

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 1001, DECEMBER 9, 2020

CALL TO ORDER AND ROLL CALL

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

Present: Outgoing Council: Councilmembers Craig Hughes, John Richards, and Ann Wengert; Vice Mayor Maryann Derwin; Mayor Jeff Aalfs

New Council: Councilmembers John Richards, Jeff Aalfs, Sarah Wernikoff; Vice Mayor Craig Hughes; Mayor, Maryann Derwin.

Absent: None

Others: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Laura Russell, Planning and Building Director
Howard Young, Public Works Director
James Renfo, Consultant Land Surveyor
Sharon Hanlon, Town Clerk

Attendees: Alex Von Feldt
Andy Browne
Angela Hey
Betsy Morgenthaler
Brennan Robins
Caroline Vertongen
Chris Ramming
David Cardinal
Deborah DeFilippo
Felicity Barringer
Gary Morgenthaler
Helen Quinn
Jon Silver
Judith Murphy
Kristi Corley
Lorrie Duval
Marie Chuang
Mary desJardins
Mary Hufty
Nan Shostak
Nona Chiariello
Rita Comes
Rusty Day
Sandra Patterson
Sean Curran
Steve Toben
Susan Hine
Valerie Baldwin

ORAL COMMUNICATIONS

Kristi Corley asked to see the names of the other attendees. Town Manager Dennis said they use the Webinar part of Zoom, which does not provide the option for attendees to see each other. Ms. Corley

asked how many attendees are present. Mayor Aalfs said at that moment there were 31 attendees and 13 panelists.

- (1) **Recommendation by Town Clerk** – Certification of November 3, 2020, Consolidated General Municipal Election
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Declaring Canvass of Returns and Results of General Municipal Election Held on November 3, 2020 (Resolution No. 2841-2020)

Town Clerk Hanlon presented the staff report and the certified results of the November 3, 2020, election to fill two open seats on the Town Council, each with four-year terms expiring in 2024. The newly-elected Councilmembers are Jeff Aalfs and Sarah Wernikoff.

Mayor Aalfs invited public comment. Jon Silver said he wasn't sure if he wanted to congratulate all who ran, those who were elected and those who were not, for a good, decent exercise in democracy, or if he wanted to declare that they were all fake news and need to throw out all the ballots and start again.

Councilmember Wengert moved to approve the Resolution of the Town Council of the Town of Portola Valley Declaring Canvass of Returns and Results of General Municipal Election Held on November 3, 2020. Seconded by Councilmember Richards, the motion carried 5-0, by roll call vote.

- (2) **COUNCIL RECOGNITION** – Ann Wengert, Former Mayor and Councilmember

Mayor Aalfs read the Mayor's proclamation honoring Ann E. Wengert on the Occasion of her Retirement from the Portola Valley Town Council, as included in the staff report.

Mayor Aalfs, Vice-Mayor Derwin, Councilmember Richards, Councilmember Hughes, Assemblymember Marc Berman, Jon Silver, Steve Tobin, and Bill Urban shared anecdotal stories and appreciation for Councilmember Wengert. Town Manager Dennis shared that a field representative for Congresswoman Eshoo submitted a Certificate of Special Congressional Recognition for Councilmember Wengert. The San Mateo County Board of Supervisors also submitted a Resolution honoring Councilmember Wengert for her service. Town Manager Dennis said that Senator Josh Becker's office also prepared a resolution that has not arrived yet.

Councilmember Wengert thanked everyone for their kind and generous words. She said her time on the Council has been an amazing journey filled with wonderful colleagues, dedicated and talented staff, engaged residents, and supportive friends and neighbors. She said it has allowed her to meet other like-minded volunteers throughout the County as well as within the broader region. She said when she joined the Council in 2007, she had no sense of what lay ahead, no idea she would become versed in municipal finance, affordable housing, public works, planning, financial systems, garbage contracts, Sheriff contracts, fire issues, and aircraft noise. She said she is proud of her efforts on these and many other issues as she worked to bring a reasoned, fair, and analytical approach to the issues, creating a win-win situation whenever possible. In addition to the hard work, there have been glorious moments when the community came together (pre-COVID) to celebrate with picnics, barbecues, films, music, and the year-long 50th anniversary celebration. She said they also came together in more somber moments to pay tribute to some of the most beloved volunteers, including Bill Lane, Ed Davis, and Shelly Breiner. She said Portola Valley is an immensely fortunate community, conceived around an open space ethos and reliant upon volunteer government, which has continued on now 56 years later. She said she has an abiding faith in the process and in her colleagues and the staff to be able to manage the Town moving forward. She requested that the residents always be respectful of the work of this Town Council and all of the volunteers. She noted that there are no monetary rewards for any of their service on the Town's Councils, Commissions, or Committees. She said the reward comes from knowing they contribute their valuable time to making Portola Valley an even better place than it already is. She expressed thanks for the opportunity to serve her Town. She welcomed Sarah Wernikoff to the Council. She said she hoped Ms. Wernikoff's wonderful and warm family is with her tonight because they will need to be with her

throughout this entire journey. Councilmember Wengert said Ms. Wernikoff will be a terrific addition to the Council. She added a second welcome to the incoming Mayor. She wished everyone to stay healthy and have the happiest of holidays.

REORGANIZATION OF THE TOWN COUNCIL

(a) Installation of Councilmembers

Town Clerk Hanlon swore in Jeff Aalfs and Sarah Wernikoff as new Councilmembers to the Town of Portola Valley Town Council.

(b) Election of Mayor

Councilmember Richards nominated Maryann Derwin for Mayor of Portola Valley. Seconded by Councilmember Hughes; the motion carried 5-0, by roll call vote.

(c) Election of Vice Mayor

Councilmember Aalfs nominated Craig Hughes for Vice-Mayor of Portola Valley. Seconded by Councilmember Richards; the motion carried 5-0, by roll call vote.

