



# CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting  
August 3, 2020

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

Participating Remotely: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

## Closed Session

1. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION  
Santa Clara County Superior Court, Case No. 16CV300760  
(One Case, as Defendant) –Miriam Green v. City of Palo Alto  
Authority: Government Code Section 54956.9(d)(1).

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:04 P.M.

Council returned from Closed Session at 5:36 P.M.

Mayor Fine announced no reportable action.

## Study Session

2. City Council Discussion of Procedures for Virtual Council Meetings.

Ed Shikada, City Manager noted Zoom meetings would apparently continue for quite some time and requested Council feedback regarding virtual meetings.

Mayor Fine reported the virtual environment was new and challenging. Public and civic engagement had increased with virtual meetings, but everyone needed to understand the rules.

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Council Member Cormack indicated virtual meetings could be less conducive than in-person meetings for some people. She welcomed Council and public feedback.

Council Member Kniss felt virtual meetings were an effective but flat medium for communication. Participants needed a few minutes in every hour to stretch. She questioned whether a Council Member was a part of the meeting when he participated by audio only.

Molly Stump, City Attorney advised that there was no rule for participating through audio only or both audio and video. An audio-only meeting was likely permissible. Four Council Members needed to be visible to have a quorum because the Council chose to use a video platform.

Council Member Kniss inquired about a quorum if one Council Member could participate through audio only.

Ms. Stump explained that audio participation was permissible, and a Council Member participating through audio only was able to vote. A quorum was not an issue for the Council because Council Members were typically present for the entirety of meetings. Council Members needed to be visible except for occasional moments.

Council Member Tanaka believed public participation and the diversity of public speakers increased with virtual meetings. He suggested members of the public request a link to Zoom meetings via email so that they could be visible during meetings. He wanted to utilize Zoom's polling feature.

Ms. Stump indicated Governor Newsom's order required a voice vote.

Council Member Tanaka wanted to see Staff when they addressed the Council and wanted screen sharing enabled for all Council Members. He suggested streaming and recording Council meetings in segments or chapters.

Mayor Fine agreed with screen sharing and Staff visibility. He inquired whether the link to Zoom meetings had to be public information.

Beth Minor, City Clerk noted public speakers were not required to provide their names; therefore, requiring an email address to obtain a link may not be permissible.

Council Member Tanaka clarified that public speakers would request a Zoom link via email so that they could be visible when addressing the Council. He felt this extra step could prevent Zoom bombing.

Ms. Minor said she would look into it.

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Ms. Stump suspected the extra step would act as Council Member Tanaka suggested; however, it was an additional barrier to participation and raised a legal concern about anonymity.

Vice Mayor DuBois remarked that Council Members should be visible when speaking, but they should also be allowed to take a break as needed. Council Members' comments should not be limited to five minutes as a policy. Public speakers should be allowed 2 minutes for larger issues and 3 minutes generally. Imposing a deadline for speakers to indicate their desire to address the Council was reasonable. Visibility of public speakers was a complex issue.

Mayor Fine was fine with additional rounds of discussion if two or three Council Members had topics to discuss. He requested clarification of Vice Mayor DuBois' remarks regarding public comment.

Vice Mayor DuBois did not believe public comment under either Oral Communication or individual Agenda Items should be limited to 30 minutes.

Council Member Tanaka concurred with Vice Mayor DuBois regarding public comment and supported a five-minute limit on Council Member comments.

Rebecca Eisenberg agreed with Council Members and Staff being visible to viewers. Video for public speakers was an option. The advantages of seeing public speakers outweighed the disadvantages, and video was able to be edited to remove offensive behavior.

James Hindery concurred with Council Member Tanaka's comments. Providing a Zoom feed of in-person Council meetings benefitted the public.

## **NO ACTION TAKEN**

### Agenda Changes, Additions and Deletions

Mayor Fine reported Agenda Item Number 5 had been removed from the Agenda.

### Oral Communications

Kat Snyder suggested the City's State lobbyist obtain community input regarding State legislation for police and public safety reform. The City needed to support funding of The Crises Act.

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## Minutes Approval

3. Approval of Action Minutes for the May 26, June 15, 16, 17, 22 and 23, 2020 City Council Meetings.

**MOTION:** Council Member Kniss moved, seconded by Mayor Fine to approve the Action Minutes for the May 26, June 15, 16, 17, 22 and 23, 2020 City Council Meetings.

**MOTION PASSED:** 7-0

## Consent Calendar

Ian Klaus, addressing Agenda Item Number 8 opposed reducing the number of members on the Human Relations Commission and the Public Art Commission given the current conversation about racism and diversity.

George Jonson, addressing Agenda Item Number 7 noted Senate Bill (SB) 793 would exempt hookah smoking and hoped the City would preserve hookah smoking as a cultural tradition.

James Hindery, addressing Agenda Item Number 8 opposed decreasing the number of Commissioners because of the current social unrest and people's need to express themselves through art.

Rebecca Eisenberg, addressing Agenda Item Numbers 6 and 8 did not understand placing a quasi-judicial matter on the Consent Calendar when a quasi-judicial review involved discussion. Commissioners were volunteers and did not cost the City anything.

