

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 1016, July 14, 2021**CALL TO ORDER AND ROLL CALL**

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

Present: Councilmembers Jeff Aalfs and Sarah Wernikoff; Mayor Maryann Derwin.

Absent: Vice Mayor Hughes and Councilmember Richards

Others: Town Manager Jeremy Dennis
Town Attorney Cara Silver
Planning and Building Director Laura Russell
Finance Director Cindy Rodas

Attendees: Betsy Morgenthaler
Bob Turcott
Caroline Vertongen
Clair Jernick
Ellen Vernazza
G. Kohs
Gary Hanning
Jerrie Welch
Jonathan Werness
Karen Askey
Kristi Corley
Lisa Lovazzano
Liz Babb
Megan Koch
Onnolee Trapp
Rita Comes
Rusty Day
Teresa Godfrey

ORAL COMMUNICATIONS

Bob Turcott said he does his best to be professional and civil with people with differing views and tries to interact as if on the same team. He has found this approach to be productive and enlightening and brings better understanding of the other person. He said he does his best to avoid impugning the motives of others or striking a strident or snarky tone, but does always succeed because this is his default way of interacting with the world, but he said he works at it and thinks he is improving. Mr. Turcott said he tries to avoid moral indignation and to focus on facts and logic. He said he has been on the receiving end of broad, nebulous claims that he is mistaken or has the facts wrong or was misinformed. He asked to be told specifically and concretely where there are lies. Mr. Turcott made a follow-up comment regarding the last Town Council meeting in which one of the Councilmembers noted that home hardening via Chapter 7A of the California Building Code has been required for all new residential construction for some time within Portola Valley, regardless of the degree of hazard in the area. He thinks this was a brilliant move and should be applauded. He likened this to universal precautions in medicine – simply applying the same precautions everywhere. Home hardening, along with vegetation management, are critically important, but they are not enough. He said that Cal Fire analysis shows that Chapter 7A building standards reduced the probability of home destruction in a wildfire, but does not reduce it to zero. In fact, it only decreases by 40 percent, so if 100 unhardened homes that were destroyed in a wildfire had used Chapter 7A standards, according to Cal Fire analysis, 40 of them would have survived, but 60 of them

would have been destroyed. So while home hardening and vegetation management are important, he feels that every tool in the toolbox must be used, including modern standards in high hazard areas, requiring sprinkling, use of structure separation, standards called for in WUI, rural and suburban areas, site-specific housing and risk assessment and employment of mitigating measures, to understand evacuation capacity and how new construction will impact it.

Jonathon Werness, West Bay Sanitary District, wanted to provide the Council with an update. He said the District is not entertaining new reimbursement agreements at this time as they explore other options to make sewer more accessible to people with less of a financial hurdle, and less of a burden on the District to manage. He said they will honor the agreements they already have. They are also exploring annexing certain portions of the town in order to streamline the process and make it easier for people to connect to sewer. They would want to include the Town in the discussions, so are hoping to have something to report to the Council on August 11th. He said the District is interested in having monthly meetings with the Town, which they do with Menlo Park and which is helpful to both agencies.

Karen Askey said she is concerned about fire safety in Portola Valley and she knows the Councilmembers feel the same way. She agrees with Mr. Turcott's comments and is concerned and wants the Town to take the time and be thoughtful about how to address all of the safety issues before moving forward with planning. She said there is concern about withdrawing Item 7 from the Consent Agenda until the comments from the Fire Marshal are publicly aired and addressed. She said they want to know what impact the State's ADU mandates would have in Portola Valley with respect to the high or very high fire hazard severity zones. She requests that residents be informed and understand all of the reasoning behind things.

Kristi Corley wondered if the Council would be taking a stand on SB9 and SB10. SB10 she said targets single family neighborhoods with 14 units allowed on single family lots and neighborhood with no environmental protection, no infrastructure improvements required or fire zone restrictions, no community input allowed and massive State disregard for the democratic process. She also wonders if the Council will take action on SB9, which destroys neighborhoods, displaces families, decreases affordability as it lets developers building four to six units of dense housing where one home now sits, none of which are affordable. She said speculators will bid against and displace families especially in well-located diverse neighborhoods. She said SB9 dismantles existing environmental protections and allows developers to destroy yards, bulldoze trees, urges dense construction even in severe fire zones. She wonders if the Town Council will take any action on SB 9 and/or SB10 in the Assembly and writing Assemblymembers, making sure they know how constituents and residents of Portola Valley feels about these issues. Thirdly, we wondered if a legislative analyst has been hired. If so, she requested that public know their name, when they started and the reports from this analyst on a regular basis. She requested answers to these questions.