Mayor Derwin acknowledged Mayor Aalfs' extraordinary job as Mayor in 2020 under the toughest of circumstances and thanked him for leading the Town so well in these troubled times. She read Felicity Barringer's comments in appreciation of Jeff Aalfs' leadership, keeping people informed during this pandemic with compassionate understanding. Mayor Derwin said the weekly reassuring Mayor letters were exactly the touchstone needed by the community. She shared Mayor Aalfs' letters with her colleagues on other Council who thought they were brilliant, even inspiring Woodside Mayor to start his own weekly letter. She said it was an enormous responsibility to craft those weekly letters with just the right tone and accurate information to satisfy the very tuned-in and well-educated Town populous. Mayor Derwin shared additional comments by Ms. Barringer thanking Mayor Aalfs.

Mayor Derwin said she sees a new year that will bring more challenge and change, a rocky economic climate, more social and racial unrest as we recalibrate, a frustrating RHNA number to accommodate, the Stanford project, a possible return to drought conditions, and likely an even longer and more severe wildfire season. She said, however, there is also light. The electoral college will do its job and in January we will inaugurate a new President and the vaccine will arrive in the County next week. She said the social and racial justice movement produced three new Councilmembers under the age of 26 in South San Francisco, Redwood City, and East Palo Alto, offering a much-needed fresh perspective in local politics. She said that by summer the town may be able to enjoy a summer concert series sitting on real grass at the Town Center. She said she wants to believe Ms. Barringer's words that local governments will be the drivers of change and this small town can be the building block for the new national future. Mayor Derwin said that with Jeff Aalf's example as a compassionate Mayor, and the community's long history of fighting it out, but always coming back together when it counts to work out a solution, she thinks we might just do it.

Vice-Mayor Hughes, Councilmember Richards, Jon Silver, and Town Manager Dennis, also expressed appreciation and congratulated Jeff Aalfs for his successful year as Mayor.

Councilmember Aalfs said the Council did some pretty amazing things in this incredibly difficult year, largely due to the work of the staff, the Council, the Commissions, and Committees. He said he saw the best of a lot of people this year, with people stepping forward to help their neighbors and the community. He thanked the Council, the staff, all of the volunteers, and all of the residents for their support.

Mary Hufty expressed her appreciation for the service of Anne Wengert and Jeff Aalfs. She added that PVNU was started to help the Council inform its decisions and they hope it will feel, moving forward, like it's a positive and that their independent and community-based research will be helpful.

CONSENT AGENDA

Mayor Derwin said that in this time of transition, Portola Valley is reviewing the current policies, practices, and procedures to make sure they are still timely, up-to-date, and equitable for all. She said because of the much more complex issues the Town is dealing with, the current agendas are much longer. In order to be respectful of everyone in the virtual audience and to make sure that everyone can speak, the three-minute speaking rule will be enforced for everyone. She said has been standard practice at all City Councils in San Mateo County, as well as the elected boards and commissions. She said if someone feels they have more substantial comments than can be relayed in three minutes, he or she is welcome to write to any of the Councilmembers or to staff. Another change suggested tonight is a new approach to the Consent Agenda, recommended by Town Attorney Silver. Mayor Derwin will call for any public comment on the Consent Agenda. Councilmembers may choose to accept the public comments without pulling the item or they can ask to pull that item for further discussion. If an item of concern to a public member is not pulled, the public member is always free to follow up with the staff or a Councilmember. She asked members of the public to contact staff regarding consent agenda items they have questions about prior to the meeting, if possible. She said they will discuss on an agenda item next year whether or not they will continue to provide minutes in the curious hybrid verbatim manner or will transition over to the more standard practice of more general minutes that capture motions and the major substance of a discussion. In the meantime, Town Attorney Silver suggests that if the public has corrections to the minutes, they should raise the corrections off line with Town Clerk Hanlon prior to the meeting. Since Council meeting minutes are not intended to be verbatim minutes, corrections should be made only when the substance of a discussion was inaccurately transcribed. Although there is generally no need to do so, if the public wishes something to be added to the minutes, they should speak to Town Clerk Hanlon prior to the meeting.

Mayor Derwin invited comments from the public on the Consent Agenda.

- (3) **Approval of Minutes** – Town Council Regular Meeting of November 11, 2020.
- (4) **Ratification of Warrant List** – November 25, 2020, in the amount of \$175,284.16
- (5) **Approval of Warrant List** – December 9, 2020, in the amount of \$135,502.41.
- (6) **Recommendation by Finance Director** – Review and Approval of Amendments to Finance Analyst Job Description
- (7) **Appointment by Mayor** – Member to the Conservation Committee
- (8) **Recommendation by Town Manager** – Response to San Mateo County Grand Jury, Ransomware
- (9) **Recommendation by Town Manager** – Extension of Local Emergency Declaration in Response to Novel Coronavirus (COVID-19)

Councilmember Aalfs moved to approve the Consent Agenda. Seconded by Vice-Mayor Hughes, the motion carried 5-0, by roll call vote.

REGULAR AGENDA

STAFF REPORTS & RECOMMENDATIONS

- (10) **Discussion and Council Action** – Discussion of Public Right-of-Way on Alpine Road at Corte Madera Road and available options for Designation as Open Space

Public Works Director Young introduced the Town's Consultant Land Surveyor, James Renfo. Public Works Director Young presented the public right-of-way options on Alpine Road at Corte Madera Road,

providing the background and the discussion items and options, as detailed in the staff report. Staff recommended the Town Council consider options for an open space designation to the "Road Remnant" on Alpine Road at Corte Madera Road and provide direction to staff for next steps.

Town Manager Dennis noted that letters of support for both Options 1 and 2 were received from Judith Murphy, Jon Silver, and Lennie Roberts.

Mayor Derwin invited questions from the Council.

