Special Meeting  
October 21, 2019  

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:01 P.M.  

Present: Cormack, DuBois, Filseth, Fine; Kou arrived at 5:03 P.M., Tanaka Human Relations Commissioner: Kralik, Lee, Regehr, Stinger  

Absent: Kniss  

Absent: Savage (HRC), Smith (HRC), Xue (HRC)  

Closed Session  

1. CONFERENCE WITH CITY ATTORNEY  
Existing Litigation - 1 Matter  
Authority: Government Code Section 54956.9(d)(1)  
Eileen Staats v. City of Palo Alto  
Santa Clara County Superior Court, Case No. 1:15-cv-284956.  

1A. CONFERENCE WITH CITY ATTORNEY - ANTICIPATED LITIGATION  
Authority: Government Code Section 54956.9(d)(2) and (e)(1)  
Multiple Potential Cases, as Defendant – Potential Inclusion of Human Resources and Equal Employment Opportunity Matters in Scope of Police Auditing and Reporting Services.  

Herb Borock, speaking regarding Agenda Item Number 1A remarked regarding the lack of reports and contracts being presented to the Council for review and approval.  

MOTION: Mayor Filseth moved, seconded by Council Member Cormack to go into Closed Session.  

MOTION PASSED FOR AGENDA ITEM NUMBER 1: 6-0 Kniss absent  

MOTION PASSED FOR AGENDA ITEM NUMBER 1A: 5-1 DuBois no, Kniss absent  

Council Member DuBois noted the public's interest in the scope of services, which could be discussed as an Action Item. He suggested limiting the Closed Session to discussion of specific individuals.
FINAL MINUTES

Mayor Filseth explained that the Closed Session would include a discussion of topics that could be Action Items.

Council went into Closed Session at 5:07 P.M.

Council returned from Closed Session at 6:24 P.M.

Mayor Filseth announced no reportable action.

Council took a break at 6:24 P.M. and returned at 6:28 P.M.

Study Session

2. Joint Study Session With the Human Relations Commission.

Gabe Kralik, Human Relations Commission Chair reported the Human Relations Commission (HRC) had conducted a retreat to identify initiatives.

Valerie Stinger, Human Relations Commissioner advised that the HRC's core responsibilities include the Human Services Resource Allocation Process (HSRAP).

Steven Lee, Human Relations Commissioner indicated the HRC provided the Council with recommendations for allocation of Community Development Block Grant (CDBG) funds and the Emerging Needs Fund to support nonprofit organizations with new and innovative approaches to existing problems.

Mr. Kralik related that Commissioners serve as liaisons to City and community organizations.

Ms. Stinger explained that the HRC's work over the past year had fostered community conversations and supported an inclusive community. During the upcoming year, the HRC planned on focusing on Census 2020, a Human Services Needs Assessment, youth vaping, and homelessness/housing.

Patti Regehr, Human Relations Commissioner shared the HRC's areas of interest, including seniors, children, individuals with special needs, immigrants, mental health, gender equity, public safety, climate change, public health and isolation and inclusion.

Council Member Kou suggested the HRC consider ways to strengthen existing Tobacco Ordinances. The Palo Alto Youth Council (PAYC) had surveyed the two high schools regarding vaping.

Mr. Lee reported the HRC had contacted the PAYC with respect to teen vaping and submitted a request for resources to the Council.
Mr. Kralik remarked that the community was concerned about teen vaping. He urged the Council to take action to remove vaping products from stores.

Mr. Lee related the HRC's efforts to promote accessible recreational programs for individuals with special needs. Staff was likely to present some new programs to the Council as part of the Budget cycle.

Vice Mayor Fine suggested the HRC consider using existing resources and organizations to leverage its work.

Mr. Lee inquired regarding the process through which the HRC could raise issues and propose legislation to the Council.

Vice Mayor Fine explained the Colleagues' Memo process for presenting issues to the Council.

Council Member DuBois noted the City's tobacco Ordinances were strong. Perhaps the HRC was able to develop some recommendations specific to Palo Alto. He asked about programs for veterans and the effectiveness of the Palo Alto Mediation Program.

Mr. Kralik advised that the Palo Alto Mediation Program handled few cases because the community perceived the mediators as volunteers only and Project Sentinel did not promote the program.

Council Member DuBois requested the HRC provide some recommendations for improving the program.

Ms. Regehr related that she had utilized Supervisor Simitian's office to assist undocumented immigrants with eviction issues.

Council Member DuBois hoped the HRC would increase their focus on seniors and safe parking programs.

Mr. Lee suggested the Council formally refer safe parking programs to the HRC.

Mr. Kralik clarified that each Commissioner sponsored an area of focus.

Ms. Stringer explained that the HRC may prepare information or invite community members with expertise to address the HRC in order to learn about issues.