Town Manager Dennis said the Town does not have a lobbyist but engages with Kruse and Associates for information about bills and the budget, but do not employ them as a lobbyist.

Mary Hufty spoke regarding Ms. Corley's comments. She said Ms. Corley mentioned SB9 and SB10 at the Woodside Town Council meeting, and they immediately were in unanimous consensus about writing letters to in opposition to SB9 and SB10. She wondered why Portola Valley is so different in that regard and are not considering making statements about the dangers the town faces seismically and fire-wise.

CONSENT AGENDA

- (1) **Approval of Minutes** – Action and Detailed Summary for June 23, 2021
- (2) **Approval of Warrant List** – July 14, 2021
- (3) **Recommendation by Town Manager** – Adoption of Resolution Supporting the Energy Innovation and Carbon Dividend Act of 2019

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Supporting H.R. 763 – Energy Innovation and Carbon Dividend Act of 2019 (Resolution No. 2858-2021)
- (4) **Request by the Sustainability Committee** – Review and Approval of an Amendment to Sustainability Committee Charter
- (5) **Recommendation by Planning & Building Director** – Contract for Housing Element Update Consultants, Urban Planning Partners Inc.
- (6) **Recommendation by Town Manager** – Woodside Highlands Road Maintenance District Budget
- (7) **Recommendation by Town Attorney** – Second Reading and Adoption of Accessory Dwelling Unit Ordinance Updates Required by State Law
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending Section 18.36.040 [Accessory Uses] of Chapter 18.36 [Uses Permitted in all Districts] of Title 18 [Zoning] of the Portola Valley Municipal Code and a Finding the Action is Exempt Under the California Environmental Quality Act (CEQA) (Ordinance No. 2021-438)
- (8) **Recommendation by Town Attorney** – Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending the Portola Valley Municipal Code by Adding Chapter 8.36 [Fireworks] to Title 8 [Health and Safety] banning Fireworks in Town and Setting Administrative Fines
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending the Portola Valley Municipal Code by Adding Chapter 8.36 [Fireworks] to Title 8 [Health and Safety] (Ordinance No. 2021-439)

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

Bob Turcott asked that Item 7 be removed from the Consent Agenda. He said the Legislature has made clear that local municipalities have the prerogative and responsibility to exclude areas as needed for public safety from the State ADU mandate. He said at each of three Planning Commission meetings and the Town Council meeting where the proposal was discussed, he pointed out that high hazard areas in Portola Valley are not limited to the approximately ten percent of land addressed by the Town's "ADU Restricted Area," but rather as documented by Cal Fire, Woodside Fire Protection District and Moritz Consulting, it includes an additional 50 percent, at least, of Portola Valley area. He said the Council heard his opinion about the ramifications of the proposal, but neither Councilmembers nor Planning Commissioners nor the public had the benefit of any public testimony from the fire protection professionals about the benefits or consequences of unsprinklered construction in these high hazard areas, or lack of minimum structure separation or potential impact on evacuation capacity, or lack of site-specific hazard and risk assessment and implementation of mitigating measures, all of which are standards of the National Fire Protection Association. He said the proposal will allow significant compromises to modern safe building practices. He said Chief Lindner attended at least three Planning Commission meetings and shared his expertise on such topics as number of parking places and whether the remains of redwood tree could serve as a table for the fire crew. Mr. Turcott asked why the decisions of the Planning Commission and Town Council were not similarly informed by the public testimony of fire protection professionals, such as the Fire Marshal, Cal Fire or a representative from the Insurance Institute for Business and Home Safety. He fears the Town Council's decision not to appeal the RHNA number. He said that, more importantly, he fears it will haunt his family and fellow residents. He asked that the item be removed from the Consent agenda and sent back to the Planning Commission so they, the Town Council and residents can all benefit from public testimony of fire professionals regarding critical life safety issues.