Councilmember Richards asked, with regard to the public agencies that may be utilizing or have an interest in the right-of-way, if this is for things like possible storm drains or pipelines. He asked if there were likely very many hidden unknown issues. Public Works Director Young said that could be an assumption but no one can guarantee it until the title reports are reviewed, and calling USA to find out exactly what utilities are there.

Councilmember Richards said the report mentions the possible need to use the right-of-way for road purposes or existing utilities. He said since there is a 100-foot right-of-way coming all the way up the hill, he asked if there was an anticipated need to have a wider right-of-way there. Public Works Director Young said these are proposals. He said on Alpine Road heading toward the school it is 90 feet and going toward Willowbrook it is 100 feet, which is consistent with a comfortable right-of-way. He said that will likely provide enough room for utilities or any future bike/ped projects in that area of road widening. He said there are no such plans now or in the near future and they are looking far into the future, 30 to 60 years from now.

Councilmember Richards asked if there are currently annual maintenance costs. Public Works Director Young said it is being mowed. He also noted there are trails through the area that will be maintained as part of the right-of-way. He said open space maintenance is headed toward a different direction. He wanted to point out that if this is open space that is categorized with the rest of open space, there may be different expectations from the Conservation Committee that equate to potential extra costs such as weeding, fire mitigation, etc.

Councilmember Richards said Option 2 mentions amending the Zoning Ordinance and General Plan. He asked if it would be possible to specify that the current road alignment would remain the same as it is now, so that it wouldn't be an option to change it at a future date. Public Works Director Young said he would defer to the Planning Director but he believes that is not possible; however, the General Plan could be changed if a road needed to be realigned.

Councilmember Richards asked if providing an easement would require a survey but not parcelization. Public Works Director Young said they would not have to parcelize it but would have to come up with some basic survey to provide a description to the third party.

Councilmember Richards asked if Item 4 would require a zoning change to avoid an issue with the current zoning creating a noncompliant lot. Public Works Director Young said that it would potentially require a zoning change.

Vice-Mayor Hughes asked if Option 2 required amending both the Zoning Ordinance and the General Plan. Planning & Building Director Russell said an important concept is that the Zoning Map and the General Plan should be consistent. She said, as has been discussed regarding this property, the General Plan Map is challenging to interpret so they would have to make an interpretation of the General Plan Map and confirm the understanding of the application of the greenways and how it is applied. She said it is likely they would need both the Zoning Map Amendment and General Plan Amendment.

Vice-Mayor Hughes said Options 3 and 4 seem to be taking away a property right currently enjoyed by the general public. He asked what that process is like. Public Works Director Young said the Town would have to relinquish the right-of-way, which was provided to the County and then to Portola Valley. The public process is to go to the Council to relinquish the right-of-way. Vice-Mayor Hughes asked if the

Council has the authority to do that or if it requires the authorization of a higher power. Town Attorney Silver said that right is relinquished via a Street and Highway Code abandonment process. She said the Council needs to make the finding that the right-of-way is no longer needed for right-of-way or utility uses. If that finding can be made, State law allows the Town to formally abandon the right-of-way. She said since the Town owns the property in fee simple, they would just be relinquishing the ability to use it as a right-of-way. If it were owned in easement, then the underlying property owner would be able to use the property without the burden of the easement. Vice-Mayor Hughes said in this case all of the property currently has a right-of-way on it. He asked if the right-of-way would be reduced with the remainder being an unparcelized piece of property that would be treated as described in the General Plan. He asked if there was such as thing as an unparcelized property that was not a right-of-way. Town Attorney Silver said it is an awkward and uncommon situation but it does occur. She said it would be a difficult parcel to develop for those reasons which is why these options are difficult to administer.

Consulting Land Surveyor Renfro said, in response to the idea of reducing the right-of-way through the portion to be used only for right-of-way utilities, that the abandonment process does not parcelize the land but abandons the rights-of-way. Since the Town owns it in fee, that would generally go through the process of reversion, which then requires going back in time to find out who originally owned the land. As the Town abandons that portion, it reverts to the previous landowner and is not parcelized over that mechanism. He said it is a research project to find out who owned the land when it was granted to the Town and it generally reverts back to that entity. Vice-Mayor Hughes asked if the Town would potentially lose ownership if selecting Option 3. Mr. Renfro said if the Town abandons the right-of-way it will revert back to whoever owned it before and the Town would lose ownership. It would not become a parcel.

Councilmember Wernikoff asked what the downside is of Option 1, which appears to be the fastest and least expensive route. Town Manager Dennis said Options 1 and 2, in particular, are only as permanent as any future Council action, so a future Council could make changes, rescind the resolution, pass a new resolution, or change the General Plan or Zoning to have a different use, which is true with all manner of property in town. Town Manager Dennis said staff wanted to present a range of options so included Options 3 and 4, which are more complicated. He said that, based on the community involvement last year, there was some interest in finding an option that was the most protective. However, the most protective options are also the least likely to occur or are very onerous.

Mayor Derwin asked how Options 1 and 2 would work. She said Option 1 is quick, easy, and inexpensive. She asked if Option 2 added another layer of protection. She asked if Option 2 could be done during the General Plan update in the next two years. Town Manager Dennis said staff's recommendation is that the Council pass a resolution for Option 1 fairly quickly and then direct staff to include Option 2 as part of the General Plan update. Staff does not recommend opening up the General Plan and Map for this individual purpose because it makes more sense to do it all in one swing.

Town Attorney Silver said there is a restriction that allows the General Plan to be updated no more than two times a year. Therefore, staff advises doing all amendments at one time in case a need arises to make another amendment.

With no further questions from the Council, Mayor Derwin invited comments by the public.

Helen Quinn, 10 Bear Paw. Ms. Quinn said staff has done a good job laying out the options. She said Option 1 plus Option 2 is the best choice. She said without getting into all the complications, it gives the community assurance that this Council and the upcoming General Plan have said the purpose of the land is either for the road, open space, trails, or utilities when necessary. She said this will be put into the record as the decision of the Council.