Loren Gordon, addressing Agenda Item Number 8 opposed reducing the number of Commissioners because it would reduce the number of perspectives on issues.

Erwin Morton, addressing Agenda Item Number 7 urged the Council to approve the Ordinance without changes or exemptions.

Tricia Barr, addressing Agenda Item Number 7 supported the Ordinance and indicated smoking hookah was more harmful than smoking cigarettes.

Jade Chao, addressing Agenda Item Number 7 supported adoption of the Ordinance without changes or exemptions.

Bonnie Halpern-Felsher, addressing Agenda Item Number 7 shared research in support of the Council approving the Ordinance.

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Sophie Ye, addressing Agenda Item Number 8 opposed reducing the number of Commissioners because diverse voices and perspectives were needed in these trying times.

Ben Miyagi, addressing Agenda Item Number 8 indicated reducing the number of Commissioners would eliminate life experiences and points of view without providing a cost savings.

Harriet Stern, addressing Agenda Item Number 8 commented that there was no reason to reduce the number of Commissioners.

Grace Mah, addressing Agenda Item Number 7 provided information regarding hookah smoking and encouraged the Council to adopt the Ordinance.

Molly Stump, City Attorney advised that four Council Members were needed to vote to remove an Item from the Consent Calendar.

Faith Bell, addressing Agenda Item Number 7 stated Mack's Smoke Shop had been in business for more than 80 years, and the owner was willing to stop selling vape products. However, flavored tobacco generated a significant amount of income for the shop. Perhaps the Council was able to revise the Ordinance to allow Mack's Smoke Shop to continue to sell their flavored tobacco.

Jaime Rojas, addressing Agenda Item Number 7 opposed the Ordinance and referenced data from the California Healthy Kids Survey for 2018-2019, Palo Alto retailers' compliance with existing laws and SB 793.

Rima Khoury, addressing Agenda Item Number 7 advised that youth were not hookah smoking, but hookah smoking was collateral damage in the war against vaping. Hookah was a cultural tradition.

Carol Baker, addressing Agenda Item Number 7 believed the Ordinance would not cause the closure of smoke shops but removed flavored products used by children.

Annie Tegen, addressing Agenda Item Number 7 supported the flavored Tobacco Ordinance. This was an opportunity to ensure children remained healthy and the next generation was free from tobacco addiction.

Vanessa Marvin, addressing Agenda Item Number 7 encouraged the Council to adopt the Ordinance as written. The Council had to protect children and enforce the greater good for the community.

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Raw Smoke Shop, addressing Agenda Item Number 7 remarked that smoking was not illegal. The Council needed to ban flavored beer. He did not sell tobacco products to kids. Hookah had always been flavored.

Hsinya Shen, addressing Agenda Item Number 8 urged the Council to reconsider the proposal to reduce the number of Public Art Commissioners because it threatened the quality of Palo Alto's public art.

**MOTION:** Council Member Cormack moved, seconded by Mayor Fine, third by Council Member Kou to pull Agenda Item Number 9 to be heard on August 10, 2020 Action Calendar.

Council Member Kniss registered a no vote on Agenda Item Number 7.

Vice Mayor DuBois registered a no vote on Agenda Item Number 7.

Mayor Fine registered a no vote on Agenda Item Number 7.

Council Member Kou registered a no vote on Agenda Item Number 8.

Council Member Tanaka registered a no vote on Agenda Item Number 8.

**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to approve Agenda Item Numbers 4, 6-8.

4. Approve and Authorize the City Manager or Designee to Execute Contract Number C20176772 With Burns & McDonnell in an Amount Not-to-Exceed \$690,000 for the 60kV Breaker Replacement Design/Build Implementation, Capital Improvement Project EL-17002; and Authorization to Negotiate and Execute Related Change Orders in the Amount of \$103,500, for a Total Not-to-Exceed Amount of \$793,500.
5. ~~Approve and Authorize the City Manager or Designee to Execute the Following Utilities Communication, Graphic Design and Marketing Services Contracts in a Combined Not-to-Exceed Amount of \$200,000 Annually and a Combined Not-to-Exceed Amount of \$1,000,000 Over a Five-year Term: A) Eric Goldsberry Art Direction, C20176172A; B) Marketing for Change, C20176172B; and C) Underground Advertising, C20176172C; Finding of California Environmental Quality Act (CEQA) Exemption~~ **THIS ITEM REMOVED FROM AGENDA.**
6. QUASI-JUDICIAL. 3000 Alexis Drive [19PLN-00304]: Approval of the Record of Land Use Action (RLUA) Approving the Proposed Project, and Site and Design Review Application for the Palo Alto Hills Golf and Country Club to Renovate the 18-hole Golf Course. Environmental

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Assessment: Exempt From CEQA Pursuant to Guidelines Section 15304 (Minor Alterations to Land) Zoning District: OS (Open Space).

