

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 994, JULY 22, 2020

CALL TO ORDER AND ROLL CALL

Mayor Aalfs called the Town Council's Special Teleconference meeting to order at 7:00 p.m. Ms. Hanlon called the roll.

Present: Councilmembers Craig Hughes and Ann Wengert; Vice Mayor Maryann Derwin; Mayor Jeff Aalfs

Absent: Councilmember John Richards

Others: Jeremy Dennis, Town Manager
Brandi de Garneau, Assistant to the Town Manager
Cara Silver, Town Attorney
Cindy Rodas, Finance Director
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

- (1) **PRESENTATION** – Proclamation Honoring Tim Molak upon his Retirement from Woodside Priory

Mr. Aalfs read the proclamation honoring Mr. Molak, detailing his education, achievements, community service, and leadership at Woodside Priory School, as detailed in the staff report.

Mr. Molak said he loved being in Portola Valley and loved everything the Priory meant to the community and the way the Town has helped them foster their growth. He said it has been a wonderful experience for him and the monastic community there that began in 1956.

- (2) **PRESENTATION** – Proclamation Honoring Lew Hess upon his Retirement from United Parcel Service.

Mr. Aalfs read the proclamation honoring Mr. Hess, detailing his history with United Parcel Service and anecdotes about his time in Portola Valley, as detailed in the staff report.

Mr. Hess expressed his gratitude to the Town for the honor and for how kind everyone has been to him in his 35 years with UPS in Portola Valley, the stories, the children, and the dogs. He said he cannot call it work – it is where he grew up and where people cared for him and he cared for them.

Leslie Field sent applause through the Zoom chat feature. Danna Breen wrote: "We are going to miss you so much. This sucks. The dogs will miss you."

Mr. Hess thanked Danna Breen for all the signs she and others put out. He said he saw them all, photographed them, and will try to get them posted on the Forum.

CONSENT AGENDA

- (3) **Approval of Minutes** – Town Council Meeting of July 24, 2020. *[Removed from Consent Agenda.]*
- (4) **Ratification of Warrant List** – July 8, 2020, in the amount of \$7,078.64. *[Removed from Consent Agenda.]*

- (5) **Approval of Warrant List** – July 22, 2020, in the amount of \$415,468.18. *[Removed from Consent Agenda.]*
- (6) **Recommendation by Assistant to the Town Manager** – Adoption of a Resolution Authorizing Consultant Service Agreement, Information Technology Services for Town Hall *[Removed from Consent Agenda.]*
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and the City of Redwood City (Resolution No. __)
- (7) **Appointment by Mayor** – Member to the Conservation Committee

Councilmember Hughes moved to approve Consent Agenda Item 7. Seconded by Vice-Mayor Derwin, the motion carried 4-0, by roll call vote.

- (3) **Approval of Minutes** – Town Council Meeting of July 24, 2020.

Councilmember Wengert moved to approve the minutes as amended. Seconded by Councilmember Hughes, the motion carried 4-0, by roll call vote.

- (4) **Ratification of Warrant List** – July 8, 2020, in the amount of \$7,078.64.

- (5) **Approval of Warrant List** – July 22, 2020, in the amount of \$415,468.18.

Councilmember Wengert requested that a more readable format be developed for these reports. The Council agreed. Councilmember Wengert and Councilmember Hughes will review the format with Finance Director Rodas.

Councilmember Wengert moved to approve Consent Agenda Items #4 and #5. Seconded by Vice-Mayor Derwin, the motion carried 4-0, by roll call vote.

- (6) **Recommendation by Assistant to the Town Manager** – Adoption of a Resolution Authorizing Consultant Service Agreement, Information Technology Services for Town Hall
- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Approving and Authorizing Execution of an Agreement Between the Town of Portola Valley and the City of Redwood City (Resolution No. 2829-2020)

Councilmember Wengert asked about the significantly increased amount for the IT services contract. Assistant to the Town Manager de Garneau said the Town is not obliged to spend the contract amount and will receive a refund if it's not spent. She said last year and this year the Town was quite conservative with the contract amount. She said the overages this year are due to transferring the entire staff to remote working and to electronic processes. She said, even with that, they are only over budget by \$1,884. She said that next year she would probably increase the contract amount to more closely match the budgeted amount. She said as they are transitioning to more electronic processes and increased software, more time is required from Redwood City IT, especially now that they will likely continue working remotely for some time. She said there have been upgrades have been acquired, increased capacity for remoting in accounts, increased capacity of VPN device, increased internet bandwidth, etc.