Betsy Morgenthaler thanked the staff and Council for the expansive view of the options and the level of precision, which she truly appreciates. She supported both Options 1 and 2 because they work together in tandem.

Danna Breen said there are close to 700 signatures supporting the designation of this land. She said Jon Silver has another 500 on his online petition. She said everyone is excited and enthusiastic to see this move forward. She wholeheartedly supports and agrees with Lennie Roberts' letter and is grateful for her wisdom. She said once Option 1 is in place, she can begin to collect the pledges.

Valerie Baldwin, Echo Lane. Ms. Baldwin agreed with Ms. Morgenthaler and Ms. Breen. She said that land is a wonderful, magical place, and would like to see it stay as Town Open Space.

Nona Chiariello said she submitted a letter tonight. She thanked the Council for returning to the question of Open Space protection for the Alpine Road remnant. She thanked Town staff for outlining the options. She was supportive of Options 1 and 2. She said the background section of the report states the road remnant is an existing extra wide section of Town public road right-of-way but Option 1 proposes a resolution to utilize the public right-of-way portion of the road remnant for open space purposes. She said if Option 1 is adopted, the Town's resolution should explicitly indicate that it pertains to the entire road remnant. She said it is understood that permanent protection for the road remnant cannot be guaranteed, but there should be a guarantee of the Council's intent via explicit language and maps. She said if Option 2 is adopted, it should entail amending both the Town Zoning Map and the General Plan Map in ways that are unambiguous and in agreement with one another about the Council's intent to protect the road remnant. She urged the Council to go a little further to strengthen Options 1 and 2 by recognizing in the resolution and in the General Plan when it is revised that the road remnant is not just an aesthetic element of the Scenic Corridor but also a buffer element for Frog Pond Open Space, so that if there is a future Council decision about using the road remnant in other way, it should require some kind of determination of the potential effects on the Frog Pond environment.

Deborah DeFillippo said she moved to the Portola Valley Ranch in 1986. She thanked all the Councilmembers for the amount of work and research that they all do and the time spent in service. She was supportive of Options 1 and 2. She also urged it to be strengthened to preserve it always as open space. She said the beauty of that unobstructed view, the serenade of the Frog Pond, and the ability of the children to go there is valuable and she is worried it will be disturbed if the remnant is not open space. She said it taught her sons and their friends to love nature and the environment.

Gary Morgenthaler, 4678 Alpine. Mr. Morgenthaler thanked staff and Council for the careful, detailed, and meticulous good faith effort to outline and delineate options for the community and be responsive to the concerns of the community and move the community forward. He was supportive of Options 1 and 2, which reflects what the community understood to be the will of the Town Council at its December 11, 2019, meeting.

Angela Hey said she does not understand the difference between an open space easement and a conservation easement. She asked if a conservation easement should also be considered. Public Works Director Young said that the Open Space Committee and the Conservation Committees were involved in the decisions made at the December 2019 Council meeting. He said the commitment was to the Open Space designation and not a conservation easement. Ms. Hey asked if the Town should be going further if they are trying to conserve space for the frogs. Public Works Director Young said the Open Space easement will be defined via the resolution. Ms. Hey said it bothers her that Bedwell Park at the end of Marsh Road is permanently designated open space and she is not sure there is enough permanence being dedicated to this open space. Town Attorney Silver said the word easement is being confused with a General Plan designation. She explained that a piece of property is designated as open space in the General Plan, which means that property can only be used for Open Space, land use designation. A conservation easement is a tool that is used to preserve property essentially as open space or in its natural state, a legal mechanism used to actually implement the General Plan designation. She said Bedwell Bayfront Park is an open space park that is owned by the City, the General Plan designation is open space, and it can only be used as a park. Since it is owned by the City and operated as a park, there is no need for implementing a further conservation easement in that situation. She said the staff report talks about using a conservation easement tool to further protect this piece of property, but there are some hurdles with that. She said members of the public noted that, for example, sometimes if a conservation easement is given to other nonprofits, they may take the land out of service in order to bring it up to certain maintenance levels.

Kristi Corley thanked staff for the thorough report. She asked if PVSD had any comments on this issue. She said the Corte Madera group uses it for their mile run twice a year in their PE class. Town Manager Dennis said they have not communicated directly with the school and wanted to provide Council with potential options and receive direction before having those kinds of conversations. Ms. Corley said she supports open space and supports the Corte Madera children continuing to use that for their mile run. She asked if changing the Zoning and General Plan is only for that corner or if it affects the whole Scenic Corridor in any way. Town Manager Dennis said this is only for the road remnant and not for other portions of right-of-way or other properties. Ms. Corley asked if it starts a precedent for what might be done in the future with other pieces of land on Alpine Road. Town Manager Dennis said it did not.

With no other public comments, Mayor Derwin closed the public hearing and brought the item back to the Council for discussion.

Vice-Mayor Hughes said prior to the discussion, he wondered if Option 3 and 4 were even possible – granting an easement on a piece of property that does not belong to the Town. He said if the public right-of-way is removed first, then the land reverts to its former owner, and the Town could not then grant an easement, making Options 3 and 4 not possible. Mr. Renfro said that if the Town abandoned the right-of-way and the land reverts to the previous owner, the Town would no longer have rights to the property. The Zonings in that area are one and two acres and the road remnant is only approximately 29,000 square feet, so it is a noncompliant area if they were thinking of parcelizing and preserving it in that manner.

Councilmember Richards said his understanding is that the corner could be parcelized, change the zoning, and make it into a separate parcel, basically using Option 4, without having to go through the reversion it back to the previous owner. Vice-Mayor Hughes said they can't grant the easement without first removing the public right-of-way, in which case it would revert. Mr. Renfro said if the right-of-way is abandoned, then it does revert. If the property is parcelized, then they have to be compliant with the Map Act and current Zoning. He said changing the zone from one acre or two acres is very difficult because it would be the creation of a spot zone. He said it would probably be difficult to come up with findings to allow that type of high-density zoning in an area that is not already currently high density. He said it is theoretically an option but with very low probability of success.