Liz Babb said she is a resident of the Woodside Highlands District. She requested that Item 7 be withdrawn from the Consent Agenda and moved back to the Planning Commission to allow for public comments during a meeting on this ordinance. She is a long-time resident of the San Francisco Bay Area,

growing up in Atherton, going to high school in Palo Alto, living in San Francisco for 25 years, and moving to Portola Valley about four years ago. Her parents have also moved from Atherton to Portola Valley, and live at the Sequoias. She shared a personal experience with a house fire in 2008 while living in San Francisco in which she lost her home to a fire. Her 1902 shingled historical home on the wall of Presidio, burned down due to an electrical fire. She said no one was hurt, and there was a silver lining to the event, because it got the attention and resources needed from the insurance company to rebuild. Now, with Woodside Highlands being designated as a very high fire hazard zone, she said she is terrified of being in a difficult evacuation situation and having her home go up in smoke again. She feels the ordinance should be looked at again, and she would like to listen to public testimony from the fire experts and/or the Fire Marshal about the hazards and mitigation related to sprinklers, building separation, and density. Her opinion is that the designation to very high fire hazard zone versus high or medium is a very narrow margin. She feels all zones need to be protected from fire because it can jump so easily and quickly. She referenced January of 2021, when the insurance company she had been working with for 25 years and who helped her rebuild her home in San Francisco dropped her, and will no longer write her insurance due to fire hazard. She is among the group of people in California's "last resort" fire insurance plan. She worries that if there is a group of homes that go up in smoke it will be difficult to get any attention and help to rebuild.

Karen Askey reiterated her earlier comment, agreeing with Mr. Turcott and Ms. Babb in that the issue needs to be aired publicly to bring it to the top of the table.

Rusty Day remarked that he also agreed with the previous speakers. He wanted to add that about a year-and-a-half ago when the pandemic struck, the Town Council had made no hesitation whatsoever to close the Town Hall to protect the safety of the Town employees from a contagious pandemic. He continued, wildfires are no less contagious or deadly, and the Council should take it no less seriously.

Teresa Godfrey agreed regarding the importance of getting additional information and input from the fire department. She feels fire safety is paramount to her and her community, Woodside Highlands. They are having difficulty getting fire insurance, and it is a very big issue for the Town. They have asked Town Manager Dennis to help find out at least the extent of the problem. She feels it will get worse with more and more building. She doesn't know how the homes built will get fire insurance, except through the State program. She feels it is an important aspect to flesh out before moving ahead. Mayor Derwin shared that she lost her insurance twice in one year.

Mayor Derwin invited further comments from the public. Hearing none, she brought it back to the Council.

Councilmember Aalfs moved to approve the Consent Agenda. Seconded by Councilmember Wernikoff.

Mayor Derwin asked Town Manager Dennis if the Fire Marshal had commented on the updated ADU ordinance. Town Manager Dennis responded that Fire Marshal Bullard and Chief Lindner were intimately involved in reviewing the ADU ordinance with staff on multiple occasions, and have participated in discussions with him and Planning and Building Director Russell. They have created an upcoming Fire Checklist that will be on the Planning Commission agenda in a couple weeks. This is in response to the Planning Commission's directive to move the ordinance forward to the Council and also to create a checklist of stringent restrictions on ADUs built within the setback. They will be bringing this to the Council and he feels it is one of the most restrictive fire safety elements that could be brought forward on a construction project. He added that they were also informed by the work of the Wildfire Preparedness Committee and the knowledge of the Fire Marshal. He noted that while the Fire Marshal did not participate in the final discussions at the Planning Commission/ASCC meeting, he was very much involved.

Mayor Derwin said she thought ADUs were prohibited or restricted in the Highlands. Town Manager Dennis confirmed this is correct. The Town's previous ADU ordinance had significant restrictions on construction of ADUs in the Woodside Highlands, due to the lack of evacuation zones, and also overlaps with very high fire severity zone designations. The ordinance as proposed would appear to offer very few opportunities for ADUs to be constructed, given the topography of the town, perhaps one or two a year, max. He said the Fire Checklist may well dissuade any additional units from being constructed, simply

because people may not want to do what the checklist is going to require. This will be previewed with the Planning Commission in a couple of weeks.

Ms. Silver noted that one of the reasons why staff is bringing this ordinance forward at this stage is to allow for the Town to adopt more restrictive, more stringent fire safety requirements. If the ordinance were not passed, or if the Council decided not to adopt it, the State law would go into effect, and the Town would be governed by the default standards under it, which do not allow for any regulation of setbacks at all, regardless of fire safety.

The motion carried, 3-0 by roll call vote.

