussion about the reopening of the Planning and Building Departments on tonight's agenda. He expressed the hardships and distress experienced by him and his clients due to the lack of issuance of project permits and approvals. Town Manager Dennis explained that the staff is working diligently through the process and are hopeful to be able to allow submittals of applications very soon. He said he would keep Mr. Warr advised of the progress.

(1) **PRESENTATION** – Proclamation in Recognition of Gatepath 100-year Anniversary

Mayor Aalfs read the proclamation, as included in the staff report. It was noted that the correct date of the proclamation should be June 10, 2020.

Sohela Mozayan, representative for Gatepath, thanked Mayor Aalfs for the proclamation of recognition. Ms. Mozayan shared a presentation describing their nonprofit agency. Gatepath has served the local communities for 100 years, includes 300 dedicated staff members, and serves more than 1,200 individuals with developmental disabilities daily. She described their programs, mission, vision, and values; their history of community connection; a review of FY20; and suggested ways to support Gatepath.

(2) **PRESENTATION** – Proclamation Commemorating June 2020 as Pride Month

Mayor Aalfs read the proclamation, as included in the staff report.

Mr. Wiesner thanked Portola Valley for celebrating June as LGBTQQIA+ Pride Month. He shared some history of the Stonewall Inn and the March on Washington. He said he saw some of Martin Luther King's dream come alive in the last couple of weeks as hundreds of thousands of Americans, representing every part of the rainbow spectrum all human bodies exhibit, as they joined together to demand, once again, that we rise up to overcome systemic racism, homophobia, transphobia, and all other forms of prejudice and oppression that hold people back from fully and freely participating in a more perfect union. He thanked Portola Valley for their proclamation demonstrating that the Town treasures every single person who lives and works here, no matter how they represent their gender or who they love. Mr. Wiesner said he looks forward to continue working with the Town to further MLK's dream. He said for too many people the rainbow flag only represents aspirations of freedom and is not everyone's reality. He expressed gratitude for the Town's support.

Mayor Aalfs thanked Mr. Wiesner for his leadership.

## **CONSENT AGENDA**

- (3) **Approval of Minutes** – Town Council Special Meeting of May 27, 2020.
- (4) **Approval of Warrant List** – June 10, 2020, in the amount of \$75,894.16.
- (5) **Recommendation by Town Manager** – Reauthorization of the Town Treasurer as the Authority for Management of the Town’s Investment Programs
- (6) **Recommendation by Mayor** – Amendment No. 4 to the Employment Contract for the Town Manager [*Removed from Consent Agenda.*]
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Amendment No. 4 to the Employment Contract for the Town Manager (Resolution No. \_\_\_\_)
- (7) **Recommendation by Mayor** – Adoption of a Resolution Approving an Agreement Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Fiegel, LLP for Provision of Legal Services
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of Agreement for Legal Services Between the Town of Portola Valley and Jorgenson, Siegel, McClure & Fiegel, LLP. (Resolution No. 2822-2020)

Councilmember Wengert moved to approve Consent Agenda Items 3, 4, 5, and 7. Seconded by Councilmember Richards, the motion carried 5-0, by roll call vote.

- (6) **Recommendation by Mayor** – Amendment No. 4 to the Employment Contract for the Town Manager
  - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving Amendment No. 4 to the Employment Contract for the Town Manager (Resolution No. \_\_\_\_)

A typo in the staff report indicates the Town Council approved Amendment No. 3 on March 1, 2020, which should read March 1, 2019. The same correction will be made to the Resolution Approving Amendment 4.

Councilmember Wengert suggested bringing this item back to the next meeting rather than try to amend it tonight because of the confusion. Vice-Mayor Derwin clarified that Town Manager Dennis did not receive a raise and Town Attorney Silver did not raise her rates.

Agenda Item #6 will be continued to the June 24, 2020, Council meeting.

## **REGULAR AGENDA**

### **COMMITTEE REPORTS & REQUESTS**

- (8) **Annual Report by the Trails & Paths Committee**

Gary Hanning, Chair of the Trails & Paths Committee, presented the Committee’s 2019 Annual Report. He reported that in 2019 they had a full committee with 9 members and held 11 meetings. He said that, as usual, one of their primary tasks is to work with DPW to identify, prioritize, and resolve trail maintenance issues. He said two years ago they stopped spraying pre-emergents on the trails and photographed them periodically throughout the year to get an idea of the effect of that decision. He said the good news is that most people do not notice but certain areas are getting overgrown. He said Public

Works Director Young has now gone from an annual routine of spraying pre-emergents to an annual routine of mowing certain trails. He said the Committee does support not spraying but has not yet completely dialed in on how to mitigate the side effects of tall weeds and ticks. He said Public Works Director Young has done an excellent job responding to maintenance requests regarding overgrown trails.

Chair Hanning said they worked with the Ranch to place new maps and signs on the Coal Mine Ridge Trails, trying to keep people on the trails and educating where dogs and bicycles are and are not allowed. He said they support the Ranch's desire to keep the open space as pristine and natural as possible. He said they are not as supportive of a lot of signs and throwaway maps that could lead to littering. He said thankfully the littering has been relatively minimal and they have agreed to a set of trail signs that communicate what the Ranch residents wanted to get across. He said they do not have hard data about the success of the signs and maps but the sense is that it is going quite well.