Vice-Mayor Hughes said if this is a spot zone, it would be difficult to create a zone that applies to only two-thirds of an acre, surrounded by lower density. He asked if Option 2 was even an option. He asked if the Zoning Map could be changed to apply to just this two-thirds of an acre piece of land. Mr. Renfro said Option 1 resolves that it remains in Open Space and to amend the Zoning and General Plan to add further protections would most probably apply to a larger area and not just the road remnant. He said there are areas toward Town and further south that are outside of the traffic element, the 90- and 100-foot rights of way, that these overlay zones would most likely apply, which would result in more benefit. Vice-Mayor Hughes asked if that would have a broader zoning covering not just this piece but also everything outside of the 100 feet along the scenic corridors that would pick this up but might pick up a couple other things as well. Planning & Building Director Russell said if they were going to undertake this as part of the General Plan amendment, they would look at it more comprehensively and it would be appropriate to designate certain areas as Open Space so they didn't run against these issues related to spot zoning because there would be clear policy intent behind it. She said there may still be possibilities and she agrees with Mr. Renfro's points, but they have not yet considered all of the possibilities before getting direction from the Council. She said it is possible but challenging to create a Zoning Map amendment that would be in the very immediate term, but it would be very appropriate and not particularly challenging to undertake it as part of the General Plan amendment process.

Vice-Mayor Hughes said his concern is committing to something tonight that turns out later to be technically impossible, so he is trying to make sure the legally impossible options are ruled out. He wanted to be sure that if they go with Options 1 and 2 and Option 2 involves creating a Zone and updating the General Plan, that will be possible to do. Planning & Building Director Russell said it will be relatively easy to fit into an overall General Plan amendment. She said they can also do additional research on the feasibility of doing the Zoning Code element in the nearer term if desired.

Councilmember Aalfs said there seems to be a consensus among the Council and the public that Options 1 and 2 are a good approach. He asked if anyone thought Option 1 without 2 or 2 without 1 was preferable.

Vice-Mayor Hughes said he has always been supportive of Option 1 and is not completely opposed to Option 2. He said he is not convinced that Option 2 adds much value considering it can be changed again by any future Council although it would require a slightly more substantial process since it will be embedded in the General Plan and Zoning Code in order to change it again. He said given that and the time and cost needed to figure out all the technical details of how to create the zone and integrate it into the General Plan, he is not sure it would be worth the cost and staff time, but he will support it if that is the general consensus.

Councilmember Aalfs said he supports Option 1 and Option 2.

Councilmember Richards agrees with Vice-Mayor Hughes and would be satisfied with a strong, specific and clear resolution. He appreciated the value of making it more complex for a future Council to undo, but agrees that it may not create a very significant barrier to change it. He supports Option 1 and would support Option 2 if he could be convinced it would not be too onerous a process and would have a better result.

Councilmember Wernikoff agreed with Councilmember Richards and Vice-Mayor Hughes. She said Option 1 is the path of least resistance and hits the goal in the least expensive and quickest way. She said Option 2 would double the time and cost and questioned how to quantify the value of the result.

Mayor Derwin supported Option 1 and Option 2. She said future Councils could be very different from today's Council and this shows the intent and this Council's desire to protect this piece of property, and it would make it more difficult to change it. She asked Planning & Building Director Russell if Option 2 would be very onerous and expensive if they do it as part of the General Plan update. Planning & Building Director Russell said they have not gone through the exercise of deciding the scope of the General Plan update but it is on their task list. She said if the Council sets it as a priority, she does not think it would be extremely onerous. She said it would be appropriate for the Town to undertake an evaluation of the current map of the greenways designation and ensure that the Town's values are expressed in the map. She said they would be doing much of that work anyway and this would not add significantly additional work as long as they assume they incorporate that into the scope of what they will be doing.

Councilmember Aalfs said when he said he supports Option 1 and Option 2, he is assuming that Option 2 is part of the larger process, which he agrees needs to be undertaken in the near future. Mayor Derwin agreed.

Vice-Mayor Hughes suggested adopting Option 1 and asking staff to bring the resolution as soon as possible to act on, and then leave Option 2 on the table without a firm commitment to do it. He said he is still concerned about how the technical aspects will play out as the General Plan is revised, looking at what the zone would include and how allowed uses would even be defined on that piece of land. He said there will be messy details that will take time, even if considered a part of the broader General Plan update, requiring a fair amount of work to capture whatever is desired for whatever this zone designation is. He supported firmly committing to Option 1 and leaving Option 2 on the table, so they can back out if it turns out to be technically too difficult.

Town Manager Dennis said if the Council directs staff to do the resolution, it can come back fairly quickly. He said the Council can also direct staff to look at this as part of the General Plan update, which may be a more affirmative way of saying that they should look at it and, as part of the update, report back to say they find it to be relatively easy or that it won't work. He said the General Plan update is not happening any time soon so there is some time. Mayor Derwin asked if the General Plan update might happen in 2022. Town Manager Dennis said he suspects it will be later than that, but they may be doing some work on it in 2021 and 2022. He said the first work that will happen is around the Housing Element. He said

using a conservative estimate, the General Plan update will take two to three years that is not anticipated to begin in any significant way for a while.

Councilmember Aalfs asked if the resolution could contain a reference to the upcoming General Plan amendment to state the intention to include this as part of a larger General Plan amendment looking at Open Space treatment of comparable land. Town Manager Dennis said it could.

Mayor Derwin asked that it be written strong enough to capture the Council's commitment to try to do this. Town Manager Dennis said there are many ways to capture the sentiment of the Council and what the residents have expressed.