Councilmember Wengert moved to approve Consent Agenda Item #6. Seconded by Councilmember Hughes, the motion carried 4-0, by roll call vote.

REGULAR AGENDA

COMMITTEE REPORTS AND REQUESTS

(8) Ad-Hoc Wildfire Preparedness Committee Recommendation – Quarterly Report

Town Manager Dennis described the background of the Ad-Hoc Committee and presented the Quarterly Report detailing recommendation implementations that are completed, underway, continuous, and have not yet begun, as detailed in the staff report. Staff recommended the Town Council accept the quarterly report on the status of recommendations adopted by the Council from the Wildfire Preparedness Committee in December.

Mayor Aalfs invited questions from the Council. Town Manager Dennis shared before and after photographs of work done.

In response to Vice-Mayor Derwin's question, Town Manager Dennis said the Town has not received a significant response from MidPen and it remains an ongoing conversation. Vice-Mayor Derwin asked regarding next steps to get a better response. Town Manager Dennis said it will likely involve him having additional conversations. He said MidPen is very aware that the Town wants them to move along. He said MidPen indicated, during their last conversations around fire mitigation management, that they weren't planning to do significant work in the short-term. At that time Town Manager Dennis commented to their General Manager that this was challenging and disappointing to the Town, given this has been on the docket for so long. Town Manager Dennis said he will continue to try to get them to move along on this and anticipates that the Wildfire Committee will play a role a little later this year in this regard. He acknowledged it is a source of frustration. Vice-Mayor Derwin said MidPen is answerable to their board. She asked when the representative is up for reelection. She said she has not found him to be very responsive.

Mayor Aalfs asked for a summary on what had been requested of MidPen. Town Manager Dennis said they have been asked to accelerate and expand a variety of vegetation management efforts on the two properties that they operate in Portola Valley, in particular Windy Hill. They have done some work and identified additional work that does not look to be scheduled for this year. Town Manager Dennis also talked to the new Executive Director at the Sequoias last week and he is aware there is a role for him to play as well in advocating on behalf of the Sequoias.

Mayor Aalfs said the Committee met yesterday and they are all still there and trying to move forward on various items. Town Manager Dennis also attended the meeting and said it was very productive with a lot of information.

With no additional questions from the Council, Mayor Aalfs invited comments or questions from the public.

Rusty Day, 178 Pinon Drive. Mr. Day said, on behalf of Portola Valley Neighbors United (PVNU), that they wrote the Council and the Ad-Hoc Fire Preparedness Committee yesterday. He commended and thanked the Committee for their work. He said there needs to be a bolder agenda in taking on the threat and risk that wildfire presents to the community. He said, to put it in historical perspective, 50 years ago some of the founders and residents of Portola Valley got together and pioneered a set of land use regulations to address the risk and threat presented by seismic instability. He said that for five years renowned USGS Geologist, Dwight Crowder, pushed the Town to recognize that it was incumbent upon them to draw upon geologic science, recognize the risks, and develop appropriate land use regulations and ordinances to deal with it. In 1970 the Town formed a Geologic Safety Committee which included renowned USGS and Stanford geologists, who developed a set of General Plan principles, objectives, and ordinances that were pioneering and widely acclaimed throughout the United States and Europe. He said the same opportunity is presented here. Mr. Day said the risk that wildfire presents to the community is even greater. He said the PVNU has sent a seven-page letter and wants the Council to address the issues raised in the letter – A) Develop a set of General Plan and Ordinances that regulate land use in town to reduce the risk of wildfire; B) Establish a position for a public safety officer to administer those regulations

and to implement what is already in the General Plan, and has been for 10 years, the development of an emergency operations center, staff it and operate it, evacuation plans for the town, publicize them, practice, rehearse, and teach people in town how to employ them; and, 3) Adopt ordinances that require removal of ladder fuels from properties throughout town in accordance with a schedule of risk much like that promulgated in the Moritz report 12 years ago for the town about very high and high fire risks in town. He said those areas of town with vegetation and topography aspects that create a very high risk of fire should be subjected to a requirement to reduce and remove the ladder fuels that cause wildfire throughout the community.