Council Member Cormack requested the HRC include takeaways and next steps for each program in the report to Council. She related Council Members' efforts to address vaping.
Council Member Tanaka concurred with the concern about teen vaping and safe parking programs.

Council Member Kou commented that benzoic acid, which was used in e-cigarettes, was a health and climate concern. The Policy and Services Committee was going to discuss safe parking in November, 2019. The HRC needed to submit a letter containing its recommendations to the Council.

**Agenda Changes, Additions and Deletions**

None.

**City Manager Comments**

Michelle Poché Flaherty, Deputy City Manager reported Caltrain would begin installing concrete foundations for poles as part of its Electrification Project in November, 2019. Phases I and II of the Charleston-Arastradero Corridor Project were close to completion. Work on the Los Altos Hetch Hetchy bicycle path was to begin in November, 2019 and was going to cause the removal of ten trees. The Library won an innovation award from the Urban Libraries Council. A community meeting regarding the Stanford University General Use Permit (GUP) was scheduled for October 22, 2019. Project Safety Net's annual community meeting was scheduled for October 23, 2019.

**Oral Communications**

Terry Holzemer supported an investigation of the actions of Planning Commissioner Michael Alcheck.

Joe Hirsch recommended the Council appoint one or two people to investigate the allegations against Commissioner Alcheck.

Suzanne Keehn suggested the Council remove Mr. Alcheck from the Planning and Transportation Commission.

Greg Schmid felt the Council should explore the allegations against Mr. Alcheck.

Jeb Eddy shared a planning tool that depicts proposed development and traffic.
3. Approval of Action Minutes for the September 23 and October 7, 2019 Council Meetings.

**MOTION:** Mayor Filseth moved, seconded by Council Member Cormack to approve the Action Minutes for the September 23 and October 7, 2019 Council Meetings.

**MOTION PASSED:** 6-0 Kniss absent

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 4.

Council Member Cormack registered a no vote on Agenda Item Number 5.

Council Member Kou registered a no vote on Agenda Item Numbers 4 and 5.

**MOTION:** Vice Mayor Fine moved, seconded by Mayor Filseth to approve Agenda Item Numbers 4-9.

4. Approval of Contract Number C20175282 With Anderson Pacific Engineering Construction, Inc., in the Total Amount of $2,029,000 to Construct the Secondary Clarifiers No. 4 and No. 6 Mechanisms Replacement Project at the Regional Water Quality Control Plant - Capital Improvement Program Project (WQ-19002); and Authorization for the City Manager to Negotiate and Execute Change Orders for a Total Not-to-Exceed $202,900.

5. Approval of Amendment Number 2 to Contract Number C18171717 With Perkins+Will, Amending the Scope of Services, Extending the Term, and Increasing Maximum Compensation by $368,758 for a Total Not-to-Exceed Amount of $1,137,826; and Approval of a Budget Amendment in the General Fund.

6. Approval of Amendment Number 1 to Contract Number C19173514 With SP Plus, to add $150,000 for Expansion of the Valet Parking Program to California Avenue Parking Facilities and a Total Not-to-Exceed Amount of $1,050,000.

7. Approval of Fiscal Year 2019 Re-appropriation Requests to be Carried Forward Into Fiscal Year 2020, and Budget Amendments in Various Funds.
8. Resolution 9860 Entitled, “Resolution of the Council of the City of Palo Alto Approving the Process for Executing Resource Adequacy Capacity Purchases and Sales; Approving Standard Form Resource Adequacy Confirmation Letters; and Delegating Authority to the City Manager to Execute Resource Adequacy Purchases and Sales Under Established Guidelines.”

9. Resolution 9861 Entitled, “Resolution of the Council of the City of Palo Alto Amending Utilities Rules and Regulations 2 (Description and Abbreviations), 3 (Description of Utility Services), 4 (Application of Service), 7 (Deposits), 8 (Access to Premises), 9 (Disconnection, Termination and Restoration of Service), 13 (Shortage of Supply and Interruption of Service), 15 (Metering), 16 (Line Extension), 18 (Utility Service and Facilities on Customer Premises), 20 (Special Electric Utility Regulations), 21 (Special Water Utility Regulations), 22 (Special Gas Utility Regulations), 23 (Special Wastewater Utility Regulations), 24 (Special Refuse Service Regulations), 25 (Special Storm and Surface Water Drainage Utility Regulations), and 29 (Net Energy Metering Service, Billing and Interconnection).”

MOTION PASSED FOR AGENDA ITEM NUMBER 4: 4-2 Kou, Tanaka no, Kniss absent

MOTION PASSED FOR AGENDA ITEM NUMBER 5: 4-2 Cormack, Kou no, Kniss absent

MOTION PASSED FOR AGENDA ITEM NUMBERS 6-9: 6-0 Kniss absent

Council Member Tanaka noted the City’s share of the cost for Agenda Item Number 4 should be 20 percent rather than 36 percent.