Councilmember Richards said he agreed with including in the resolution to look at it as part of the General Plan update, with specific and strong language.

Vice-Mayor Hughes moved to direct the staff to draft a resolution expressing the Council's intent to designate the road remnant piece as Open Space and further to express the Council's intent to examine the General Plan and Zoning change amendments in connection with the Town's General Plan Update process. Seconded by Councilmember Richards; the motion carried 5-0 by roll call vote.

Town Manager Dennis noted that a hand was raised while the Council was deliberating. He advised that once the public comment section is closed, public comment is no longer allowed.

Mayor Derwin called for a five-minute break.

(11) **Report by Town Manager** – Update: Wildfire Building Code Update

Town Manager Dennis presented the Wildfire Building Code Update, the background, and discussion items, as detailed in the staff report. He reported that ASCC is expected to review the draft changes at their January 25, 2021, meeting.

Mayor Derwin invited questions from the Council.

Vice-Mayor Hughes asked for clarification about multi-paned tempered glass windows with mesh screens. Councilmember Richards said this refers to interior screens for skylights.

Councilmember Richards said 2(i) recommends non-combustible or IPE decking and fencing. He said IPE is not really a sustainable product and would not recommend it. Town Manager Dennis agreed and said that is included in their further conversations. He said this document is a reflection of what was initially adopted and they are aware of those concerns.

Mayor Derwin invited questions or comments from the public. There were none.

(12) **Study Session** – Budget Study Session 1

Town Manager Dennis led the study session, providing background, and discussion items as detailed in the staff report. Staff requested that the Council participate in the study session and provide staff guidance on next steps.

Mayor Derwin invited questions from the Commission.

Councilmember Wernikoff said trend analysis, including some past years, has been hard to get a sense of as a new person. She said it feels like one thing missing is a topline report that pulls all of the different elements together where some key performance metrics can be pulled out to look at on an ongoing basis. She asked, because this is a new tool, if staff looked at best practice reports from like-sized towns, that create kind of canned reports that are topline strategic performance metric type of reporting versus just the data. Town Manager Dennis said having all of the data from previous budget cycles and actuals in

one place that can be manipulated in a non-time-consuming fashion is why the Council supported the purchase of some of the software purchased in recent years. He said one of the projects he's taken on over this month is to enter approximately 7,500 to 8,000 individual data points into an Excel spreadsheet to load into OpenGov to start that process. He said performance metrics is an interesting concept. He worked for the County of San Mateo as a budget analyst and they had hundreds of performance measures. He said that is not something the Town currently has in the budget book. He said he would recommend that as a longer-timer goal, but no serious effort has been taken here to start to think about what that would look like as it relates to program performance. He said it something they think of as a next step. He said the Town is fortunate to have Jim Sako, the former County Budget Director, working with the Town, bringing his experience. He said many small towns and cities don't do much of anything. He said there are a few and they are talking with them to see what they provide their Councils and the public to see if any of it is germane to what staff would like to present to the Council as a possibly way forward in the future. He said from a reporting standpoint some of the responsibilities include what is called a PAFR, essentially a truncated version of the yearly comprehensive audit. They also want to bring back quarterly reports. Town Manager Dennis said there is a tremendous amount of visibility and interest in the budgetary process, but not as much visibility and interest in the actual fiscal side, which at times can cause some confusion. For instance, staff has shown in the last couple of years, through the budgetary process, impacts in the reserves, but when looking at the actuals, it is not as concerning. He said they want to bring the Council more into those discussions.

Mayor Derwin asked if staff was looking for new funding streams. Town Manager Dennis said that will be part of the broader conversation. He said the Town is in very good shape right now as it relates to its fund balance and reserves, even though from a budgetary standpoint it may look more concerning. He said staff absolutely sees on the horizon certain expenditures not previously accommodated, such as the wildfire expenditures. He said that will be a potential area for further revenue enhancement. Town Manager Dennis said the analysis and forecasting will start to indicate where there will be pressure points where a revenue stream needs to be brought in, whether it's restricted for a specific purpose or a general fund sort of support. He doesn't recommend anything in the short term because the Town is currently in good shape.

With no further questions from the Council, Mayor Derwin invited public comment.

Rita Comes said the Town needs more money in the budget for the protection of the hazards of wildfire and earthquakes.

With no other public comment, Mayor Derwin brought the item back to the Council for discussion.

Vice-Mayor Hughes said it is useful and interesting to see the trends in how the money has been flowing. He said historically these conversations have focused on individual expense items and he agrees with Councilmember Wernikoff's suggestion of rolling it up and getting a sense of how this fits in the overall picture. He said, for example, that while the Sheriff's contract has gone up enormously there are probably other areas that have gone down enormously. For example, he said if the Town adds 250 housing units, 10 years from now the Town will have a dramatic increase in property tax revenue. He agreed that they should not just consider the individual expenses but get a better sense of the overall picture of inflow versus outflow to help understand how to prioritize. While focusing narrowly does draw out problems, such as the Town needing to have another stern discussion with the Sheriff's Department about the implications of their rising costs, he agreed that looking at the big picture and how all the inflows and outflows balances out is important to keep an eye on to avoid focusing on things that really aren't problematic.

Councilmember Aalfs said the revenue and expenditure lines have been converging gradually over years and they will cross at some point. He said with the aggregate forecasting, the Town needs to know how urgent it is. He said the Town will, in the future, need to think about other revenue streams and this forecasting tool and looking at the trend provides a sense of the urgency and an argument of why the Town may at some point need to ask for a parcel tax or impact fee.

Vice-Mayor Hughes said he does not think the revenues and expenses are changing relative to each other and have not over the last 20 years. Although it fluctuates and bounces on either side of zero, the expenses and revenues have grown at roughly the same rate if drawing a trend line. He agrees that both individual items and overall trends should be considered.