Mayor Aalfs acknowledged receipt of Mr. Day's letter. Town Manager Dennis said he replied to PVNU's letter earlier today via email. He said it is inaccurate that the Town has no operating EOC. He said the Town does have an established EOC that has been in place for many years and they regularly hold exercises. They are expanding that into drills in the coming months. He said they had an evacuation drill scheduled for September but it has been delayed due to COVID. Town Manager Dennis said the Town, on a regular basis, partners with Woodside Fire and Firesafe San Mateo County on grant requests including one they applied for from PGE, but unfortunately did not receive. He said vegetation management is underway. He requested that his response to PVNU's letter be posted on their website.

The question, "What can we do to accelerate the Building Code changes" was submitted by Karen through the chat feature. Town Manager Dennis apologized if his answers sounded bureaucratic but said they're important as it relates to how these things get completed. Town Manager Dennis said the Wildfire Committee made a recommendation to perform this work. When the recommendations come to the Town Manager's office, he categorizes them as short- and medium-term goals because it would be impossible to complete 25-30 tasks all at once. He said the Building Code work will begin this year as it relates to these issues. He advised that it takes a significant amount of time to get a Building Code amendment of this scale through and usually involves multiple meetings with the Planning Commission. He said that even with issues wherein there is a sense of agreement, there are often people in other places who are opposed to these types of changes. He said the Town's Planning Director is currently on a medical leave and some of this work will not happen right away. Mayor Aalfs agreed that it will take significant time to achieve both the Building Code and Design Guideline changes, which are also somewhat out of date. He said they are two long-term projects that got sidetracked this year by COVID. He said no one is questioning their importance or the Town's desire to tackle them but it will take longer than desired.

STAFF REPORTS & RECOMMENDATIONS

(9) Recommendation by Town Manager and Subcommittee – Update, Race and Equity Conversation

Town Manager Dennis provided the update to the Council regarding the ongoing conversation with residents. He said they have started to receive comments through their online [engagement portal](#) and hope to get many more. He said they have so far been very productive, useful, and understanding regarding people's concerns. He said the Town will continue to promote the tool and encouraged everyone to share the information and participate.

Vice-Mayor Derwin said not very many residents (approximately 10) have commented through the portal yet. She said the comments received are appreciated because they guide the next steps, which could include forming a committee or planning a Zoom Town Hall. She said in the last month since the last meeting, she, Councilmember Richards, and Town Manager Dennis had a Zoom meeting with Capt. Christina Corpus, who was presented with all of the questions that came from the Town and the community. Vice-Mayor Derwin said there was very interesting responses. She said the next big step is to meet with Sheriff Bolanos, perhaps in a Zoom Town Hall.

Vice-Mayor Derwin said she and Councilmember Richards had a Zoom meeting with Kim Akers, Lucy Neely, and Sudha Fatima, who have been working on the discussion group after the protests. This group

would like to have a Zoom Town Hall. Councilmember Richards and Mayor Aalfs have been attending those discussion groups. Ms. Fatima is working on a project with a group in Redwood City for Next Door. Ms. Fatima said the panel that does the moderating on Next Door tends to suppress minority voices and she is requesting they use a panel trained to moderate conversations about race.

Vice-Mayor Derwin said she and Councilmember Richards have been watching all the Zoom community forums in the neighboring communities, such as the Race and Policy and Color of Justice Zoom on June 26 and Part 1 of the Racial and Social Justice in America Zoom on July 1 (which is on You Tube through Mid Pen Media Center), with a Part 2 to occur on July 29. She said she watched Let's Talk about Racism, When Your Neighbors Racially Profile Your Other Neighbors, on July 9. She said she knows many of the people on those Zoom panels who would be happy to help the Town.

Vice-Mayor Derwin urged everyone to go to the portal and comment. She would like to bring something for the Council to vote on at the next meeting.

Town Manager Dennis said a number of training opportunities for the Council have been identified and are being reviewed by Vice-Mayor Derwin and Councilmember Richards. Town Manager Dennis will be holding two classes for staff in the next few months. Town Manager Dennis said Brandon, an intern, has been brought onboard – one of the Stanford students who participated in the study that was part of the Wildfire Preparation Committee's presentations on the efficacy of the Los Trancos Woods Fire Prevention efforts. Brandon is a member of the LGBTQ community and will help from that perspective in these conversations. Mayor Aalfs said he has attended three of the last four Sunday demonstrations and the discussion groups after, led by Kim Aker. He said there has been good response and it is a good discussion group.