7. SECOND READING: Adoption of Amendments to the City of Palo Alto Tobacco Retailer Permit Ordinance 5502 Entitled, "Ordinance of the Council of the City of Palo Alto (PAMC Chapter 4.64) to Further Restrict Electronic Cigarette Products and Flavored Tobacco Products" (FIRST READING: June 16, 2020 PASSED: 4-3 DuBois, Fine, Kniss no).
8. Ordinance 5503 Entitled, "Ordinance of the Council of the City of Palo Alto to Reduce the Number of Human Relations Commission and Public Art Commission Members From Seven to Five" (FIRST READING: June 22, 2020 PASSED: 5-2 Kou, Tanaka no).
9. Selection of Applicants to Interview for one Position on the Human Relations Commission and two Positions on the Public Art Commission.

**MOTION FOR AGENDA ITEM NUMBER 4 PASSED: 7-0**

**MOTION FOR AGENDA ITEM NUMBER 6 PASSED: 7-0**

**MOTION FOR AGENDA ITEM NUMBER 7 PASSED: 4-3 DuBois, Fine, Kniss no**

**MOTION FOR AGENDA ITEM NUMBER 8 PASSED: 5-2 Kou, Tanaka no**

Council Member Kniss noted her prior vote on the matter.

Council Member Kou believed seven members would provide differing opinions without impacting City finances.

Vice Mayor DuBois disagreed with banning the legal sale of products.

Council Member Tanaka supported diversity among Boards and Commissions and opposed decreasing the number of members.

Mayor Fine concurred with prior comments.

Council took a break at 6:59 P.M. and returned at 7:12 P.M.

## City Manager Comments

Ed Shikada, City Manager reported the City and County of Santa Clara (County) Public Health Department continued to be concerned about the increase in COVID-19 cases. The County was going to return to Palo Alto in August and September, 2020 for testing. The Small Business Recovery Grant

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Program had awarded grants to 49 small businesses. The Summer Streets Program was underway in the Downtown and California Avenue business districts, and a partial closure of Ramona was to begin on August 7, 2020. City services such as summer camps and Library sidewalk services were continuing. The City's Fiscal Year began with service reductions on July 1, 2020 and Staff layoffs on July 31, 2020. The Council was to hold a Study Session on August 24, 2020 regarding race and equity. The California Avenue Public Art Master Plan process was underway.

Council Member Tanaka requested an update regarding the permitting process.

Mr. Shikada advised that the lead time for building inspections had reached six weeks. With increased recruitments and strategic planning, Staff had reduced the lead time to a week.

Council Member Tanaka inquired about signage or messaging to remind the public about the requirement for face coverings.

Mr. Shikada indicated Staff and the County were planning to increase public outreach.

Council Member Kou asked if residents could participate in the community check-in.

Mr. Shikada replied yes. City e-mail blasts provided information for the meetings.

## Action Items

10. Discussion of the Parks and Recreation Commission's Pilot Program to Increase Access to Foothills Park for Non-residents and Provide Direction to Staff (Continued From June 23, 2020).

Mayor Fine noted the Parks and Recreation Commission (PARC) discussed the topic over three meetings in 2019 and provided a recommendation to the Council.

Daren Anderson, Assistant Director, Community Services Department (CSD) reviewed the history of Foothills Park, usage restrictions and visitation data.

Anne Cribbs, Parks and Recreation Commission Vice Chair reported the PARC recommended the City Council approve a one-year Pilot Program that allowed a maximum of 50 nonresidents per day to use Foothills Park, encourage student fieldtrips, and implement a \$6 fee for nonresidents. At the end of one year, the PARC and Staff were to review data from the Pilot Program and make



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a recommendation to the City Council. The Pilot Program mitigated concerns about overcrowding and overuse, and it maintained the limit of 1,000 people in the park at any one time.

Jeff Greenfield, Parks and Recreation Commissioner Chair summarized the panel discussion regarding access to Foothills Park and the impacts of increased visitation. During the Pilot Program, impacts were to be monitored and mitigated. He emphasized the needs for adequate staffing, infrastructure and the benefits of removing the access restriction.

Claire Elliott, Grassroots Ecology supported opening Foothills Park to nonresidents, which increased opportunities for volunteerism and data collection.

Carlin Otto presented a petition from 33 residents who opposed opening Foothills Park to the general public. She suggested the Council place the issue before the voters.

James Hindery supported implementation of the Pilot Program, which could inform a future ballot measure.

Debbie Mytels recalled a prior effort to remove the Residency Restriction from Foothills Park and hoped the Council would open the park to all.

Mark Nadim believed allowing more people into Foothills Park would increase impacts to vegetation and habitat, maintenance, staffing and costs.

Sophie Ye supported opening Foothills Park to all.

Leland Levy sang a song about limiting access to Foothills Park.

Sarah Longstreth supported opening access to Foothills Park.

Salim Damerdji supported opening Foothills Parks to nonresidents.

Rohin Ghosh supported allowing nonresidents into Foothills Park. Native Americans needed to be brought into the conversation.

Kevin Ma asked the Council to open the park as much as possible.

Roger Smith, Friends of Foothills Park noted the need for staffing and maintenance within Foothills Park. Wildlife were the true residents of Foothills Park.

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Bruce Reyes-Chow, First Presbyterian Church remarked that the perceptions and realities of the access restriction reflected the exclusive nature of the City. He encouraged the Council to open Foothills Park to everyone.