Town Manager Dennis said the property tax was adopted for the 2002 budget at \$396,000, which has exploded in 20 years to five times that amount with no reason to think that will not continue. He said the sales and use tax is close to what it is now – budgeted in 2002 at \$171,000 and in 2019 at \$206,000.

Councilmember Richards said as much as he hates to give up one of the charming Portola Valley seat-of-the-pants processes, it makes perfect sense that the more data they have and viewing trends over the years will help them make better decisions. He agrees with Vice-Mayor Hughes that it appears things have balanced out remarkably well. He said, however, looking at OPEB and other long-term liabilities, there is a real danger of having those two lines cross at some point.

Town Manager Dennis said they certainly don't want to create future General Fund revenue issues.

Town Manager Dennis said they did not hear that the Council wanted to look at a particular area in the very short term so a second Budget Study Session may not be necessary. He said having the check-in and knowing they are on the right course is the primary takeaway tonight. All items discussed tonight will be incorporated into what the next budget cycle looks like for staff. He said the Council and the Finance Committee should anticipate having historical data available for review, staff's first attempts at forecasting for some of the major revenue and expenditure lines, and fully opening up the OpenGov transparency tool and having more of these things online for residents to view.

- (13) **Recommendation by Town Attorney** – First Reading of Ordinance – Amend Municipal Code to Restrict Activity on High Fire Danger Days
- (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 8.34 [Red Flag Warning and Spare the Air Days] of Title 8 [Health and Safety] of the Portola Valley Municipal Code (Ordinance No. __)

Town Attorney Silver presented the proposed amendment incorporating the Council's recommended changes, background, and discussion items, as detailed in the staff report.

Councilmember Wernikoff asked how this will be enforced. Town Manager Dennis said the vast majority of what the Town does in regard to code enforcement is based on resident complaints. He said it is unlikely that staff will be able to do a lot about a complaint with no underlying evidence or information. With the PV Connect tool, he said folks can send photos, which could be helpful. He said certainly if staff sees something, they would inform the Code Enforcement Team who could go out and have conversations with people. He acknowledged that it is difficult to enforce and the hope is that the majority of people will put the new rules in place. He said the Town's enforcement approach starts with a conversation.

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

Rita Comes said Monday was a high fire danger day but she did not see any flags or notices to the community so that contractors and people working on properties would know it. She said if there is a build occurring, the owner is most likely not there to tell the contractors. She said from her home to Alpine, there were several vehicles working on four different properties on Monday. She asked how this notification will occur, suggesting flags at Ford Field and the Town Center so people coming into Town will know it's a high fire red flag day and can choose to do things differently that day. She said the residents can't be relied on to tell the construction workers or gardeners. Town Manager Dennis said there was a notice put out about Monday about the red flag day, going directly to residents who subscribe to email notifications, and on the website. He said, realistically, it will require the residents understanding

the rules and asking their workers to comply. He said this is also an issue as it relates to other kinds of construction activities with folks instructing their workers to do something that they shouldn't. He said the primary tool will be letting residents know the rules through the Town's resources. He said there will likely be an adjustment period of time where there will need to be a lot of conversations. He said staff can certainly look at other ways to let people know, although he not a big fan of signage which he thinks tends to be ignored. Ms. Comes asked if the Town will be contacting all contractors to let them know the new rule or perhaps put a red flag in those areas with a notification so that they can read it themselves. Town Manager Dennis said they inform the contractors of any new rules affecting them.

Kristi Corley said she agrees with letting contractors know as they drive in that it's a red flag day and possibly posters in different locations such as the grocery stores. She said she has emailed contractors she knows who work in the area and they've often thanked her for the information she provides. She said she doesn't know if the contractor would choose not to go if invited by someone who may or may not abide by the rule. She said a month or two ago when Stanford cleared along Alpine Road, they did it on a high fire, red flag day. She said she asked them about it and they said they knew it was a red flag day and they had approval. She said the work needs to be cancelled on high wind, high fire risk days.

With no further comments from the public, Mayor Derwin brought the item back to the Council for discussion and action.

Vice-Mayor Hughes moved to approve the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 8.34 [Red Flag Warning and Spare the Air Days] of Title 8 [Health and Safety] of the Portola Valley Municipal Code. Seconded by Councilmember Richards; the motion carried 5-0, by roll call vote.

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

Vice Mayor Hughes – Attended Finance Committee meeting where they chose a new lead educator on Town investments and the mini-Council workshop. Missed the December 1 Trails Committee meeting where they discussed the trails portion of the Stanford Wedge project, now called Portola Terrace. Vice-Mayor Hughes said the Trails Chair advised that the Committee is not pleased with the current proposal from the applicant regarding trails siting so there may be more work to do as it moves through the review process, potentially amending it to become more in line with the Town's Trails Element. Town Manager Dennis attended the meeting with Planning & Building Director Russell and also plan to attend other meetings that will touch the Stanford Wedge project. Town Manager Dennis said he understands the Trails Committee's frustration related to the trails component of the project. He said the difficult but truthful answer to the Committee is that there is no obligation for any applicant to accept any commentary and they can come through with the project they want to present and make that argument, sometimes to their own detriment and sometimes successfully. The Town does indicate to applicants if they think there is a real issue that should be reconsidered and have asked them to look more closely at the information provided by the Trails Committee. He said he understands that Stanford has put out some promotional materials which also concerned the Trails Committee. He said consideration of interpretations of the General Plan or Trails Plan and the like may be considered but don't need to be accepted by the applicant. He said the work done by the Committees on this front has been extraordinary and will be vetted in the formal process that will start in January. Vice-Mayor Hughes attended the Bicycle, Pedestrian & Traffic Safety Committee (BPTS) meeting where they discussed briefly that there is no section dealing with reporting things such as harassment or abuse among committee or staff members in the Committee Handbook. He said the Council has recently revisited those elements for the Employee Handbook and have clear paths to help people feel comfortable about reporting such issues of. Vice-Mayor Hughes discussed the matter with Town Manager Dennis to consider updating the Committee Handbook to copy the relevant sections from the Employee Handbook and determine paths for Committee Members. Town Manager Dennis said he has begun to research this issue and thinks it can be accomplished easily. He said several Committee Chairs have also expressed interest in the procedures and policies put in place by the Council over the last few years related to public speaking decorum and the like. Vice-Mayor Hughes attended with Anne Wengert a meeting to select the color scheme for the website update. He said the new website should be coming early in the new year.