Rita Comes Whitney, Westridge. Ms. Whitney said at the last Council meeting she asked about changing some of the wording in Vice-Mayor Derwin's comments regarding the three people killed by tasers by the Sheriff's Department. She said it has not been changed and people are still commenting on that statement. She asked if she needed to write it in the portal or if there was another way she can go about having that reference changed or at least add another sentence or two.

Vice-Mayor Derwin said she did not write the words but they were in a memo under her name and Councilmember Richards' name. She said it was a memo largely written by staff, who were capturing comments made by participants in a prior meeting. The words were not in the resolution but were just in the report.

Ms. Whitney said that, respectfully, she would like to say that if someone does repeat a racist comment that the public feels strongly about – and she noticed someone else in the portal commented about tasers and that statement – that those statements should be corrected, regardless of somebody reporting what was seen someplace else.

Councilmember Hughes said the purpose of reports is clarity. He said the language in the report is subject to different interpretations. He agreed that it could be read as having racist connotations even though that was not the intent. He said the Council does not need to take action because there was no action taken to accept the report in the first place and it was more of a memo. He suggested that if the Subcommittee wanted to issue a new memo with the correction for the next report to the Council, to clarify the language, it could go a long way to address the raised issue. Ms. Whitney said it would be helpful if there was a process in place. Mayor Aalfs said he noticed in the June 24 meeting minutes, Vice-Mayor Derwin did point out the clarification of that report and acknowledged that it was written improperly. Mayor Aalfs said he would be happy to correct that going forward. Vice-Mayor Derwin agreed and said it was clarified in the public record of the last Council meeting minutes but she will be happy to write it out to present at the next meeting.

Councilmember Hughes said he looks forward to the training programs and moving to the next stage after receiving the portal comments, which has been very helpful to give people a forum to voice.

(10) **Recommendation by Town Manager** – Revised FY 2020-21 Budget and Council Priorities

Town Manager Dennis described the background of the adoption of the interim budget. He described the vulnerable revenue sources, the Capital Improvement Program (CIP), other considerations, and next steps as detailed in the staff report. Staff requested input from the Council regarding the overall approach in the continued development of the budget.

Mayor Aalfs invited questions and comments from the Council.

Councilmember Wengert said we are entering a long-term pandemic scenario with a significant component of staff working remotely. She said it was probably safe to put this interim budget all the way through to the end of this next budget year (June 2021). She said if that's the scenario, then a big part of the discussion begins with how the remote staffing is working and the different possible scenarios regarding staffing and related benefits and the material impacts.

Town Manager Dennis said it is an evolving conversation that is difficult to articulate because some of the information isn't quite there yet. He said for just over a month they've had in place a staffing plan that allows people go to back in the office, with typically two or three staff members in the office on any given day, depending on the activity that is necessary. He said he does not anticipate a significant change in the cost of operating Town Hall from a staffing perspective. He said there may be issues around utilities and a few other things, but he doesn't see it yet. He said some of that may happen in services and supplies. He said the Planning position that has been open for a year will not likely be funded at this time and will instead be filled with some consultant work. This will result in some savings, particularly on the benefits side. He said they do want to fill the vacant Account Technician position but it may not be budgeted at the right level for the kind of expertise they're looking for. He does not anticipate significant savings there. He said staff is not seeing a reduction in the amount of time being put into work, just that time is being put into different work, and that analysis is ongoing. He said he does not anticipate significant reductions in expenditures on the operational side related to more people working from home. He said he is talking with other City Managers to see what they understand around this issue.

Councilmember Wengert said the corollary to that is looking at the priorities and what can realistically be done. She said that however the workload is distributed among the staff, the ability to take on projects will be critical to be able to start to move forward during this next 12-month period. She said having some idea of what the mix of remote and on-site staffing will look like will be very useful to how the budget looks. Town Manager Dennis said the analysis is correct that in the short-term staffing will not look significantly different until COVID is under some level of control. Speaking with regard to government in general, he said it is not likely that there will be a wholesale 100 percent return of employees. He said this is the first time in the history of the work from home movement that everyone had to come up with solutions and he doesn't see it going back to how it was before. He said there are absolutely ways to accommodate it and perform all the work required. He said on the Planning side, he would not expect there to be the ability to do significant planning work without the use of consultants. He said some of that is reimbursable depending on the work. He said there are grants around the Housing Element work so that will not cost the General Fund.