Chair Hanning said the Committee worked in conjunction with the Conservation Committee regarding rerouting a portion of the Portola Trail into the Spring Down open space to connect to the Spring Down Trail. He said the Conservation Committee wanted to open up some of the vegetation on Portola Road to provide a better vantage point into the beautiful open space of Spring Down. He said the Trails & Paths Committee, however, did not want to remove vegetation because the Portola Trail runs along the road and they wanted a buffer to reduce the sound from the road for the trailer users. The compromise was the creation of a new entrance into Spring Down.

Chair Hanning also worked with the Conservation Committee on Paso Del Arroyo. They had a request from residents to install screening from the garage and parking lot. This resulted in moving the trail a bit closer to the road, creating a larger buffer for the installation of screening. He said the Conservation Committee created very natural-looking screening.

Chair Hanning said the Committee's signature, public outreach event is the Horse Fair. He said the successful and popular event was held on May 9, 2019. Chair Hanning acknowledged and commended the extraordinary efforts of Barb Eckstein and Ellie Ferrari and their great work at the Horse Fair.

Chair Hanning said the Committee created the Stanford Subdivision Committee, at the request of the Building and Planning Department. The subcommittee has created two rounds of comments based on the plans reviewed to date, most of which center around the creation of new trails and preservation of existing trails on the Stanford Wedge.

Chair Hanning said the Committee regularly reviews site development permits as they come about and also look at certain Conditional Use Permits. He said they are looking to see if any proposed projects would impact an existing trail or if they can offer thoughts and ideas on how to better preserve that trail or keep it open during construction. He said they reviewed many applications last year, including Alpine Hills and Rossotti's.

Chair Hanning said the Committee also formed a subcommittee to review the potential impacts to development on the road remnant portion of Alpine Trail and the Frog Pond. He said they had no hard plans to review, but the Trails & Path Committee and trail users have many years of experience on that portion of the trail. The conclusion was that development would certainly have an impact on the trail experience.

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

Joe Coleman, Committee Member, said he has been a member of the Trails and Paths Committee for 10 to 12 years. He said the Committee is much more in depth now, serious in nature, and stronger than ever, and he never intends to leave the Committee.

Mayor Aalfs thanked the Committee for their great work.

### **STAFF REPORTS & RECOMMENDATIONS**

- (9) **Discussion and Council Action** – Response to ongoing Civil Unrest related to the death of Mr. George Floyd

Mayor Aalfs thanked Councilmember Richards and Vice-Mayor Derwin for initiating this effort.

Councilmember Richards said in these chaotic times it is easy to feel that Portola Valley is somehow separate from the rest of the world. He acknowledged that he and citizens here enjoy a sort of special protection from what is happening around the world. Councilmember Richards said that he asked that this item be placed on the agenda because this community needs to participate in the wide world and participate in the direction of this society and this country. He is hoping that the starting place will be a community discussion of the broad, vast tangled problems that started with this country's very racist history. He said the role of the police is top of the list right now. He said during the renewal of the Town's contract for law enforcement services, he asked the Sheriff's office to provide their policy manual. He recently discovered that the manual is posted on the Sheriff's website. He said it is a 500-page document that someone clearly spent a lot of time on, but pointed out that if it is not part of the police culture and if it is not carried with them all the time in their minds, it is just words on paper. He said it is necessary to have a discussion about community policing. He said that, fortunately for this Town, the Sheriff's Department will likely be very eager to participate and willing to talk. Councilmember Richards said that, beyond the issue of law enforcement, it is a huge discussion that needs to be recognized, and somehow address all the legacies of racism including housing discrimination and the simple but tragic fact that the society is so much poorer for its resulting lack of diversity.

Vice-Mayor Derwin said she wanted to open a community conversation about the racial economic divide in America by starting in our own backyard. She said the policing must also be addressed. She said those of us in the 90-percent white demographic have to look at our own implicit bias, white privilege, inherent racism and educate ourselves about the history of African-Americans in America and what it's like in 2020 to have been born black and never know when you leave the house if you will come back or end up in jail or in the morgue. She said in order to tackle the racism question in Portola Valley, the question must be asked why Portola Valley is approximately 90 percent white in a County that is 50 percent or less white. She recommends reading "The Color of Law" by Richard Rothstein. She said the book explains that post World War II housing was hard to come by and many Stanford professors who did not have high salaries decided to form a co-op of working class and middleclass families to try to solve the problem, resulting in the Peninsula Housing Association of Palo Alto. They purchased a 265-acre ranch next to Stanford with the hope of building 400 homes, with shared rec facilities, a shopping center, a gas station, and a restaurant. The banks, however, would not finance the construction costs or issue mortgages and the FHA would not insure loans to a co-op that included African-American members. By a very close vote, the association decided to try to offer a compromise where they would limit the number of African-American members in the co-op. The FHA would not relent, people resigned from the association, and eventually the land was sold to a private developer who provided an FHA agreement that no property would be sold to African Americans. This land is now known as Ladera.

Vice-Mayor Derwin said when she and her former husband bought their home on Ramoso Road in Westridge in 1992, she received a copy of the original 1947 CC&Rs. She never read them until many years later and was horrified to discover that the document contained a restrictive covenant prohibiting non-Caucasians from buying houses in the subdivision. She said this ugly legacy and the Town's Zoning Ordinance and Housing policies, which have resulted in preserving this paradise, have also been successful in keeping working class and now even middle-class families and, by extension, people of color out of most Portola Valley neighborhoods.

Vice-Mayor Derwin said a question to ponder, not necessarily to be discussed tonight because it is a huge issue, is if the Town should accept the status quo.