Council Member Cormack preferred not to spend funds on a project that would not achieve the goals for the project. Reducing the Budget Stabilization Reserve Fund by 79 percent in the fourth month of the fiscal year would be significant.

Council Member Kou indicated Staff’s response to questions regarding Agenda Item Number 4 was not sufficient. The Council had not provided direction regarding the number of alternatives for Agenda Item Number 5.

Action Items

10. PUBLIC HEARING: Resolution 9862 Entitled, “Resolution of the Council of the City of Palo Alto Establishing a new Residential Preferential Parking (RPP) Program in the Old Palo Alto Neighborhood;” Approval of
Amendments to Contract Number C15156501 With SP Plus for Permit Processing With Increased Compensation of $6,000, and Contract Number C15156763 With Serco, Inc. for Parking Enforcement to add Services for the Old Palo Alto RPP District With Increased Compensation of $35,070.40; and Approval of a Budget Amendment in the Residential Parking Permit Fund.

Philip Kamhi, Chief Transportation Official reported residents of the Old Palo Alto neighborhood submitted a petition to form a Residential Preferential Parking Permit (RPP) program in August, 2018. In April, 2019, Staff initiated the collection of data for parking supply and occupancy. During June and July, 2019 Staff worked with residents to design an RPP program and to obtain feedback. The Planning and Transportation Commission (PTC) discussed the Proposed RPP Program in August, 2019. Staff proposed a 12 month pilot program beginning in November, 2019. A community workshop was held on July 31, 2019, and a survey was mailed to households on August 6, 2019. Data collection before and after the closure of surface parking lot C-7 determined that the closure had a minimal effect on parking in the neighborhood. Staff proposed the area with the highest residential interest for an RPP program. That area contained 253 on-street parking spaces. The opt-in area around the program area contained approximately 240 parking spaces. Staff received survey responses from 59 percent of households, and 89 percent of those responses supported an RPP program. Next steps included permit sales and sign installation in November, 2019 with enforcement beginning a few weeks subsequent to implementation.

Council Member Cormack inquired about the two blocks on the south side of North California Avenue that were not noted as part of the program.

Mark Hur, Parking Manager explained that the south side of California Avenue was a dedicated bike lane, and parking was not allowed along the bike lane.

Council Member Cormack inquired about the rationale for the block on the south side of Washington Avenue between Emerson and Ramona, as that was not part of the program.

Mr. Hur indicated the residents on that block were not interested in being a part of the program.

Council Member Cormack requested the rationale for not including High Street in front of the park in the RPP program.

Mr. Kamhi advised that some of the parking was reserved for patrons of the park.
Mr. Hur added that 20 spaces are designated as hourly parking.

Mr. Kamhi noted a history of people not being able to attend events in parks because of surrounding RPP districts.

Council Member DuBois asked if Staff intended to install signage in two weeks and implement the program within a month.

Mr. Kamhi explained that presentation of the RPP program had been delayed as Staff responded to questions and comments from the PTC. The RPP program was ready for implementation as soon as the Council approved it.

Council Member Kou understood residents of RPP districts received two free permits.

Mr. Kamhi clarified that the first decal for residents was free in three RPP districts. At some point in the future, the RPP programs needed to be revised for consistency.

Council Member Kou remarked that some of the homes in the Proposed RPP district did not have off-street parking.

Mr. Kamhi related that the residents voted in support of the RPP program as proposed. The Council was able to change the program, but he encouraged the Council not to until the end of the pilot period.

Mayor Filseth asked if the Proposed RPP Program was identical to the College Terrace RPP.

Mr. Kamhi replied that the Proposed RPP Program was similar to the College Terrace RPP program. In general, RPP programs were an expense to the City of approximately $750,000.

Council Member Kou requested the name of the garage that closed.

Mr. Kamhi responded surface parking lot C-7.

Vice Mayor Fine inquired regarding the outcomes Staff hoped to learn from the pilot RPP program and future holistic changes to RPP districts.

Mr. Kamhi suggested availability standards and options other than RPP programs may be discussed in the future. The evaluation criteria for RPP pilot programs had been the satisfaction of residents and businesses in the districts.

Public Hearing opened at 8:03 P.M.
Paul Machado supported the Proposed RPP Program.

Fred Balin suggested the hangtags for the pilot program could be abused, and decals were preferred.

Terry Holzemer remarked that the RPP program was badly needed in Old Palo Alto and encouraged the Council to approve the Proposed RPP Program.

Ann Protter disagreed with residents paying for parking permits. Parking spaces were usually available in the Caltrain parking lot for $5 per day.