Vice-Mayor Derwin said she would like to have a more formal discussion about what Town Hall will look like in the future. She asked if the Town has the CARES money. Town Manager Dennis said it is coming. Vice-Mayor Derwin asked the amount of the OPEB Trust Fund. Town Manager Dennis said the Finance Committee will be recommending to pay off the full amount out of the audit, \$1.1 million, which can be paid all at once or over four quarters. In response to Vice-Mayor Derwin's question, Town Manager Dennis confirmed that the Finance Committee has not yet had an opportunity to sit down with the prefunding organization out of CalPERS to look at the Retirement Trust Fund and it is in the process of

being scheduled. Vice-Mayor Derwin asked if there is still Planning money available for use in the Housing Element work for the RHNA 6. Town Manager Dennis said there are multiple pots and the vast majority of the work, if not all, is covered by State grants and the like.

With no other questions from the Council, Mayor Aalfs invited public comment.

Betsy Morgenthaler. Ms. Morgenthaler said she recently attended a CalMatters forum on the future of work and there are a lot who believe things will not go back to the way they were. She said this could have great impact. She said a majority of the Palo Alto City Council has written to ABAG and RHNA requesting a delay in the RHNA 6 process, commenting that the process is moving too fast for the conditions we're working under today. She said working with staff at home, who are unable to quickly access materials, if at all, and as a member of the public seeing people in little boxes on her computer screen, is not the same when we were all connected at Town Center. She said it is difficult to deal with topics that are as weighty as RHNA 6. She said RHNA 6 is not yet with us, and she suggested that our priorities, particularly Priority #2, be slowed down. She said there doesn't seem to be a reason to accelerate from RHNA 5 to RHNA 6 at this rate, at this time, and in this environment. Town Manager Dennis said he is aware of a few cities that have requested to slow down the process but has seen no indication that will actually happen. He said was just on a Webinar with Planned Bay Area and they are not slowing down and have even added units to San Mateo County. He is not getting a sense from any regional bodies that they are slowing down, which is not to say the Council should not weigh in. Councilmember Hughes said he got the same sense from the recent ABAG General Assembly meeting and said MTC and ABAG are moving ahead as quickly as they can. Town Manager Dennis said one of the issues is that the County and region are in such a deficit that simply adding enough units to catch up with the deficit is substantial.

Kristy Corley asked to budget three banners to post around Portola Valley regarding Town Council elections and four newspaper ads for Town Council elections ongoing in the future. She said she was told banners could not be put up at this time regarding elections.

Councilmember Hughes said he does not think staffing levels should be decreased or increased dramatically at this time but perhaps the workload may need to be shifted around. He said there is fundamentally the same amount of work to do and he would not anticipate staffing costs to change significantly. He said he would not expect there is a lot of room to change things dramatically on the cost side other than optional work items, such as capital expenses that could be delayed a year. He said he looks for more caution and flexibility around expenses that are not necessary for the next 12 months. He said there is a lot of uncertainty and he'd like to see the budget looking at necessary projects as the baseline and what items can be put off if not immediately necessary.

Mayor Aalfs said the wildfire preparedness must be continued. The Housing Plan implementation must be continued because it is a State requirement. Councilmember Hughes noted that there are still elements of RHNA 5 that the Town has not yet completed and that must be done. Mayor Aalfs said there some Sustainability items that must be retained, such as the Reach Code.

Town Manager Dennis said he was not hearing the Council recommending cutting priorities, rather to build the budget to an acceptable level of risk associated with the revenue streams and if things can be added based on how the revenue is doing and the status of the world, that can be somewhat flexible. Town Manager Dennis said staff can look at what needs to be done now and what would be nice to do now. He was optimistic that the revenue picture will not fundamentally change for the Town. He said property tax revenue will likely continue to increase, utilities and franchise tax fees will continue to increase, and the Town's investments have been extraordinarily positive. The more modest budget should also have some additional flexibility to do other projects. Town Manager Dennis anticipates the Council seeing a budget that may be 5 to 10% lower than normal in some of the operational costs, which would not be pulling in revenue anyway. He said planning activity is important and he does not have a great read on what that will look at, except there is some pent-up energy to do some work which could last the year. He said no staff has been added in more than a year, yet the workload continues to

increase. He said a good example is the unanticipated fire prevention work which has caused some other tasks to be put aside. He said there have been more public records requests in the last year than they've had in 20 years, which takes many hours of work. He said they are not asking to increase staff but it is important to note that staff is working near to or at capacity.