Rabbi Amy Eilberg appreciated the thought that Staff and the PARC put into the recommendation. There were ways to increase access without harming the park.

Onaiza Kazi stated there were many reasons people were not able to live in Palo Alto, but it was unfair not to allow them in Foothills Park.

Owen Longstreth noted the land which formed Foothills Park was taken from Native American. The Council needed to show that it truly supported equality and equity for all.

Kurt Kinsey urged the Council to share Foothills Park.

Stephanie MacDonald indicated Foothills Park should be open to everyone without a fee.

Daniel Allen strongly supported allowing access to everyone in the region.

Janet Cox related that a Pilot Program was not needed. The Council needed to open the park, and everything would take care of itself.

Scott O'Neil indicated the spirit of the current policy was exclusionary and elitist. The proposal was restrained but preferable to an action. He hoped the Council liberalized the policy in the future.

Rebecca Eisenberg urged the Council to open Foothills Park permanently, fully and without charge. It was time to create a fair Palo Alto.

Winter Dellenbach supported the Pilot Program as long as people and parking limits remained in effect.

Kelsey Banes believed public lands should be inclusive. Limiting access had racially disparate outcomes.

650\*\*\*654 suggested the media provided misinformation. Palo Alto residents were willing to accompany nonresidents as guests into the park.

Flaurie Imberman indicated the number of people in the park should be limited to prevent damage to flora and fauna, but everyone needed to have equal access to the park.

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Randy Mont-Reynaud supported access for all and providing park jobs to young people so that they could learn about protecting the environment.

David Gobuty recommended the Council consider the environmental impact of more people in Foothills Park, the cost of maintaining and improving facilities and the cost of policing entry requirements. This was an issue for a ballot measure.

Richard Mehlinger remarked that Palo Alto was a segregated City rather than a progressive city. The only action was to lift the ban on nonresidents entering Foothills Park.

Jordan Grimes supported opening Foothills Park to nonresidents and urged the Council to act as soon as possible.

Iban proposed a tax on mansions to fund public parks. A Pilot Program set up the measure to fail.

Mary Vincent supported opening access to Foothills Park so that families could enjoy nature.

Council took a break at 9:09 P.M. and returned at 9:16 P.M.

Council Member Cormack advised that information about the number of people turned away from Foothills Park changed her mind about access to Foothills Park. She inquired about Rangers' experiences with refusing entry to nonresidents.

Mr. Anderson reported Rangers apologized and explained the City policy to nonresidents and referred them to other open space areas.

Council Member Cormack requested a comparison of Foothills Park with Arastradero Preserve.

Mr. Anderson indicated habitat and trails were similar. Amenities and parking were different.

Council Member Cormack asked if Foothills Park was more accessible to people with disabilities than Arastradero Preserve.

Mr. Anderson answered yes. Foothills Park had paved roads and more flat terrain.

Council Member Cormack inquired about the evolution of the physical nature of Foothills Park.

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Mr. Anderson explained that the Lees used the property as a working ranch and farm. The City built the lake, roads, picnic areas and trail system. In addition, there was unexploded ordnance on the property.

Council Member Filseth noted the weekend visitation since Memorial Day was about 2,000 people per weekend or about 1,000 people per day.

Mr. Anderson clarified that the limit was 1,000 people in the park at any one time. Visitation was around 1,000 people per day but not 1,000 people at any one time. Visitation was determined by Rangers observing parking within the park. Staff was exploring a more accurate means to determine visitation.

Council Member Filseth asked if the majority of nonresidents were turned away on weekends in the summer.

Mr. Anderson replied yes, because Rangers manned the entry gate on weekends.

Council Member Filseth asked if parking areas were mostly empty during the week.

Mr. Anderson indicated visitation was much lower during the week.

Council Member Filseth asked if anybody could enter the park on a bicycle.

Mr. Anderson clarified that anyone could enter the park via trails.

Council Member Kniss asked if Foothills was more of a park or a preserve.

Mr. Anderson related that a more accurate description would be open space. The Comprehensive Plan differentiated open space and parks.

Council Member Kniss asked if the City purchased the land as open space.

Mr. Anderson replied yes.

Council Member Kniss noted Foothills Park was an ecologically sensitive area. It sounded as though Foothills Park needed some repairs and maintenance.

Mr. Anderson advised that the protection of Foothills Park aligned with the protection of the Baylands and Pearson-Arastradero Preserve. Four full-time Rangers were usually assigned to Foothills Park, but with the retirement of the Supervising Ranger, only three Rangers were assigned to Foothills Park. The fourth Ranger was needed to maintain the appearance and cleanliness of Foothills Park. Three restrooms had exceeded their lifespan. New facilities were included in the Capital Plan for Fiscal Year (FY) 2023, 2025, and 2027.

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Council Member Kniss asked if three Rangers took care of 1,200 or 1,400 acres.

Mr. Anderson responded yes. Seasonal staff totaling 2.5 Full Time Equivalents (FTE) were assigned to all the preserves.

Vice Mayor DuBois requested the amount of an entry fee that provided cost recovery for the Pilot Program.