Vice-Mayor Derwin said Portola Valley is a homogenous community of mostly wealthy white people with no room left for those from other economic and racial groups. Vice-Mayor Derwin asked – given the murder of George Floyd, the subsequent outpouring of grief and anguish and rage, and now even hope, and the uplifting of black voices that are challenging those of us who are white to question our assumptions and our privilege, to educate ourselves about what it means to be black in America, and to think about how to address systemic racism in our own communities – given all of that, if perhaps now is time to connect the dots between this gorgeous place we live – 1,700 households on nine square miles of land – and the lack of economic and racial diversity in our Town, and reexamine our Zoning ordinances and Housing policies to consider accepting more density so that we can welcome more people of color into our community.

Councilmember Wengert thanked Councilmember Richards and Vice-Mayor Derwin for their eloquent framing for today's very difficult and challenging environment. Councilmember Wengert said she looks at three areas, one being the role of police and how the Town can make potential recommendations and move forward on some plans for how to work together with the community and the San Mateo County Sheriff's Department.

Councilmember Wengert said when she purchased her home in 1999, in the Stonegate subdivision, she reviewed the CC&Rs and was appalled to find a similar prohibition against African-American ownership. She said at the time she challenged the realtor, asking why this community had not removed this, and she never got a good answer. She said that has been part of her impetus for a long-time desire to make sure the Town provides additional opportunities as much as possible.

Councilmember Wengert said it could be beneficial for everyone to step back and realize that the San Mateo Sheriff's Office represents six communities and unincorporated San Mateo. She suggested a Council representative from each of the six municipalities and unincorporated to have a discussion about things they want to require and get clarity on from the police department. She said she is quite pleased with the service provided by the police department but now is the time to take it to a new level and consider clearer prohibitions or new standards and other options. She said Anna Eshoo sent a well-worded email today with recommendations such as prohibiting police from using chokeholds or applying any pressure to the throat, uniform standards regarding use of force, civilian review, transparency, due process, body cameras and training, elimination of qualified immunity for police officers, reviewing use of military equipment, and increasing cultural competence and unconscious bias training for law enforcement. She suggested the Council move forward to make a recommendation such as this.

Councilmember Hughes said the issues in Portola Valley may not be the same as Minneapolis or other parts of the country, because of the makeup of who lives in town and who is exposed to the police forces on a regular basis. He said a lot of workers come into town, a large proportion of whom are people of color. Councilmember Hughes said that in the 10 years he has employed his gardener, who comes once or twice a month, his gardener has been pulled over three times. Councilmember Hughes said he's been living here more than 15 years and has never been pulled over. He said there very well may have been reasons the Officers pulled over his gardener, but it points out that a higher standard must be set for the town and its representatives and the Sheriff's Department when acting on the Town's behalf. Councilmember Hughes said he has read through much of the Sheriff's policy manual in the last few days including the training policy and use of force policy for various levels of escalation. He said it is a very thoughtfully laid out manual for the most part. He said the policy document lays out a very nuanced approach that does not necessarily forbid certain things and says there may be some cases where things like pepper spray is appropriate and other cases where it clearly is not. He said there are elements of the policy that can certainly be refined, but it needs to be read carefully and thoroughly understood. He said the use of carotid control (chokeholds) may need to be specifically addressed, such as only being allowed as a last step before the use of firearms. He said it is not merely a matter of policy but also an

understanding of how to use a particular device or technique – how the whole system works comprehensively, not just the individual pieces.

Councilmember Hughes was supportive of Councilmember Wengert's idea to form a group with the other towns that contract with the Sheriff's Department to think through these things together because it is a large task that must be done thoughtfully with a lot of different input from the various councilmembers, the community, and the Sheriff's office. Councilmember Hughes said there are also some elements that are not in the policy manual at all such as training on Constitutional issues or the Bill of Rights even though the oath includes the promise to uphold the Constitutions of the United States and the State of California. He said there should be a greater emphasis on the ultimate function of the police in its training, which is to protect the public, the assumption of innocence, and various basic things like that, which appears to not be the first consideration or perhaps not even on the list. He pointed out, for example, that the County Manager imposed a curfew in Portola Valley last week without going through any due process requirements that the law requires, possibly due to lack of training on those requirements.

From the inclusiveness and housing perspective, Councilmember Hughes said the Town has been doing some of that work, trying to advance that over the last few years. He said the primary driver of that effort has not necessarily been racial equality but that has certainly been a component. He suggested a broader community discussion of other things to do to increase awareness and be more thoughtful generally. He also suggested some kind of public process within Portola Valley, including residents, people who work here, or others that want to offer thoughts, in some kind of open meeting where these ideas can be discussed.

Councilmember Richards said the police issue is an incredibly complex situation, involving complex training issues. He said the scope of the mission of the police has grown dramatically over the years to include more and more things that are unrelated to law enforcement, even so far as thinking that traffic enforcement should be handled by people without weapons. He said rethinking their actual mission may be welcomed by the police to remove some of these things from their plate, such as mental health issues. He agrees it is a conversation that needs to take place with the rest of the contract cities in San Mateo County. He is supportive of a public process in town.

Vice-Mayor Derwin asked if the Sheriff keeps data regarding the ethnicity of those arrested. She asked if it is recorded when someone is pulled over but not cited and if ethnicity of those people can be tracked. She asked who has oversight of the Sheriff.