Councilmember Wengert said she believes there will be a fair amount of variation among departments. She said Public Works never stopped working and her expectations are that if more funding can be secured, that may be a good area for additional projects if the Town can afford them. She said Planning has so many short, medium, and long-term tasks that she would be interested to hear their realistic opinion of the priorities. She said the Housing parts are already underway and there are affiliated partners who may be bringing projects this next year which should not be stopped because it is a part of a bigger commitment to meet obligations under the current RHNA cycle. She appreciates that the staff is doing a great job managing a very dynamic landscape. She would be interested to hear staff's priorities regarding how much time it will take for some of the other things to help establish realistic expectations. Town Manager Dennis thanked Councilmember Wengert. He said they've often discussed the concept of flexibility in position and being able to adapt to current needs. He agreed that every Town department will approach this differently, with some departments having more opportunity for flexibility than others. Town Manager Dennis said some of the Council priorities cost staff time and some are additional expenditures.

Town Manager Dennis will reach out to Councilmember Wengert and Councilmember Hughes to further improve this process.

(11) **Discussion and Council Action** – SMC Strong Business Funds Reallocation

Town Manager Dennis explained the background of the SMC Strong program to support local businesses impacted by the COVID-19 pandemic. Only \$20,000 has been utilized because most businesses did not take advantage of the program, leaving \$80,000 of the Town's allocation unused.

Councilmember Wengert said it is apparent that COVID is not a short-term issue. She pointed out that the Town has already lost a tenant in the shopping center with more stress being felt by a number of other tenants. She said because SAMCEDA's program was unable to reach all the people it needed to reach, and the Town has not spent all that was allocated, she suggested consideration of a second phase of the program. She described the discussion items, as detailed in the staff report, and recommended the Town Council consider reallocation of budgeted funds for the SMC Strong program be considered for alternative uses.

Mayor Aalfs invited questions and comments from the Council.

Councilmember Hughes asked why the maximum amount was listed as \$50,000 instead of \$80,000. Councilmember Wengert said the thought was to return \$30,000 to the Town, reflective of the anticipated need. She said if there is more need, it can be added back in.

Mayor Aalfs said even though \$5,000 per business is a small amount, if the Town can help, he could support it.

Councilmember Hughes said he understands the desire to include Ladera and other unincorporated areas that are nearby but suggested it would be cleaner to limit it to Portola Valley proper. Councilmember Wengert she's also seen it done for "adjacent" communities. Councilmember Hughes said that may bring more than 10 applicants and it will be difficult to draw the lines. Mayor Aalfs said it could also be differentiated by extending it to the Town's sphere of influence, which would include Los Trancos Woods and Ladera. He said if it is limited to Portola Valley, they will not like spend near \$80,000.

Vice-Mayor Derwin said the money is coming from the General Fund and should only go to Portola Valley proper since it is Portola Valley proper taxpayer money. She said if there is a lot left over, she would then

consider spreading it out further. Councilmember Wengert said if the funds are not used up, it can be readdressed because it will not be getting better any time soon for a number of the tenants.

Mayor Aalfs said he understands the point about it being cleaner to offer it only to Portola Valley proper but pointed out that a lot of residents use and rely on Ladera businesses. He said although it is the Town's taxpayer money, Ladera businesses benefit Portola Valley citizens.

Town Manager Dennis said not showing receipts may be fine, but showing need is important as part of an application process. Councilmember Wengert said she's worked with this directly in other places and they've asked for 2019 receipts for the same time period versus 2020 receipts to demonstrate a decline in revenue.

David Cardinal agreed with Councilmember Hughes and is supportive of reallocating the funds.

Town Manager Dennis said he would work with Councilmember Wengert to develop an application process and get the word out. Mayor Aalfs said he would also be supportive of starting with Portola Valley only and then consider expanding.

Councilmember Hughes moved to grant authority to the Town Manager to work with Councilmember Wengert to move forward with the business assistance program granting up to \$80,000 to Portola Valley businesses that continue to suffer from the COVID economic downturn, upon review by the Town Attorney. Seconded by Councilmember Wengert; the motion carried 4-0 by roll call vote.

Judith Murphy commented via chat, saying that Portola Valley tax money should be restricted to Portola Valley businesses and if little is used, then add in the sphere of influence.