Mr. Anderson explained the costs for monitoring equipment, upgrading parking areas, increased restroom cleaning and waste collection and a Supervising Ranger, all of which totaled approximately \$198,500 per year.

Vice Mayor DuBois asked if camping and picnic areas would be available for residents only during the Pilot Program.

Mr. Anderson responded yes.

Vice Mayor DuBois asked if banning dogs in Foothills Park had been considered.

Mr. Anderson answered no. The existing policy was no dogs on weekends and holidays, and dogs must be leashed. Trails had not been designated as allowing or prohibiting dogs.

Vice Mayor DuBois asked if the City could enforce a citation issued to a resident of another city.

Molly Stump, City Attorney replied yes.

Vice Mayor DuBois requested clarification of enforcement of citations.

Ms. Stump would look into the matter.

Council Member Kou requested the reasons for Mr. Greenfield's change in position on access to Foothills Park.

Mr. Greenfield explained that he supported access for all people but ensuring the environmental integrity of Foothills Park was also a priority. He had voted against the Pilot Program because of concerns about the program. He disagreed with the tone of the letter and with repealing the Ordinance without a Comprehensive Plan for conservation and stewardship.

Council Member Kou requested the number of urban parks and open spaces in Palo Alto.

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Mr. Anderson replied 34 parks and 4 open spaces.

Council Member Kou asked if urban parks were open to residents and nonresidents.

Mr. Anderson answered yes.

Council Member Kou inquired about the potential cost of an impact assessment.

Mr. Anderson indicated the cost could vary greatly depending upon the length and depth of the assessment and Staff involvement.

Council Member Tanaka asked when the entry gate was staffed.

Mr. Anderson responded weekends and holidays. The hours varied depending on calls for service and weather.

Council Member Tanaka related that he did not observe a Ranger at the entry gate on Saturday mornings, and Rangers checked his residency only once. He requested additional information regarding Rangers' calculation of visitation.

Mr. Anderson admitted the visitation numbers were not accurate. On weekdays, a magnetic device at the entry counted vehicles entering the park. On weekends and holidays, Rangers counted cars entering the park and monitored parking areas to determine an approximate number of people in the park. The last time Rangers closed the park because attendance reached 1,000 was 1998.

Council Member Tanaka asked about the ways Staff estimated nonresident attendance.

Mr. Anderson explained that the Municipal Code allowed a resident to bring a maximum of 15 nonresidents into the park as guests. The number of nonresidents that utilized Foothills Park was unknown.

Mayor Fine inquired about in-person reservations for nonresidents through the Pilot Program.

Mr. Anderson reported Staff and the PARC's Ad Hoc Committee believed online reservations would facilitate entry into the park and prevent vehicles from queuing into Page Mill Road.

Mayor Fine asked if a nonresident could register online for a weekday visit but not find a Ranger at the gate to admit him.

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Mr. Anderson replied yes.

Mayor Fine inquired about Rangers' duties when not staffing the entry gate.

Mr. Anderson advised that Rangers opened/closed gates and restrooms and responded to calls about injured animals and visitors and loose dogs.

Mayor Fine noted he often did not observe a Ranger at the entry gate. Presumably, nonresidents knew they could visit the park during weekdays with no consequences. He asked if staffing at the gate would remain the same under the Pilot Program.

Mr. Anderson answered yes, but reduced staffing would affect monitoring of the entry gate.

Mayor Fine inquired regarding monitoring and measuring environmental impacts in open spaces and anticipated needs to implement the Pilot Program.

Mr. Anderson explained that the City partnered with organizations to monitor impacts. U.S. Fish and Wildlife conducted bird surveys, and Grassroots Ecology monitored vegetation. With increased usage, Staff was able to observe some impacts, such as an increase in trail shortcuts. Without baseline data, Staff was not able to determine some impacts, such as a decrease in wildlife sightings.

Mayor Fine inquired regarding a potential increase in volunteerism if access was extended to nonresidents.

Mr. Anderson anticipated the number of volunteers for Grassroots Ecology and Friends of Foothills Park was to increase.

Mayor Fine asked if the proposed \$6 fee would be charged per vehicle, bicycle or pedestrian.

Mr. Anderson clarified that a group of bicyclists would likely be charged one fee of \$6.

Council Member Cormack did not believe the Council would restrict access to residents only today and certainly could not justify such a restriction. She inquired whether Rangers refused entry to an average of 3,000 vehicles per year.

Mr. Anderson responded yes.

Council Member Cormack inquired whether nonresidents could use the park on weekdays because the entry gate was not staffed.

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Mr. Anderson replied yes. The restriction remained in place on weekdays, but it was not enforced.

Council Member Cormack explained her choice of Boronda Lake for a virtual background and hoped to share Boronda Lake with everyone. Sharing Foothills Park was not going to make it any less special.

Council Member Tanaka asked about enforcement of resident-only facilities at Foothills Park.

Mr. Anderson reported some picnic areas were available on a first-come-first-serve basis. A Ranger was going to ask people to leave a facility if they had not reserved the facility.

Mr. Greenfield added that only one large picnic area could be reserved.