REGULAR AGENDA

(9) **Recommendation by Town Manager** – First Reading of Ordinance with Amendments to the Noise Ordinance

(a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Section 9.10.070 [Exceptions] of Chapter 9.10 Title 9 [Public Peace, Morals and Welfare] of the Portola Valley Municipal code (Ordinance No. ___)

Town Manager Dennis said this item arose from discussions he had with providers of sporting activities on the town's fields and also at the town's schools. He explained under the current noise ordinance there are restrictions related to both amplified sound and the use of music, a very broad prohibition. Both the schools and those in Little League have used both in the past for many years. This was an opportunity to put into an ordinance a practice which has existed for some time. It is very restrictive. For the schools it is related to graduation ceremonies, and for sports, opening day and championship games, which is just two weekends.

Mayor Derwin invited questions from Councilmembers. Hearing none, she invited comments from the public. Hearing none, she brought it back to the Council.

Councilmember Aalfs thanked Town Manager Dennis for working with Todd Scheuer with Little League. Three times a year they announce things to the crowd at a game. It was felt this was a reasonable compromise and a rare disturbance, although the noise does carry up the hill.

Councilmember Aalfs moved to approve the item and waive further reading. Seconded by Councilmember Wernikoff, the motion carried, 3-0 by roll call vote.

(10) **Recommendation by Town Manager** – Appointment of Subcommittee for ABAG/HCD RHNA Engagement on Wildfire Issues

Town Manager Dennis presented this item, explaining the Town's opportunity to engage with ABAG and HCD, as well as others, as needed, on issues related to housing and wildfire danger. He said the Town continues to be a leader as it relates to finding ways to bring resiliency and mitigation to the community, and this started years ago. In the coming months there will be another home hardening code that they understand to be more restrictive than most codes in the nation. However, there does remain a significant long-term question about the intersection of housing and wildfire issues. He said that Councilmember Richards and Vice Mayor Hughes wrote a letter, asking questions about these topics. Town Manager Dennis said his recommendation is to refresh that subcommittee to resume that engagement. The subcommittee would exist outside of the Housing Element process, which they feel is appropriate given Council direction in the past. He said the staff continues to engage with other staff at HCD and ABAG. He said he personally spoke to a Bay Area elected representative who served both on the RHNA allotment board and the appeals board. They spoke about the process by which the Town's number were developed. He is comfortable with what they have publicly stated about how the numbers are designed and developed. He said Vice Mayor Hughes and Councilmember Richards served in this capacity in the past and have a good understanding of the issues involved, having been heavily involved in both.

Mayor Derwin invited questions from the Council. She asked if the subcommittee members would also be talking to the Insurance Commission. She noted that Town Manager Dennis had recently put together a

meeting with the Insurance Commission and invited other communities. She wondered if they would continue with that relationship. Town Manager Dennis said he feels this is inherent in the charge. Also, the subcommittee that Councilmember Aalfs serves on, the Wildfire Preparedness Committee, is involved in insurance issues and has made recommendations. He said that where there are no Brown Act problems, they will continue with parallel tracks. He said there will be more to announce as it relates to further public interactions with the Insurance Commissioner in late summer. He said any engagement with entities that have responsibility around these issues – including Assembly Member and State Senator.

Mayor Derwin invited questions and comments from the public.

Bob Turcott said he feared his earlier comments regarding the Chapter 7A home hardening were missed. He said there is currently an ADU being constructed in the chimney of a canyon with no requirement for sprinklers or building separation, 50 feet from an evacuation route, while nearby houses are 100 to 150 feet away from the road. He pointed out that canyons make their own wind and become wind machines, so this ADU will have significant wind, embers and hot air directed at it. He said there is no way the Town is leading in wildfire resiliency. He said the proposal under discussion will formalize the process that allows the ADU to be constructed. He also applauded the engagement with ABAG and offered to help in any way needed. He applauded the interaction with ABAG that has happened in the past but wonders why deeper interaction didn't happen and why he, not the Town staff, discovered that the extensive fire hazard area had no influence on the RHNA number. He wondered why it was he, not the staff, that demonstrated that high fire hazard communities are excessively burdened by this methodology. He asked why the Town did not engage sooner and why they are engaging in this strategy. He questioned how it benefits residents as opposed to appealing the RHNA number. He said one of the items listed in the staff report was whether future housing built in areas affected by wildfire should be constructed at new home hardening standards which was one of the suggested items for engagement. He suggested talking with fire protection professionals, not ABAG, about such issues.