Councilmember Hughes said there is a section in the policy manual, such as for officer-involved shootings, about the procedures and who conducts the investigations. He said they are quite different processes than if a civilian citizen shoots someone. He said it could be useful to ask the Sheriff about those differences. He said there are disciplinary procedures laid out in the policy manual but he has not yet thoroughly reviewed that section.

Vice-Mayor Derwin said the Council, the Board of Supervisors, and the Sheriff are accountable to the voters. She asked if the Sheriff's Office is accountable to anyone. Councilmember Richards said many towns have police commissions made up of residents and elected officials to oversee the Sheriffs. He does not know if there is anything comparable in San Mateo County, so that would be a good question.

Mayor Aalfs said based on decades of evidence, experiences, and the research he's done over the years, there is no question there is institutional racism that is pervasive and corrosive. He said it is morally imperative that the Town addresses this. He said he feels that Portola Valley, as a mostly-white affluent community, has a certain responsibility to take some of this on. He said they've received the emails from organizations such as the 8 Can't Wait movement. He said while he would not automatically endorse the credibility of all of those types of organizations or lists, there are a large number of measures that have some evidence backing them showing they make a difference and help, which may be a place to start. He agrees that banding together with the other contract towns and the unincorporated County is a great way

to create a group that could start addressing some of these issues thoughtfully with the Sheriff's Office. He also agrees there should be community participation.

Councilmember Hughes asked Town Attorney Silver about union contracts with the Sheriff's Department. He asked if the six towns or Portola Valley alone decided created some kind of regulation regarding the application or exercise of police power within Portola Valley's municipal code, if that would be unenforceable if the Sheriff's Office and union had a contract in violation of that public policy. Councilmember Hughes asked if a contract can be entered into that is in violation or an exception to public policy and the law. Councilmember Hughes cited, as an example, if the Sheriff's policy was that a chokehold would be subject to administrative discipline and the Town said it was a crime. Attorney Silver said she would need to research that complicated labor issue. Councilmember Hughes said unions provide a considerable benefit and he would not want to constrain those unions when what they're doing makes sense, conforms with public policy, and improves society. He has been trying to examine if the unions can be reined in to prevent them from contracting things that go against the public good but still do the good things that unions do. Town Attorney Silver said it is a fascinating issue from a legal perspective. She said police personnel in general have immunity for certain actions. Councilmember Hughes said they have qualified immunity if they're behaving according to law but not for illegal acts.

Councilmember Wengert said the issue is less of a legal one initially and much more of a tactical one, leveraging the strength of the group united. She said all of contracted towns and unincorporated county aggregated will hopefully have a lot of influence. She said the hope is the Sheriff's office will approach this from a positive perspective, regardless of where the contracts are, which can be dealt with as it evolves. She said the key issues can be addressed and a consensus reached on how to proceed. She said the Town did have a Police Commissioner, Gary Nielsen. She said that position has not been very active in the last few years but perhaps it could be recast to make in more meaningful today.

Mayor Aalfs invited public comment.

Annalise Constantz appreciated the Council discussion. She said it is a huge issue beyond just police reform and housing and also includes education. She said she grew up in Ormendale and Corte Madera schools and does not ever remember talking about race or inclusion, meanwhile students are being bussed in from East Palo Alto, most of whom were peers who were racially profiled while walking to Roberts after school or to the deli. She agreed with Councilmember Hughes that visitors to this community should also feel safe. She said it is not just something the Town should possibly touch on, but it is the duty of this extremely privileged white community in the Bay Area with so many resources to really do a lot about this. She said she does not have a lot of answers and is coming from the idea of abolishing the police force. She said there is a lot of systemic racism that occurs within social services, such as education. She appreciates that this conversation is happening right now as someone who grew up biracial in Portola Valley and she did not have to research the history of racism in Portola Valley because she personally experienced it.

David Cardinal said the town is unbelievable fortunate to be able to have this conversation in this little paradise that has a great relationship with the Sheriffs. He said he is very supportive of what can be done on the housing front, whether it's Stanford or the Town. He said regarding policing, the Town needs to come up with specifics wants. He said the Town got very sensitive and excited when the burglaries occurred and installed license plate readers. He said alleged burglars were described as the kind of people who may get stopped and not someone like Craig Hughes driving a Lexus or himself driving a Subaru. He said the Town needs to be careful to understand what is being asked for before trying to get the Sheriff to make the numbers match or not pick more people of a certain kind to pull over.

Betsy Morgenthaler thanked the Council for bringing the community into this conversation. She said the proclamations were an auspicious start to tonight's meeting and countered the tremendous heaviness that these last weeks have brought. She said the anger she has and that has grown in the communities has met with glaringly insufficient responses from police departments nationwide. She said changes much be enacted now, such as use of force laws. She said the death by taser or guns of people with

developmental disabilities is big issue because of the lack of skills to address them properly. She noted the shocking death of Chinedu Okobi at the hands of the San Mateo Sheriff's Department after jaywalking. She said she has been pulled over by Sheriffs and has found the officers to be enormously respectful but acknowledges that she falls into a different category. She said there is a need for oversight and accountability. She said San Francisco is far ahead in this area. She said the lack of independent prosecutors, as well as the police unions, are the reasons so many bad cops act again and again. She said it also necessary to have critical incident review boards that would include Councilmembers, community members, and police that can deal with trigger-happy policing. She said the goal is ostensibly to protect the public but she feels radically less safe than she would like to. She would like to see as much local community pressure as can be applied to drive what is also happening at the state and hopefully at the national level. Mayor Aalfs said that level of trust improves the safety of law enforcement Officers as well.