Council Member Tanaka asked Staff to suggest a funding source for the Supervising Ranger position.

Mr. Anderson did not know of a funding source and did not expect revenue generated from the Pilot Program to cover expenses.

Mr. Shikada indicated Staff would include a funding source in its recommendation if the Council chose to proceed with the Pilot Program.

Council Member Kou expressed concerns about costs for the Pilot Program and increased usage impacting the environment of Foothills Park and the safety of motorists and bicyclists on Page Mill Road. Removing the restriction too soon had the potential to take Foothills Park away from future generations.

Council Member Kniss requested descriptions of the capital improvements.

Mr. Anderson advised that the projects were restrooms, the bridge at Sun Fish Island, and paving roads and parking areas. Remodeling the entry restroom was going to cost around \$300,000 and replacing the other two restrooms was going to cost about \$700,000 each. The paving was going to cost about \$300,000, and repairs to the bridge was going to cost about \$75,000.

Council Member Kniss asked if Staff was concerned about the increase in visitors affecting the flora and fauna.

Mr. Anderson explained that the increase would be comparable to the number of visitors in 2011, when he worked as a Ranger. He was not able to recall an appreciable difference in maintenance between 2011 and 2019. If Staff observed impacts while the Pilot Program was underway, they were able to reduce the number of visitors allowed each day.



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Council Member Filseth calculated that the Pilot Program would increase visitation about 10 percent.

Mr. Anderson clarified that the maximum number of nonresident visitors would increase visitation by 19 percent. If usage remained high with the public health order in place, no passes could be available for nonresidents under the Pilot Program.

Mayor Fine inquired regarding the calculation of a 19 percent increase.

Mr. Anderson indicated 50 cars per weekday and 25 cars per weekend day totaled 14,625 vehicles per year, and the multiplier for people per vehicle totaled about 28,000 visitors.

Vice Mayor DuBois proposed changing the name to Foothills Preserve to emphasize the nature of the area. Entry to most State parks was \$10 per vehicle. He thought the size of vehicles in the park may need to be limited. Signage to manage dogs in the park was possibly needed. The penalty for nonresidents entering without a reservation needed to be changed to a citation.

Council Member Kou asked about the effect of increasing visitation on sustainability goals.

Mr. Anderson noted the PARC Ad Hoc Committee discussed the Pilot Program eliminating nonresidents' wasted trips to Foothills Park, and that reduction in car trips perhaps offsetting some of the new car trips generated by the Pilot Program.

Mr. Shikada added that the panel discussed the Pilot Program increasing the value and appreciation of the natural environment.

Council Member Kou stated a brown out occurred at Fire Station 2 on August 1, 2020 and Fire Station 8 was staffed only on high fire days. She expressed concern about increased visitation perhaps damaging Foothills Park.

Council Member Tanaka asked if Palo Alto was the only City with a restriction on park visitors.

Mr. Anderson related that a Google search revealed two cities on the East Coast with a resident-only restriction.

**MOTION:** Council Member Cormack moved, seconded by Mayor Fine to direct Staff to return with an Ordinance to amend the Municipal Code to allow non-residents to access Foothills Park under a pilot plan and a Resolution to define the pilot plan itself.

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Council Member Cormack indicated the PARC worked on the program for a year. Evidence demonstrated that Foothills Park could accommodate additional visitors. Lifting the restriction was the right thing to do.

Mayor Fine noted the issue was raised several times. The City was able to share Foothills Park and maintain its pristine environment. The Pilot Program was an opportunity to learn, gather data, and foster volunteerism and environmental stewardship. Environmental damage was the result of behavior, not a visitor's residency.

**SUBSTITUTE MOTION:** Council Member Kou moved, seconded by Council Member Tanaka to:

- A. Direct Staff to bring this item to the Council in 2022 for a possible ballot measure;
- B. Rename Foothills Park to Foothills Nature Preserve; and
- C. Change the fine from a misdemeanor to an infraction.

Council Member Kou reported her community survey found 81 percent of respondents supported retaining the restriction. The people of Palo Alto needed to determine whether the restriction was lifted.

Council Member Tanaka believed the financial outlook was dire, and this was not the time to incur additional costs.

Council Member Kniss proposed implementing the Pilot Program to gather data that could inform a ballot measure in 2022.

Council Member Kou could agree to that if costs were determined.

Council Member Tanaka proposed adding that the Pilot Program should be revenue neutral.

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Substitute Motion, "move forward with the pilot program for the following year, assess measurable points such as cost, and use that data for a possible ballot measure in 2022" (New Part D) and "ensure the pilot program remains revenue neutral." (New Part E)

Council Member Cormack requested the cost of a ballot measure.

Beth Minor, City Clerk provided a rough cost of \$50,000 with the caveat that election costs were determined by various factors.

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Council Member Cormack requested the cost for implementing the Pilot Program.

Mr. Anderson reported implementing the Pilot Program without filling the Supervising Ranger position was going to affect service delivery.

Council Member Cormack suggested the entry fee might cover the program's marginal costs.

Mr. Anderson related that issuing 25 passes on each weekend day would generate \$13,350.