Town Manager Dennis responded to Mr. Turcott's comments stating that State law does not allow ADUs to be sprinklered if the existing house wasn't sprinklered. Secondly, engagement has been going on intermittently for years, on a variety of issues. He said he serves on a committee of peers talking about wildfire issues and housing, to the extent that ABAG is entertaining those types of conversations. He has had a great opportunity to share the things that the Town is doing. Having spoken directly to those who create the allocation numbers and the appeal process, he said that Mr. Turcott's statement was incorrect. There have been attempts to share that information, but those opportunities haven't been made available.

Ms. Silver responded as well, stating that the ABAG methodology is very complex, and staff has had many conversations with them about the methodology itself. The Council has submitted a letter regarding the methodology and been involved in a working group, 21 Elements, that has looked at the methodology in detail. She said it's very clear that there are some issues associated with fire safety that are factored into the methodology which the Town disagreed with. They have had conversations with ABAG about that approach. Ms. Silver said she finds it interesting that Mr. Turcott thinks that these issues were brought to the Town's attention by him. Staff typically doesn't consult with individual residents regarding their own due diligence in terms of communicating with other agencies, which is done very routinely, and the Council is aware of this.

Town Manager Dennis added it is important to note that they are aware that the numbers prior to publication in draft form were higher. They were reduced by a significant amount due to a variety of factors, including wildfire concerns, and there were reductions related to access to public transit. There are five statutory requirements that ABAG must utilize as it relates to allocation of numbers, including FAIR housing. One of them includes fire. There are a variety of interlaced factors and inputs going into the development of the numbers. Town Manager Dennis said staff has done an excellent job of due diligence, and he is happy to correct the record in this regard.

Mayor Derwin responded to Mr. Turcott's comments, saying that he had come onto the scene late. She said she has been on the Council for 16 years since 2011 or 2012 when the Council thought about building some affordable housing at what was Al's Nursery. She was very involved and, as a result of her advocacy there, the election in 2013 was contested, because people tried to get rid of her and couldn't budge her. She has been working in the trenches on housing since then. She was on the regional

committee, a group of 50 people. She said she spoke with someone sitting across from her at this meeting, who was very high up in real estate at Stanford. When they were asked to find creative ways to build housing in towns and cities, she said, "Do you have any plans for development on the Wedge?" from that it became "MaryAnn is solely responsible for the Stanford project," she said she finds this flattering now, because they now have approximately a billion-dollar portfolio. She said from that huge regional meeting a few stakeholders came together to try to close the housing/jobs gap. "Home For All" came out of their efforts. Together they did a housing strategic plan. They talked to all their partners – Stanford, Sequoias, the School District, Priory, asking about their plans to build housing. She said as a result of her intense involvement and knowing all the decision-makers, she knows who Town Manager Dennis was talking about on the methodology committee and on the RHNA Appeals Board. She has talked to him extensively about their case and showed them their letter. He suggested submitting the letter but warned that nothing will happen, because unless there is zero square footage in Portola Valley that can be built on because of fire danger, there is a way. The response will be that the town can build on the commercial corridor. They can rezone. Mayor Derwin conclude by saying she was somewhat offended that Mr. Turcott was telling the Council they don't know what they're doing, and that she has taken arrows on the back for this for many years.

Councilmember Wernikoff commented that she feels the subcommittee is very important and will allow the Town to have a parallel process to focus on the things the town is most concerned about regarding fire. She said she thinks appealing would have been a waste of time, and that they need to work productively, smartly and collaboratively, not frivolously spending time on an appeal that's not going to be fruitful in the end. Having this committee will enable them to focus on things that they're the most concerned about related to housing, and that is fire.

Councilmember Wernikoff moved to appoint Councilmember Richards and Vice Mayor Hughes to the subcommittee. Seconded by Councilmember Aalfs.

Councilmember Aalfs commented, saying there is an uncomfortable truth, that there are two conflicting mandates in front of them – one, to provide more housing and the other, to protect residents against fire. There are ways to resolve them, although complicated. He feels there needs to be a deeper conversation at a higher level than the Town about how to resolve those. He said when he pointed out to the Insurance Commissioner in May that they are being asked to plan for housing that may not be insurable, the Commissioner was very aware of this and knows the issue will come up. The RHNA number is not the venue for it to happen, but it does have to happen. He said he toyed with the idea of appealing, but ultimately looked at the results from Southern California and the decisions around them in the County, adding that no one else in the county appealed either. He said they have all come to the same conclusion, that the numbers are in front of them and they need to start preparing for them, as well as pointing out concerns about them. They need to say that this is a plan to get the allocation in place, but they have serious reservations about parts of it. He said they need help from the State in terms of resolving these two questions – housing versus fire.