Mary Cooper said she is from Ladera. She thanked Vice-Mayor Derwin for pointing out their history and thanked the Town for having this conversation. She said she never had a problem with the County Sheriff and has never paid much attention to them, until the recent events. She said she came across a report put out last week by Reflective Democracy. She said the report, a national study on Sheriffs, determined they are 90 percent white males. She said the same group did a study of prosecutors five years ago, with similar demographics. Ms. Cooper visited the Sheriff's website to see the racial breakdown and had trouble finding data on their website. She said it is worth engaging in a conversation with the Sheriff. She said she appreciated Mayor Aalfs' conversation with Supervisor Horsley, who was a former Sheriff. She said she was underwhelmed by his response with regard to what's going on. She said she expected more urgency around what is happening and how San Mateo County would respond. Supervisor Horsley said they now look at things through an equity lens, so if something is done in Atherton they will try to do the same in East Palo Alto. She said there is more the County can be doing. She said as they look at their next budget, for example, how that will be influenced by the inequities that people are feeling deserves an urgent response.

Judith Murphy appreciates and respects the Council for taking up this issue. She pointed out that the restrictive covenants in people's deeds were actually in virtually every California deed, even if it wasn't in a planned development, unless it was in a redlined area. She said when she and her husband bought their first home in Palo Alto in the early-'80s there was a covenant in their deed that said they could not sell to a non-Caucasian. The covenant was no longer operative because by then it was in violation of state law, but if you look far enough back in the history virtually every deed had that covenant.

Ms. Murphy said she was also unable to find any data regarding diversity in the Sheriff's Office, which is not necessarily a panacea but is one place to start. She said the pieces of the 8 Can't Wait, specifically with regard to harm reduction, are essential. She said the Sheriff's policy document has 600 pages, some of which is good and some of which is questionable, but there is a big gap between what is policy and what is actually happening. She asked what kind of training the officers are actually receiving. She said the police apparently have fewer required training hours than a cosmetologist in many places. She said her understanding is the nexus of the problem relates to accountability in that as the unions develop their contracts in the collective bargaining process, they include certain clauses whereby the officers are not held to the same accountability a reasonable person would be held to because they are in special circumstances. She said she understands that but if a police officer repeatedly does things wrong, is investigated and found guilty, sometimes discharged, the union will sue and the officer gets his/her job back with back pay and no public record. She said accountability is important and she hopes this will be discussed with the Sheriff's office. She said as a doctor, if someone sues her, the public can find that out before they choose to come to her but the public cannot find out of one of the Sheriffs strangled someone in Southern California before they came to work here because it is not public record.

Ms. Murphy said she recently started a reading group with friends on racism. She said it may be useful for the Town to formerly sponsor something like that or ongoing discussion groups. She said even those with good intentions and good hearts have been raised in a way that they have views they are not aware of and say things that are very offensive to people, even those trying desperately not to offend. She said



education is critically important. She said she is so privileged not having to worry about what a police officer may do to her on her way home tonight. She said there is a great responsibility to educate ourselves about the real world.

With no further public comments, Mayor Aalfs brought the item back to the Council.

Councilmember Richards said he would like to see some sort of portal the public can use to submit suggestions. Those suggestions can be used as the group of contract cities is put together. Mayor Aalfs suggested one or two Councilmembers and the Town Manager or staff member from each city.

Councilmember Hughes said the State legislature in the last few years has worked toward creating more police accountability, such as making records from previous jurisdictions public, which is being fought to some degree by the union. He said RIPA (Racial and Identity Profiling Act) requires reporting all traffic and pedestrian stops to the State, including racial data. He said the data on the State website appears to be aggregated and smaller counties are not separated out but he thinks that more specific data may be available. He said historically the Sheriff has not been able to break out Portola Valley data. He suggested that be a part of the discussion with the Sheriff's office, possibly adding a ZIP Code field or the Town name to the form the Officer fills out. He said thinks a lot of the recommendations may already be in place so should be reviewed to get a better base level of understanding of the current status.

Mayor Aalfs said the big ask is transparency and accountability for the local Sheriff so the questions may include what has been done, what hasn't been done, and how it is working. Councilmember Hughes was supportive of an educational session where the Sheriff can provide a better understanding of the status.

Councilmember Wengert agrees that the Sheriff's Department needs to provide a recap of their status and what they are potentially suggesting going forward based on their likely internal discussions. She suggested a letter from the Town asking for some of the data Councilmember Hughes mentioned and to improve transparency and accountability. She said the Town can also float the idea about the contract cities working together with the Sheriff in addressing these issues. She said she would like two Councilmembers included in each of those discussions because it is a big issue and will take some time.

Mayor Aalfs asked about working with the other jurisdictions so the letter comes from the six represented. Councilmember Wengert said the Councils of all jurisdictions will want to weigh in. She suggested Portola Valley's letter can copy all the other jurisdictions so they can decide if it's a reasonable idea or not. Councilmember Hughes said it is not required that they all participate. Vice-Mayor Derwin said she didn't want to see this fall off the list if not everyone participates.

Town Manager Dennis said some work needs to happen upfront but this will be multiple concurrent tracks. He has reached out to City Managers to have a conversation because the five contract cities have not gotten together in any capacity previous to these events. Town Manager Dennis said there is no reason to slow anything down because there are multiple prongs to this approach.

Councilmember Hughes agrees that if other towns take a longer time to join in the discussion it should not delay Portola Valley. He suggested the other Towns should be invited and they can come if they want.