Councilmember Aalfs – Reported that the School District continues to have concerns about people on campus during school hours, walking through the fields with dogs, etc. He said PCI had a board meeting that included their newest member, Los Banos. He said they have rolled a couple more programs, trying to build more charging infrastructures including at schools and their annual EV incentive program that provides rebates for electric vehicles.

Councilmember Richards – Attended ASCC meeting where they had the first rollout of the new voluntary preliminary review process with three houses on the docket.

Mayor Derwin – Attended C/CAG meeting on November 12 with three presentations, update on the construction of the San Mateo 101 Express Lanes project, update on commute.org, and a presentation by Jillian Adams from ABAG MTC regarding the RHNA numbers. She shared some colleague comments about the RHNA numbers, with everyone being unhappy about it. She attended an Express Lanes meeting where they had presentations on various operating agreements. She attended a Sustainability Committee meeting where it was suggested that everyone clean the leaves from around the fire hydrants in their neighborhoods because construction workers were parking in front of them because they can't see them. It was also suggested to repaint them. Town Manager Dennis called Cal Water who thought it was a great idea. Assistant to the Town Manager de Garmeaux told the group that people will be able to pay for businesses licenses and other things online next year, that the leaf blower initiative goes into effect January 23, 2021, and updated on the CPUC issuing a proposed decision on the Town's rate case for the Smart Water Meter project. Attended the Resource Management Climate Protection Committee (RMCP). She said there is enough water stored for another dry year but it will be a problem the year after. She attended a Planning Commission meeting where they heard requests for exceptions to utility undergrounding. She said the Commission discussed the intent of this ordinance and suggested the Town Council discuss whether it should be part of a fire policy and, if so, that would allow the Town Council to give the Planning Commission guidance. The Commission feels they cannot take an ordinance designed for something else and apply it fire since that wasn't actually the intent of the ordinance. Both items were continued to gather more information. Mayor Derwin finished the Progress Seminar. She listened in on the League of Women Voters of the Bay Area's webinar regarding RHNA. Mayor Derwin said she's been attending some of the Library events, including an art journal, listening to author talks,

(15) **TOWN MANAGER REPORT** – Town Manager Dennis reported that staff is working to bring back the Green Building Ordinance and hopes to have something before the Council in February, which means putting aside some work on the Climate Action Plan. Staff has put out a request for a contractor to install the AM radio at Peak Lane but haven't heard back from anyone yet. The softball field and performance lawn at Town Center will be open for the winter. The Library is working to bring their own Wi-Fi to all of their systems and the PV Library should have to approximately 100 feet outside the building. Town Manager Dennis thanked Town Attorney Silver for her help in finding an organization that can do race and equity diversity training for the Council. A highly-recommended organization, Race Forward, has issued some tickets for trainings in January which some Councilmembers will attend. He said staff had a diversity training yesterday. The Town received a grant from the Transportation Authority of San Mateo County to fund the two rapid flashing beacon projects. Mayor Derwin said the grant news is exciting and is a good example of why it is so important to have a regional presence because when they know you, they take your request seriously.

WRITTEN COMMUNICATIONS

(16) **Town Council Digest** – November 12, 2020

None.

(17) **Town Council Digest** – November 19, 2020

#4 – City Selection Committee Meeting/Vacant Board Positions. Mayor Derwin said if not for COVID, Councilmember Wernikoff would be attended this meeting at the Firehouse in Colma, which is an unbelievable experience. She said the election will be held this year on December 18.

The candidates include Carlos Romero from East Palo Alto, Giselle Hale from Redwood City, Rick Bonilla from San Mateo, and Mark Nagales from South San Francisco. Mayor Derwin recommended Carlos Romero and Rick Bonilla. Councilmember Richards and Councilmember Aalfs agreed. They all were supportive of Giselle Hale but felt at this particular time more experience is necessary.

(18) **Town Council Digest** – November 25, 2020

#7 – Comment letter to ABAG concerning RHNA Methodology. Mayor Derwin thanked Vice-Mayor Hughes and Councilmember Richards for that work. Vice-Mayor Hughes said staff did most of the work. Mayor Derwin thanked staff. She asked if Town Manager Dennis expected a response. Town Manager Dennis said the letter was acknowledged as received but he was not expecting a response.

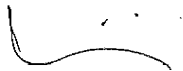
Kristi Corley said the RHNA letter sent to ABAG reflects all of the residents in Portola Valley and some things seem vague and they don't know what it means. She asked the identity of the landowner mentioned on page one of the letter that has an active application for a development project. Town Manager Dennis said that Ladera Community Church has indicated publicly that they had some interest. Town Manager Dennis suggested that moving forward questions regarding items in written communications should be answered offline instead of during a meeting. Ms. Corley asked the identity of the new partners in the Town Affiliated Housing Program mentioned in the letter. Town Manager Dennis suggested this be discussed offline with Ms. Corley. Ms. Corley said the residents might be interested in the answers. Town Manager Dennis said the Written Communications portion of the Council Meeting is not for questions and answers but is to provide input for the Council to deliberate. He explained that these are items that have been in the public record for years and have been discussed by the Council many times. He said he would be happy to refer Ms. Corley to those webpages and other resources and answer any of her questions offline.

(19) **Town Council Digest** – December 3, 2020

None.

ADJOURNMENT [10:39 p.m.]

Mayor Derwin adjourned the meeting.



Mayor



Town Clerk