Mayor Derwin said something has to give on the insurance. She is empathetic to residents going through this. The Insurance Commissioner was very supportive of the Town's efforts to help the community and is trying to figure this out. This is the most important thing they're going to be doing in the next five to ten years, and she feels it is a fantastic idea, getting colleagues talking to HCD, the Insurance Commissioner, Cal Fire, and everybody.

The motion carried 3-0, by roll call vote.

Kristi Corley said the insurance item seemed vague. She wondered if some members of the public that have been affected could get involved, so they can keep everyone involved, not just subcommittees. She is not clear when the Insurance Commissioner will be helping. Town Manager Dennis responded that Commissioner Lara is available to help anyone now. Information on how to contact him is available and Town Manager Dennis will make that available again. The Commissioner is actively seeking information about those who have had non-renewals or cancellations. He and his staff are available to hear about those things. Town Manager Dennis explained that there wasn't a particular action item related to the Insurance Commissioner, other than continued engagement with him and helping educate him and his staff on the nexus between insurance, fire and housing issues that they started with him earlier this year.

Mayor Derwin added they do want to hear from people who are affected, and there are a lot in town and in Ladera who are being affected.

(11) **Colleagues Memo – United Against Hate Support**

Mayor Derwin said she got an email from the Mayor of Berkley's office asking if Portola Valley could be involved in United Against Hate week, November 14 – 20. She and Town Manager Dennis checked this out and found it to be legitimate. She asked the Council for a proclamation of support and possibly some activities to support the proclamation. She said at the Mayor's meeting last week they wondered about sending this item to the Equity Committee to discuss whether they think it's appropriate to make a donation of some sort.

Mayor Derwin invited questions from the Council. Hearing none, she invited questions from the public. Hearing none, she brought it back to the Council.

Councilmember Aalfs moved to approve a proclamation of support for United Against Hate Week, support for their efforts and deferral of the question of financial support to the Equity Committee. Seconded by Councilmember Wernikoff, the motion carried, 3-0, by roll call vote.

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

Councilmember Wernikoff attended the most recent Planning Commission meeting as Liaison, which addressed Station 8, and was approved, 5-0. She also attended a meeting related to the Ad Hoc Housing Committee, interviewing and refining aspects of the agreement with the consultant they will be working with throughout the process, which gave everybody a chance to meet the team they will be working with.

Councilmember Aalfs said the Cable and Undergrounding Committee met, and revisited a plan that was pursued years ago regarding undergrounding power lines. Eight years ago they had started a project to underground about a quarter mile of lines, using Measure 20A funds from PG&E, who subsequently gave them an estimate much more than the accumulated funds. The Utility Code changed, and the 20A accumulations stopped. The Town is now getting almost no further money for undergrounding. There is not enough to do anything more than a couple hundred yards of wire. Councilmember Aalfs said the new option is something that Los Altos Hills is pursuing. The committee is trying to learn more about this. They have contracted with a series of private consultants for designing an underground electricity system for Los Altos Hills. They would be passing a bond measure at some point if they got far enough along in the design. It hasn't passed yet, but they estimated a cost, which was high, but plausible, perhaps around \$50 million to underground everything in Los Altos Hills. By doing this, PG&E is required to pay approximately half of that, so it was a net investment of around \$20 to \$30 million paid in bonds over an extended period of time. He said the Town's own experience with an undergrounding company was expensive, but less than working directly with PG&E to do all the work. The committee will talk to Los Altos Hills and look at the options. Eventually they might come to Council to see if Council thinks it's worth exploring. Councilmember Aalfs said there are tremendous benefits to underground electricity, and he hopes to have more information about this from the committee and him in the fall.

Councilmember Aalfs said the Nature and Science Committee met again and are doing their webinars again and Dan Quinn's wildflowers talks. He said the Earthquake Prediction event went off fairly smoothly. There was a photo bombing incident, but they were able to nimbly reconstitute the meeting and move forward. They have a couple more planned, including Leslie Field presentation on Ice911. Paul Heiple is going to do a talk about oak galls. They will be taking a break over the summer after having done five or six of the talks. They will take a month or two off and think about starting again in the fall, perhaps with some live events.

Councilmember Aalfs said had to miss Parks and Rec's meeting on Monday, but will touch base with Jon Myers for an update.