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

Town Manager Dennis reviewed the previous emergency orders, subsequent orders, COVID-19-related subcommittees, and previous extensions, as detailed in the staff report. Staff recommended the order, as currently drafted, be revised for an additional 60 days.

Town Attorney Silver explained the County residential eviction moratorium providing countywide protection and a commercial eviction moratorium applying to unincorporated County. Many cities subsequently adopted a similar moratorium applying to their jurisdictions, including Portola Valley. She explained the Portola Valley urgency ordinance prohibiting commercial evictions for a certain time period, which expired on May 31. The second protection allowed tenants who had deferred rent prior to May 31 to pay that rent up to 180 days after expiration, a protection that is still in place. She said it is a bit confusing because the Town is not completely lined up with the County because while the County's ordinance also expired on May 31, it was then extended 30 days to June 30.

Mayor Aalfs invited questions from the Council.

In response to Councilmember Hughes' question about whether the expirations are tied to the emergency order or the emergency, Town Attorney Silver said it is a bit unclear because one section talks about tying it to the duration of the local emergency but another piece that says the eviction protection expires May 31. The intent was that if the emergency expired earlier, the protection would end but as long as the emergency was in effect, the protection would go through May 31. She said there is still some limited protection at the State level, which will expire on July 28. It is expected the Governor will take some action in the next few days. The State protection allows for lawsuits for eviction but no enforcement. The Judicial Council, however, has ordered there shall be no filing of unlawful detainer actions, which was issued on April 6 and expires 90 days after the State emergency is dissolved or the Judicial Council repeals the order. She said there is a patchwork of regulations in place but for the most part there is some

protection. The legislature is also considering additional protection. Yesterday, the Board of Supervisors extended the residential eviction moratorium Countywide.

Mayor Aalfs invited public comment. Hearing none, Mayor Aalfs brought the item back to the Council.

Vice-Mayor Derwin moved to approve the 60-Day Extension of Local Emergency Declaration in Response to Novel Coronavirus (COVID-19). Seconded by Councilmember Hughes, the motion carried 4-0, by roll call vote.

Mayor Aalfs called for a five-minute break.

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

Councilmember Wengert – Attended July 13 ASCC meeting where they approved one of the projects. The other project, the Gambhir residence, had a very unhappy neighbor in attendance with his attorney. There were also a number of other neighbors who expressed complete support of the project and the Gambhirs. After lengthy discussion, the Commission was supportive of the design with a request to make a few tweaks. Sadly, over the weekend, Dr. Gambhir passed away. Councilmember Wengert attended a lively Finance Committee meeting with Town Manager Dennis where there was a robust discussion on how much to pay down on the unfunded pension liability, \$1,190,000.

Councilmember Hughes – Also attended the ASCC meeting. He also attended the Bicycle, Pedestrian & Traffic Safety Committee meeting on July 1 where they got a report from the Sheriff's Office indicating very few citations due to very few cars on the road. Some property owners near the Windy Hill overflow parking have asked for help with people parking in front of the emergency access as well as visibility from their main driveway. He was unable to attend the Trails and Paths Committee meeting yesterday.

Vice Mayor Derwin – Attended, with Councilmember Richards and Dennis, a Zoom meeting with Capt. Christina Corpus. She explained the RIPA act, which requires all law enforcement to document all stops. Capt. Corpus said they are exploring how to do this and how to accurately record and report out race, age, gender, reason for stop, and outcome. Vice-Mayor Derwin asked why the Supervisors had approved \$1 million for new tasers. Capt. Corpus explained that the new tasers are less lethal. She talked about the California P.O.S.T. (Peace Officer Standards and Training) who oversees law enforcement in the United States and are connected to the DOJ. This issue will be on the agenda on August 12 and Capt. Corpus will attend. Capt. Corpus also said she would like to have a Zoom meeting to introduce the Deputies to the community. Vice-Mayor Derwin also attended the C/CAG meeting where she saw a presentation by 21 Elements about RHNA 6. The aggregate RHNA 6 numbers for San Mateo County will be 2.3 times as high as RHNA 5. A methodology committee is currently working on it. She said they are in agreement that equity is of primary importance. Jobs-rich opportunity areas, defined as places with low crime, good schools, in proximity to jobs (such as Portola Valley), might see higher RHNA numbers. She said while affordable housing has historically been located in the less desirable parts of the County, they are saying that practice must be changed. They may require higher RHNA numbers to cities with histories of racial and economic exclusion. High hazards areas such as places with earthquake faults, fire danger, flooding histories are a concern and RHNA should not be placed in those areas; however, this will not reduce a city's RHNA number nor excuse them from planning for and building affordable housing. Rather, the housing units need to be located in other parts of the city where those dangers are not as acute. Rezoning will likely be necessary for all cities in the County to accommodate their increased RHNA numbers and cities should start that process as soon as possible. Town Manager Dennis shared the website: <http://www.21elements.com/housing-elements> Vice-Mayor Derwin reviewed the July 9 Leg Report. She said board members shared things they are doing in their cities related to COVID and there was a lot of discussion about how to help the school districts, with not having enough space for childcare being a hot button issue. The Willow Road-101 Interchange was awarded the Interchange Project of the Year award. She attended the Flood and Sea Level Rise Resiliency District (FSLRR) meeting where they discussed the rates for the Water Pollution Control Services. The Climate Resiliency Bond is off the table