Town Manager Dennis was supportive of that approach and said it is much more direct and powerful way to communicate than a City Manager conversation. He said that could be drafted to come back to the full Council or the Mayor can be given some authority to work with staff to prepare that letter.

Mayor Aalfs said he would be happy to defer if someone on the Council would prefer to be the signatory on the letter.

Rita Comes suggested that before the Town starts going out to talk to others about diversity, there should be diversity training for the Council and Committee Members. She asked if there would be some

pretraining and discussions prior to speaking with the Sheriff's Department so that conversation reflects what other Town members feel is important to discuss.

Mayor Aalfs agreed there should be diversity training for the Council. Town Manager Dennis said he can reach out to organizations that support training and can bring that information back to the Council.

Councilmember Hughes said it is an important idea and will be very useful, but the preliminary efforts don't need to wait on scheduling training. He said the community meeting will be helpful to get input from the residents. Councilmember Wengert said the sequence will be important. She said the community meeting should be first and they may be able to concurrently reach out to San Mateo County Sheriff's to provide status and data. She said after those two events, they can move forward to try to convene the group or move forward alone. She was supportive of participating in diversity training. Mayor Aalfs said the Council needs to put their money where their mouth is and commit to training, which can be concurrent with moving forward on the other steps discussed. Councilmember Richards said the Sheriff's Department might be asked to share their training with the Council.

Town Manager Dennis said he understands the general guidance and recommended appointing one or two Councilmembers to work on some specific questions such as timing. He asked if there is a desire on the Council's level to make any statement or resolution about the murder of Mr. Floyd, perhaps drafted by the subcommittee or staff to bring back to the next Council meeting.

Mayor Aalfs suggested the subcommittee work with staff to make sure all the questions are asked in the letter to the Sheriff's office. He was supportive of the book club idea, even if it's nothing more than just a suggested reading list. He was supportive of the resolution idea concerning Mr. Floyd.

Councilmember Wengert moved to nominate Councilmember Richards and Vice-Mayor Derwin to be on the subcommittee. Seconded by Councilmember Hughes; the motion carried 5-0.

Town Attorney Silver asked for clarification on if the subcommittee was for police reform issues and racial equity issues related to housing. Mayor Aalfs said the subcommittee will deal with equity and policing. Councilmember Hughes said they may be other issues that come up that will be assigned to this subcommittee, but primarily it is on policing matters. Councilmember Wengert asked if there was a broader description that would be appropriate. Town Manager Dennis said some of the broader work may come out of the community meetings so it may be premature to appoint something in a broader sense until the Council has had the opportunity to hear from residents on what is important to them. Councilmember Wengert agreed the focus should be on policing until there are bigger discussions with the community to see what directions may come up.

Councilmember Hughes suggested one of the first tasks for the subcommittee is to draft a resolution condemning George Floyd's death and addressing the broader issues endemic to this tragedy.

Mayor Aalfs asked if the letter to the Sheriff's office should be a subcommittee task or the Mayor and Town Manager. Councilmember Wengert suggested it be prepared by the subcommittee. Vice-Mayor Derwin pointed out that the Sheriffs can be supported and still asked hard questions. The Council agreed to submit their individual lists of questions for the Sheriffs to staff.

Vice-Mayor Derwin said it may be a nice starting point to provide book lists, perhaps a book club corner on the Council agenda, or maybe feed into a community discussion. She will confer with the library. Town Manager Dennis noted that he is the Chair of the Operations Committee for the Library. He said the library has put together a list of books relevant to what is happening right now, which he will send to the Councilmembers. He said the Cultural Arts Committee can also be consulted for advice. He also suggested the Communications Manager can help set up opportunities for community members to provide comments now, even prior to any meeting.

The Council took a five-minute break.

Mayor Aalfs moved Item 12 up on the agenda.

(12) **Recommendation by Town Manager, Interim Finance Director, and Consultant – Review Proposed Budget for FY 2020-21 and Set Public Hearing**

Town Manager Dennis introduced Interim Finance Director Rodas, who led the slideshow presentation.

Interim Finance Director Rodas described the proposed budget, as detailed in the staff report. The proposed budget utilized the current FY2019-20 budget numbers to meet the statutory requirement for the passage of an annual budget, which will then be amended over the summer for adoption in September. This method was selected as the COVID-19 pandemic has disrupted a variety of Town revenue sources, the status of which will not be determined until this summer.

She described the new look of the budget, explaining that this significant change will provide a clearer picture of the General Plan sources and requirements, allow for better forecasting, and improve transparency.

Interim Finance Director Rodas described the scaled down Capital Improvement Program. Town Manager Dennis noted that the reason anything is being recommended in Capital Improvement is because there are important programs that will be implemented in the summer. In the fall, the conversation will be around expanding or paring down the Capital Improvement Program for the rest of the fiscal year.

Councilmember Wengert asked Interim Finance Director Rodas where to find the breakdowns in the staff report. Interim Finance Director Rodas explained that the budget presentation includes clickable links to various tables. <https://stories.opengov.com/portolavalleyca/published/khVX6ai82>.

Fiscal Consultant Jim Saco noted that although the presentation changes are substantial, the only real changes are that the 20/21 budget has a \$216,000 fund balance, which can be removed and still balance the budget. The other change is the reduction of capital from \$1,239,000 to \$101,000.

Councilmember Wengert said in reviewing the published budget from last year, the revenues were \$2.3 million less. Mr. Saco said for presentation purposes, all funds are being shown, including general and non-general, which accounts for that difference.