Mayor Derwin attended a C/CAG meeting, which included a lovely presentation for Sandy Wong, the ED who is stepping down at the end of the month. Attendees included Rich Napier, Assemblyman Mullin, Brian from Jackie Speier's office. There wasn't a big legislative report. The Governor still wants to fund high speed rail in the San Joaquin Valley, so negotiations with him will be needed to get any transportation or rails projects funded, which may be challenging. The Legislature goes on recess on July

16th and comes back August 17. They finally got through Measure M, the \$10 vehicle registration fee, of which 50 of the proceeds go to the cities. Portola Valley gets some of it; 50 percent goes to County programs. The allocations were changed a bit, but the funding agreements were finally approved. They opened a public hearing on the draft update to the congestion management plan, use impact analysis program called the TDM Policy, which had not been updated since 2007. They approved the new ED's contract, so Sean Sharpin Tier [phonetic] will be the new ED as of August 1st.

There was a very brief ExpressLanes meeting. They approved the biennial update to the Conflict of Interest Code. There has been a slight controversy regarding ExpressLanes borrowing money from the TA in order to build the ExpressLanes. They were given a great rate and charged a "Credit Enhancement Fee," which is about \$400,000 a year which will go down as the loan is paid off. Diane Papen came up with the idea of putting that Credit Enhancement Fee into some sort of equity program, which was controversial, so they talked about it at the TA meeting recently. Carter Maw [phonetic], Interim Director, reported back about the additional suggestions. Apparently, there is money somewhere that the TA can donate to this Equity Fund that would be equal to the Credit Enhancement fee. Mayor Derwin reported that one of the ExpressLanes will open in the fall.

OneShoreline, FSLR, met and approved the FY 2021-22 operating budget, flood zones budget and capital projects budget. There is a Stanford summer fellow graduate student helping, who is creating an interactive map of land uses along Colma Creek for the local hazard plan. Don Horsley thought that RCD (Resource Conservation District) should come give a presentation, and Mayor Derwin agreed. She had a meeting that same day with the polling people for the idea of putting something on the ballot probably in November, 2022, because a dedicated funding stream is needed for OneShoreline, FSLR, and this looked promising.

Mayor Derwin attended the first meeting of the Equity Committee on June 29. All the members introduced themselves: Ali Ari Aalaei, Kim Marinucci Acker, Patt Baenen, Johnathan "Jonny" Clark, Judy Murphy, Lucy Neely, Andrew Pierce, Gwen Stritter, and Karen Vahtra. Mayor Derwin remarked that Kim, Pat, Jonny, Judy, Lucy and Gwen are part of the core group of people who are on the corner every Sunday. The group nominated and appointed Kim as Chair; Johnny as Vice Chair; and Lucy Neely as Secretary. The detailed minutes can be accessed on the Town website. The group started working on their Committee Charter, including developing the mission statement, sharing and refining and appointing a few people to take all the ideas and bring back a charter, which they did at the second meeting. Mayor Derwin shared that some of the discussion was challenging, but there was a lot of honest, truthful talk. Items discussed included such things as putting up statues around town; a speaker series; giving a piece of land to the people it was taken from; and participating with other committees where there was intersectionality. Mayor Derwin said she had wanted to hear critical race theory and intersectionality, and both topics did come up. There was discussion about the housing policy by Ali, who is new to town, but had very interesting insights as an outsider looking in. The committee talked about law enforcement, racial breakdown of the schools in town, and renewing all the policies and procedures. Johnny lives with his grandparents in Portola Valley, but attended Woodside elementary schools. He is now at Eastside Prep. Jonny is black and talked a lot about how different it was to finally be at a school where almost everyone is brown or black, as opposed to being the "other" at Woodside Elementary.

At the second meeting, the Equity Committee discussed their charter. There was a presentation by the Town Attorney on the introduction of the Brown Act. They were very engaged and there were tough questions, because they have an online forum group called PVFair where they discuss many things. There are issues with the Brown Act, since most of the people are on the Committee. Town Attorney Silver will be exploring this further. The charter was discussed in great detail, such as discussion regarding word "educate" versus "inform." Mayor Derwin said there is great depth of knowledge within the group. They explored whether they want to be political or to engage with the residents. For example, , Kim advocated having "whiteness" upfront in the charter. Andrew felt that a committee that is about whiteness is going to be dated, because whiteness is more about people in the prevailing power culture. They idea of acknowledging that Portola Valley is an extremely wealthy town to make it a more honest document was discussed. Johnny made a heartfelt statement about making people feel welcome. Gwen felt they need to include the fact that the first peoples were not welcome and other people who wanted to be part of Portola Valley were not welcome. The decision was to add Lucy to the subcommittee and come