Chris Robell commented that the majority of the audience supported the RPP pilot program. Delaying approval of the program was punitive for residents. Many of the points raised by the PTC concerned policy.

Public Hearing closed at 8:09 P.M.

**MOTION:** Mayor Filseth moved, seconded by Vice Mayor Fine to adopt the Resolution to implement the Old Palo Alto Residential Preferential Parking (RPP) Program as a one-year pilot and:

A. Find the program exempt from review under the California Environmental Quality Act (CEQA);

B. Resolution to implement the Old Palo Alto Residential Preferential Parking (RPP) Program as a one-year pilot;

C. Approve and authorize the City Manager, or his designee, to execute Amendment Number 5 to Contract C15156501 with SP Plus in the amount of $6,000 for Additional Services for Parking Permits and On-Site support for a total contract amount not to exceed $762,793;

D. Approve and authorize the City Manager, or his designee, to execute Amendment Number 5 to Contract C15156763 with Serco, Inc. in the amount of $35,070.40 for Parking Enforcement for a total contract amount not to exceed $2,471,064.40; and

E. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the Residential Parking Permit (RPP) Fund by:

i. Increasing the revenue estimate for Residential Parking Permit operations by $14,000;

ii. Increasing the expenditure appropriation for Residential Parking Permit operations by $41,000; and
iii. Decreasing the ending fund balance in the Residential Parking Permit (RPP) Fund General Fund Budget Stabilization Reserve by $27,000.

Mayor Filseth indicated Staff and the residents had followed the prescribed policy for implementation of an RPP program. He concurred with Staff's plan to normalize RPP districts across the City.

Vice Mayor Fine noted comments to the Council supported the use of hangtags. The range of parking occupancy percentages was interesting.

**AMENDMENT:** Council Member Kou moved, seconded by Council Member XX to provide two free permits per each residence.

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

Council Member DuBois asked about time limits for parking spaces near the park.

Mr. Kamhi advised that 20 of the parking spaces were subject to time limits. Those spaces were not included in the Proposed RPP Program.

Council Member DuBois suggested Caltrain riders could utilize those spaces for free parking. No businesses were located in the neighborhood; yet, occupancy reached 90 percent on some streets. The neighborhood supported the Proposed RPP Program as indicated by the high level of votes in favor. He was able to support the requirement for residents to purchase permits, but he preferred the use of decals instead of hangtags.

Council Member Cormack appreciated Staff's work and residents' patience.

Council Member Tanaka requested the rationale for using hangtags.

Mr. Kamhi understood residents generally opposed the use of decals.

Council Member Tanaka noted the difficulty and cost of administering different RPP programs.

Mr. Kamhi suggested Staff could develop a range of rules that could be applied to RPP districts based upon the composition of residential and nonresidential uses in a neighborhood.

Council Member Tanaka requested a breakdown of the cost of RPP programs to the City.
Mr. Kamhi planned on providing that information at a later time. Enforcement, signage, decals/hangtags, and administration were costs of RPP programs. The differing programs were an administrative burden rather than a financial burden.

Council Member Tanaka requested the differences between the Proposed RPP Program and the College Terrace RPP.

Mr. Kamhi reported each RPP program was different from the others in subtle ways. The Proposed RPP Program was modeled after the Evergreen Park RPP program.

Council Member Tanaka asked if the Caltrain parking lot was not fully utilized on a daily basis.

Mr. Kamhi explained that the City leased 40 spaces from the Caltrain lot to mitigate construction impacts. If Caltrain was willing to lease the spaces, the lot probably was not fully occupied each day.

Council Member Tanaka asked if the utilization rate was approximately 40 percent.

Mr. Kamhi did not have current data to share with the Council. Implementing the Proposed RPP Program resulted in greater use of paid parking lots.

Council Member Kou hoped resident payment for parking permits would be consistent across all RPP programs.

**MOTION PASSED:** 6-0 Kniss absent

**State/Federal Legislation Update/Action**

None.

**Council Member Questions, Comments and Announcements**

Council Member Kou reported she attended the League of California Cities annual conference as the City's delegate. The resolution about undergrounding utilities in high fire areas was withdrawn. The resolution about water pollution was approved. At the meeting, she learned that the Governor vetoed Senate Bill (SB) 5. A variation of SB 50 was going to be proposed in January, 2020.
Closed Session

11. CAO PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Title: City Attorney
   Authority: Government Code Section 54957 (b).

   **MOTION:** Mayor Filseth moved, seconded by Council Member Cormack to go into Closed Session.

   **MOTION PASSED:** 6-0 Kniss absent

   Council went into Closed Session at 8:30 P.M.

   Council returned from Closed Session at 9:45 P.M.

   Mayor Filseth announced no reportable action.

   **Adjournment:** The meeting was adjourned at 9:45 P.M.