due to COVID but there is hope for a recovery bond. She attended the JPA Express Lanes meeting where they discussed the terms for the \$100 million loan by the Transit District to the JPA. They discussed a Means Based Tolling Discount. She attended Portola Valley Racial Justice Organizing Zoom meeting with Councilmember Richards, which was a good meeting with great energy and good ideas.

Mayor Aalfs – Attended Ad Hoc Wildfire Preparedness Committee meeting. Mayor Aalfs said he was impressed with the report that the new intern, Brandon, put together with classmates from Stanford on the program effectiveness assessment of the Los Trancos Woods program. They got a more detailed description of Zonehaven and how it can be applied in Portola Valley. He said the contract is in place with Peninsula Clean Energy and Sun Run, who is offering residential battery storage systems, targeting medically vulnerable people, and single-family homes in high fire or PSPS areas. They provide a battery at a discount in exchange for allowing PCE to use it as part of their resource adequacy requirements. They are also trying to promote more awareness regarding fully electric homes. Vice-Mayor Derwin asked why Sun Run was chosen. Mayor Aalfs said they did an RFP and two companies were selected based on their capabilities and what they were offering in terms of the functions of the batteries and the competitive prices.

(14) **TOWN MANAGER REPORT** – Town Manager Dennis reported he had a good introductory conversation with the new Executive Director at the Sequoias, Rob Hayes. He will talk to him tomorrow to discuss the continued closure of the Sequoia Trail. He said there was a pop-up Little League baseball game at Ford Field. The local Little League Commissioner was unable to determine who it was. Reluctantly, he had to ask staff to place a large log at second base that will be difficult to move and they are also altering their irrigation times to keep people off the fields. Town Manager Dennis has a new intern who goes by the they/them pronouns, Brandon. They just graduated from Stanford and will be working on the Climate Action plan. Brandon will be reviewing all of the work the cities in San Mateo County are doing around race inequity. Town Manager Dennis scheduled a meeting with the new Chair and Vice Chair of the Library JPA and had a great discussion. They will be meeting regularly. Town Manager Dennis also met with PGE representatives regarding a microgrid program they are initiating, helping with the connections between systems and municipalities. He sent an email to the lobbyist for the cell phone community asking about the plans for installing new backup systems in town based on the CPUC guidance that there must be 72 hours of backup power. He indicated he was interested in seeing them look at battery as an alternative. Town Manager Dennis started conversations around virtual Emergency Operation Centers (EOC) considering less staff will be on-site. Councilmember Hughes asked if the battery backup for cell phones applied to the microcell towers or only the larger towers. He asked if that would allow the microcells to go beyond 27 cubic feet. Town Manager Dennis said he did not believe it applied to the microsystems but he will research that further.

WRITTEN COMMUNICATIONS

(15) **Town Council Digest** – June 25, 2020

None.

(16) **Town Council Digest** – July 2, 2020

None.

(17) **Town Council Digest** – July 9, 2020

None.

(18) **Town Council Digest** – July 17, 2020

None.

Mayor Aalfs adjourned to the closed session.

ADJOURN TO CLOSED SESSION

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

REPORTS OUT OF CLOSED SESSION: None to Report

ADJOURNMENT [10:21 p.m.]

Mayor Aalfs adjourned the meeting.

Mayor

Town Clerk