back with a second draft of the charter. They also talked about calling the committee the Equity Committee versus Race and Equity Committee. This discussion will continue at the next meeting. Karen felt that the Town policy of not renting facilities to non-residents is not right. Mayor Derwin said she tried to explain in a very clumsy way why the policy was the way it was and discouraged her from pursuing that right now. There was a discussion about support for AB118, the crisis grant pilot program bill, which is getting great support, involving the teams of mental health professionals who go in and help vulnerable populations in crisis like someone is having a public health crisis or a mental health crisis or unhoused people having a crisis, rather than using police. The Committee supported this initiative and recommended the Town support it, so this will be coming to the Council.

(13) **TOWN MANAGER REPORT**

Town Manager Dennis reported that the Town Hall doors have been open that last three days and the Town is among the first cities to fully open facilities, although they under a modified arrangement right now. They have been delighted to see approximately two to three dozen of the residents. He said having the staff back in the building again, interacting in ways they have missed in the past month has been wonderful. He was grateful for the support of the Council and Julie, Jeff and John, who were part of the conversations to make this happen as soon as it did.

Town Manager Dennis said one of the Alpine Little League teams advanced well into their championship games, before losing to San Mateo. Having talked to Todd Scheuer, who works with the Alpine teams, they are planning to have the team come out to a Council meeting in the future. They will wait until they can do this in person as opposed to having 9 year-olds on a Zoom call. They are looking at doing this sometime in September.

Town Manager Dennis said he was happy to see Jonathon at the meeting. He said there were two staff reports on the West Bay Sanitary District's agenda a few weeks back related to annexation of the town and changes in reimbursements. They've asked members of their team to attend the August 11th meeting for a report on that. The general management is unable to attend because their meetings are held the same time as the Council meetings.

He said hoped everyone saw that there was an apprehension for the alleged jewel thief in town, acknowledging great work by the detectives and Sheriff's deputies who worked on the case.

He said the Farmer's Market is delightful, with new vendors and new experiences every week, and he acknowledge Nile Estep for his efforts with the market.

He report that the consent item on the Housing Element consultants, which the Council approved the contract for, also made a bid for the Safety Element. This will be brought forward to the Council next month. He noted that those processes will run concurrently and will inform one another.

Town Manager Dennis shared that he saw an extraordinary video shot in the nighttime, at some point in late June, in town near Bull Run. The video was of a badger. He had no idea there were badgers in town, much less getting captured on camera. He was pleased the individual shared the video with him, another fun thing he learned on the job.

WRITTEN COMMUNICATIONS

(14) **Town Council Digest** – June 24, 2021

(15) **Town Council Digest** – July 1, 2021

Mayor Derwin asked when meetings will be in-person. Town Manager Dennis replied it is still a date to be determined. They have been operating under presumption that residents will want to continue a hybrid model. Unfortunately, there is no capability for having such a system set up in the schoolhouse or the Community Hall. They are working with a vendor that is doing some work in another community. They are testing the equip this week to make sure it all works. If it looks good, they can move quickly on installing that. He thinks in the next few month they will get back to in-person, but they didn't want to start having meetings in person without any opportunity for people to continue to participate remotely. For right now meetings will continue virtually.

Mayor Derwin asked, if the Governor rescinds the order, if they have to meet in public. Town Manager Dennis said this could indeed happen. Town Attorney Silver said the order suspending the Brown Act requirements expires around September 20th, and there is some discussion about extending that order. She hasn't heard anything about this in the last few days, but that is the general timeframe. Mayor Derwin asked if that applied to everyone, including committees and commissions, and town attorney said Ms Silver said this is the case, although they hope a hybrid remote system will be set up by then

(16) **Town Council Digest** – July 8, 2021

Mayor Derwin said she is thinking of going to the Mill Brae Council of Cities dinner on July 23rd, in-person, and asked if anyone else is considering it. She thinks it is being held at the multi-modal station. She also mentioned the League of California Cities in Sacramento opportunity. Councilmember Aalfs said he would think about this. Mayor Derwin suggested that someone go to Progress, coming up in October. Town Manager Dennis remarked this is a wonderful networking event. He said there is a wide variety of people who attend. Mayor Derwin said it is the political event of the year. The League of California cities is interesting because you see people from all over the state – the rural counties, San Francisco, L.A.

ADJOURNMENT [8:23 p.m.]



Mayor



Town Clerk