Mayor Aalfs invited questions from the Council.

Councilmember Wengert thanked Interim Finance Director Rodas and Mr. Saco for all the work they've done in this unusual time. She said she struggled somewhat making the transition from the old to the new format. She said she is not comfortable reviewing it without having some kind of roadmap of how to translate from the old to the new. She said she does not doubt that in the long term this will be a good system but in this compressed time period to approve the interim budget, she is uncomfortable that she is having trouble translating from one format to the other.

Vice-Mayor Derwin said she was also a bit confused and had no idea what she was looking at.

Councilmember Richards said he was also confused and said it will take an adjustment for sure. He said it will help to see it in a slightly larger format. He said he will be more comfortable saying it has potential when he understands it a little better.

Councilmember Hughes said he initially had trouble mapping the old to the new. He said the old was convoluted but they were all used to it. He said mapping that previous structure with the new structure is definitely difficult and he is not also fully there. He said he did not do a side-by-side with the old budget

but looking at the new one alone is so much clearer and easier to understand. He said there may be a few items he would have grouped differently but, by and large, it is so much better. He suggested that the Councilmembers participate in some kind of separate work session to go through questions. He thanked Interim Finance Director Rodas and Mr. Saco for their very helpful presentation. He agreed that there needs to be more time and thought spent in working through the new format to understand it completely.

Mayor Aalfs said he also has more learning curve on it but agrees it is organized in a much more intuitive way now.

Councilmember Hughes said there is a section on salaries in the departmental sections. He suggested it may be helpful to have salaries and benefits in that area to better understand the total personnel cost. Mr. Saco agreed. He said they used Open Gov for this presentation, but would suggest next time using a third-party publishing company put something together that's easy to read. He said they can change in what categories line items appear if desired. Town Manager Dennis said Open Gov is continually updating and is very responsive to feedback on improving presentations and he is hoping they get to a place where the Town does not need to use a different product for presentations. Mr. Saco agreed that Open Gov is a new system and they are still working on things. He said right now they don't have the ability to show fund balance as a separate funding source and is instead just a part of revenues. He said the same applies to reserves, which should be separated from expenditures. He said there are a few tweaks that need to occur as the system matures.

Councilmember Wengert said she is not questioning the decision to use Open Gov and acknowledged that over the long term this will be a huge improvement. She said, however, that tonight they are being asked to approve a budget that the Council does not yet fully understand. She said the Council needs some kind of tutorial so they are clear on what they are approving.

Mr. Saco said when looking at the old format and the new format, the one constant that didn't change is the funds. He said they can create a spreadsheet at the fund level that shows the General Fund revenues and expenditures in the 2019/2020 budget and the 2020/2021 budget.

Councilmember Wengert said normally the Finance Committee would have reviewed the budget before it goes to the Council. She said she is open to suggestions. She was supportive of Mr. Saco's suggestion as a start and said it would be helpful to have at least two sets of eyes looking at it to make sure it answers the questions at a level that people can understand what they're approving.

Mr. Saco said they used the Government Finance Officers Association guidelines. He said this is the direction governments are going but he understands that it is difficult comparing old to new.

Councilmember Hughes said a Finance Committee review would be helpful. He said it will also be useful to have at least a subcommittee or maybe each individual Councilmember some time to work through it with staff to get to a level of comfort.

Town Manager Dennis was supportive of the creation of a walk-through document and the opportunity to sit down with each Councilmember. He agreed that once more time is spent with the document, getting used to the presentation, they will find that everything is there, all the same numbers. He said he, Interim Finance Director Rodas, and Fiscal Consultant Saco can schedule time with each of the Councilmembers to go through it to show them where things are in the document.

Councilmember Hughes noted that in three months they will have a second pass at it. He said there is a definite need to understand today's proposed budget better, but the intention is not for this to be the full year's budget and is more of an interim budget. He said there is the opportunity over the course of the next three months to get to the more complete level of understanding that will be needed to approve the budget that is presented in September.

Interim Finance Director Rodas said she appreciates all of the feedback and suggestions. She said she also had difficulty grasping the new structure at first. She and Town Manager Dennis and Fiscal Consultant Saco have had a lot more time with it, pinpointing where specific line items and components are now living. She said it is a living document that will continue to grow and improve.

Councilmember Wengert was supportive of the idea of each Councilmember investing the time with staff to get to a better understanding.

Mayor Aalfs asked if Councilmember Hughes and Councilmember Wengert would be meeting with the Finance Committee next Wednesday to review the budget. Town Manager Dennis said the 2018-19 audit review is on that agenda. He said he is reluctant to repeat with the Finance Committee what will be done with each individual Councilmember anyway. He said there will definitely be a conversation with the Finance Committee over the summer but wanted to hear from the Council first. Councilmember Wengert agreed with Town Manager Dennis.

Town Manager Dennis said staff will be happy to set up meetings to go over this with everyone in the next week and a half.

Councilmember Richards he would feel more comfortable digging into the report himself first to get to a point where he can ask the right questions. He said he can do that within the next week and a half.

The Council agreed they could probably get to a comfortable level within the next week and a half. The interim draft budget will be brought back to the Council at the June 24 meeting.

Councilmember Wengert thanked Interim Finance Director Rodas and Fiscal Consultant Saco for the incredible amount of work they've undertaken to transition to this new system. Mayor Aalfs said the new system is overdue and he's glad it's being done. He acknowledged that it will take some time and effort to get used to the new system.