Council Member Cormack did not believe the Pilot Program could be revenue neutral. The Council set aside \$744,000 in a COVID-19 Uncertainty Reserve, which was possibly to be used to fund Community Services programs. She inquired whether the present Council was able to bind a future Council to place a measure on the ballot.

Ms. Stump replied no.

Council Member Cormack asked if Subpart A of the Substitute Motion was possible.

Ms. Stump responded yes. In 2022, Staff was able to present an item for a ballot measure, but the Council at that time was able to vote on placing it on the ballot.

Council Member Cormack requested clarification of "the following year" in Subpart D.

Council Member Kniss related that the Pilot Program should begin as soon as Staff had all the components ready.

Mr. Anderson stated the Pilot Program should be ready to launch in the fall of 2020 or the winter of 2021.

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Substitute Motion, Part D to read, "... starting in the Fall of 2020 or Winter of 2021 ... ."

Council Member Cormack did not wish to bind a future Council and did not believe the Pilot Program could be revenue neutral. With no entry fee, Rangers were not going to have to staff the entry gate.

Vice Mayor DuBois noted the PARC pursued this program without seeking Council input. Implementing the Pilot Program with the intention of placing a

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measure on the ballot was logical. If the Pilot Program demonstrated that increased visitation was not going to impact Foothills Park, the community would probably support a ballot measure.

Council Member Filseth requested the vision for the 2022 ballot measure.

Council Member Kou felt community engagement should determine the nature of the ballot measure.

Council Member Filseth concurred with the statement that the Pilot Program was not going to be revenue neutral. This action seemed symbolic, and spending money on symbolism needed to be avoided.

Mayor Fine shared concerns about the cost of an election and binding a future Council to consider a ballot measure. He did not think civil rights should be put to a vote. Renaming the park needed to be referred to a Board or Commission.

Council Member Kou asked if Staff interpreted Subpart D of the Substitute Motion as including the cost of an environmental assessment.

Mr. Anderson responded yes.

Ms. Stump reported Staff would prepare an Ordinance for Council review.

**SUBSTITUTE MOTION AS AMENDED PASSED:** 5-2 Cormack, Fine no

Mayor Fine reviewed items remaining on the Agenda and proposed the Council act on a request to extend the comment period in Agenda Item Number 11 and defer discussion of the Plan Bay Area 2050 draft Blueprint.

Vice Mayor DuBois asked if the discussion of Agenda Number 11 could be placed on the August 10, 2020 Agenda because the methodology could be time sensitive.

Jonathan Lait, Planning and Development Services Director advised that the Methodology Committee was going to meet on August 13, 2020.

11. Update and Discussion on Plan Bay Area 2050 Draft Blueprint and the Regional Housing Needs Allocation Process; and Direction to Staff to Prepare Comment Letters on These Regional Efforts.

Jonathan Lait, Planning and Development Services Director introduced Policy Link Fellow Lauren Bigelow. The draft document was released in July, 2020 and the comment deadline was August 10, 2020. Staff reviewed the document and drafted comments. One of the key comments was a request

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for additional time to review the document. The document was an aspirational long-range planning document that contained policies and strategies. Funding for many of the policies and strategies required voter approval and advancing the strategies required political will.

Mayor Fine noted the letter in Exhibit B was the topic of discussion.

Hamilton Hitchings believed the growth targets would destroy Palo Alto's single-family neighborhoods, and the Council should not support ongoing attempts to remove local control of zoning. The agencies did not allow public participation in the process.

Rebecca Eisenberg urged the Council not to send the letter as it would antagonize the Association of Bay Area Governments (ABAG). The Council needed to work with ABAG.

Greg Schmid remarked that the Metropolitan Transportation Commission (MTC) created new measuring districts such that city data would not track progress. The Council needed to demand MTC follow Government Codes and stand behind their data.

Kelsey Banes indicated Plan Bay Area was not sufficiently ambitious. Apartments did not destroy single-family neighborhoods.

650\*\*\*603 felt the Mayor's letter was good, but it needed to be more forceful. The Council needed to study the data and discuss the issues with the community.

Angie Evans hoped the Council would figure out how and where to build housing.

Iban suggested the Council focus on building housing.

Richard Mehlinger encouraged the Council to request an increase in the numbers.

Jordan Grimes recommended the Council not include Mr. Hitchings' and Mr. Schmid's suggestions.

**MOTION:** Mayor Fine moved, seconded by Vice Mayor DuBois to:

- A. Authorize the Mayor to sign a letter reflecting City Council comments on the Plan Bay Area 2050 Draft Blueprint; and
- B. Schedule a discussion to submit a comment letter to ABAG/MTC's Housing Methodology Committee reflecting City Council initial

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comments regarding the Regional Housing Needs Allocation (RHNA) methodology options that are under consideration.

Mayor Fine emphasized that the City's elected representative to ABAG was Council Member Kniss.

Vice Mayor DuBois concurred with Staff's comments regarding COVID-19, telecommuting patterns, and growth geographies. Job shifting and limiting job growth needed to be emphasized. The models created unrealistic housing allocations. He hoped the Council would discuss in-depth a response and legal strategy to combat the no-win scenario.