Town Manager Dennis thanked the Council for their feedback and said they are excited about making this into an even better product.

Mayor Aalfs invited public comment. There was none.

Item #13 was moved up on the Agenda.

**(13) Discussion and Council Action – Business License Renewal Extension**

Town Manager Dennis presented the background regarding business license renewals and the Town's recommendation to offer an extension for businesses due to the impacts of the COVID-19 crisis, as detailed in the staff report. Staff recommended that the Town Council extend the existing FY 2019-20 business license expiration dates one full quarter until October 1, 2020 with no additional charge.

Vice-Mayor Derwin moved to approve the Business License Renewal Extension as presented. Seconded by Councilmember Hughes; the motion carried 5-0, by roll call vote.

Mayor Aalfs invited public comment. There was none.

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

Town Manager Dennis reported that on Monday, staff will be back in the building but the public is not yet allowed into the building. The staff will take this time to prepare the building for when the public is admitted by appointment. He said some of that preparation will be determined by when they receive some

supplies that are on order. He provided staff with a modest \$100 allowance to spend on COVID-related materials such as masks, coolers for their lunches, etc.

Town Manager Dennis suggested suspending the COVID-19 updates as a standing agenda item and instead include any COVID-related reporting in his regular Town Manager Report. The Council agreed.

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

Town Manager Dennis reviewed the background of the initial 60-day Local Emergency Declaration, which was extended 30 days, as detailed in the staff report. The staff report indicated a request for an extension of 30 more days; however, Town Manager Dennis suggested a 45-day extension be considered. Town Attorney Silver concurred with this recommendation.

In response to Councilmember Wengert's question, Town Attorney Silver said the County's emergency declaration is open-ended, as is the State's.

Mayor Aalfs invited comments from the Commission.

Councilmember Hughes expressed his support of the proposed extension.

Mayor Aalfs invited public comment. There was none.

Councilmember Richards moved to approve the Extension of Local Emergency Declaration in Response to Novel Coronavirus (COVID-19) for an additional 45 days. Seconded by Councilmember Hughes; the motion carried 5-0 by roll call vote.

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

Councilmember Wengert – Attended three C/CAG Finance Committee meetings relating to approval of the budget and a proposal to reduce the amount of member fees payable by all participating cities and towns. She also attended several ZOOM San Francisco Roundtable meetings and calls with the FAA over the last few weeks. She said the FAA side has assembled a team and are approaching a lot of issues, including one of the major night routes called Night Hush. They have also indicated a willingness to support a regional body to work on these issues amongst the Roundtable – the Santa Cruz/Santa Clara (SCSC), Oakland, and San Francisco. She reported that unfortunately the SCSC has lost all the Santa Cruz members so it will now only be Santa Clara. She attended, with Town Manager Dennis and Planning & Building Director Russell, the Ad Hoc Housing Review Committee meeting regarding Pacific THEREXs request for a short-term (five months) CUP amendment to consolidate the physical therapy with their physical fitness, which was granted.

Councilmember Richards – None.

Councilmember Hughes – Attended Open Space Acquisition meeting on May 28 where they discussed the Frog Pond, Alpine Road, and open space designations and conversion, Public Works Director Young's work, fire mitigation on Shady Trail, an open space website update, and the updated brochure and map. He attended the Bicycle, Pedestrian & Traffic Safety Committee meeting on June 3. He said the Committee has been trying to work with a private resident of Palo Alto to have the Town write a letter of support encouraging Caltrans to put bike lanes on Skyline. The citizen wanted to make a private donation to pay for it; however, Caltrans advised they cannot accept private donations for projects and they needed letters of support from the communities that might be impacted. The support letter will be coming before the Council soon. He will be attending a Zoom ABAG meeting tomorrow.

Vice Mayor Derwin – Attended a Flood and Sea Level Rise Resiliency District meeting where they discussed the budget, hired an auditor, made changes to the salary schedule by the new CEO, and formed a subcommittee to oversee audit and budget, and discussing ongoing projects. Vice-Mayor Derwin, Mayor Aalfs, and Town Manager Dennis attended Jerry Hill's Housing Roundtable Zoom meeting on June 5, with representatives from every city in his district. Everyone reported on what they were doing relative to housing and/or what would be helpful for them in terms of legislation. They discussed the Senate Housing Production Legislative Package. Vice-Mayor Derwin described several of the bills discussed. Mayor Aalfs added that he took note of the fact that while they discussed AB-1102, which dealt with lot line adjustments, there were concerns mentioned but no one was seriously questioning the basic premise of building more housing.

Mayor Aalfs – Attended the Peninsula Clean Energy meeting. At the board meeting at the end of June they will be approving the subsidizing of batteries at residences becoming part of PCE's resource adequacy. It is hoped more people will opt for batteries instead of gas-powered generators to deal with the PGE PSPS shutoffs.

(15) **TOWN MANAGER REPORT** – Town Manager Dennis reported that the Library has started curbside pickup for reserved items. He thanked Public Works Director Young for the work done with the residents on Shady Lane Trail. He said they expect residents, with permission from the Town, to access their properties from Shady Lane Trail to start doing some vegetation management work.

#### **WRITTEN COMMUNICATIONS**

(16) **Town Council Digest** – May 28, 2020

None.

(17) **Town Council Digest** – June 4, 2020

None

#### **ADJOURNMENT** [10:53 p.m.]

Mayor Aalfs adjourned the meeting.

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Mayor

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Town Clerk