Council Member Cormack stated the sea level rise numbers appeared to be overly cautious. The City was able to suggest scenario planning to integrate the impacts of COVID-19 into the long-range model. Telecommuting was probably not going to be an all-or-nothing situation.

Council Member Filseth remarked that the California Department of Housing and Community Development (HCD) had punted on all the important problems in the Bay Area.

Council Member Kou suggested the letter emphasize that ABAG had to look at areas of dispersion. She requested Staff comment regarding the impact of Senate Bill (SB) 35.

Mr. Lait advised that the letter referenced the connection between planning efforts and SB 35. Jurisdictions that failed to issue building permits for target housing numbers were going to have to process qualifying housing or mixed-use projects within 90 days, and those projects were subject to objective standards only.

Council Member Kou clarified that voters elected Council Member Kniss to the City Council, and the Mayor appointed Council Member Kniss as the City's representative to ABAG.

## **MOTION PASSED: 7-0**

### 12. Discussion and Direction Regarding Potential Placement of a Caltrain 1/8-cent Sales Tax Measure on the November 3, 2020 Ballot.

Philip Kamhi, Chief Transportation Official reported Staff believed a ballot measure to fund Caltrain was unlikely in the existing circumstances. He reviewed the chronology of agency actions regarding a Sales Tax measure to fund Caltrain.

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Ed Shikada, City Manager added that the City's role was to provide comment regarding the issues. The decision for the Council was whether to submit their comments.

Ryan Globus urged the Council to support Caltrain.

James Hindery supported Caltrain and a Sales Tax ballot measure.

Roland Lebrun opposed the clean measure. The Boards of Supervisors for San Francisco County and Santa Clara County took the responsible approach. Santa Clara Valley Transportation Authority's (VTA) use of funding for Bay Area Rapid Transit (BART) needed to be addressed.

Kelsey Banes supported stable funding for Caltrain. Without public transit, she predicted traffic would be crushing when the public health order was lifted. The ballot measure was expected to fund equity initiatives.

Rebecca Eisenberg noted a Sales Tax was regressive and encouraged the Council to place a Business Tax on the ballot.

Kevin Ma supported a tax measure for Caltrain and asked the Council to send a letter supporting a clean Sales Tax measure to the Board of Supervisors.

Iban believed public transportation should be aggressively funded and supported a Clean Tax measure to fund Caltrain.

Adina Levin, Friends of Caltrain advised that surveys had found that people planned to return to Caltrain when the pandemic eased. The Sales Tax measure paid for equity measures.

Rohin Ghosh hoped to ride Caltrain when the public health order was lifted because Caltrain was a low-carbon transit option. He supported placing a clean measure on the ballot.

Jordan Grimes encouraged the Council to support a Clean Tax for Caltrain.

Council Member Filseth requested confirmation that the draft letter did not take a position on the governance issue.

Mr. Kamhi responded that was correct.

Council Member Filseth inquired regarding ways to implement sustainable governance for Caltrain if it was not part of the ballot measure.

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Ms. Levin explained Caltrain's process to envision and implement sustainable governance. One of Caltrain's goals was increased connectivity with the rest of the public transportation system.

Council Member Filseth asked if San Mateo County would eventually cede some control of Caltrain.

Ms. Levin remarked that recognition of the need to change would spur change. State legislators were prepared to assist with regional changes.

**MOTION:** Council Member Kniss moved, seconded by Mayor Fine to send a letter requesting that the Santa Clara County Board of Supervisors support placing a Caltrain 1/8-cent sales tax measure on the November 2020 ballot, and to support future efforts to work with other jurisdictions on the governance issue.

Council Member Kniss agreed that new governance for Caltrain was needed and referencing governance in the letter would signal the City's hope that governance would be addressed.

Mayor Fine noted fares funded 70 percent of Caltrain's budget. The letter needed to focus on direct funding for Caltrain. Many of the governance concerns were inchoate.

Vice Mayor DuBois supported the Motion, a ballot measure and governance reforms. He requested clarification of "address governance issues within the timeframe remaining."

Mr. Shikada indicated the language meant governance should be addressed to the extent feasible within the time remaining.

Vice Mayor DuBois asked if that could be a longer-term plan for new governance.

Mr. Shikada answered yes. The letter did not take a position on the topic.

Vice Mayor DuBois believed the governance issues had to be fixed. The language was clear that the City of Palo Alto was not going to endorse a ballot measure until it had reviewed the details. If Caltrain service had to cease for a while, a restart plan needed to include new governance and funding sources.

Council Member Cormack clarified that the Council was weighing in, but the voters were going to decide if there was going to be a Sales Tax increase.



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Council Member Tanaka was curious whether grade separations could be constructed during the pandemic because Caltrain ridership was down and construction costs could be lower.

Mr. Kamhi indicated without this ballot measure or some other type of financial security, Caltrain was going to shut down service in the fall, and the shutdown was expected to continue for a few years. The City was not going to begin construction of grade separations in the next few years.

Council Member Kou commented that any type of Caltrain shutdown would be impactful. She looked forward to development of a tax measure.

**MOTION PASSED:** 7-0

## Council Member Questions, Comments and Announcements

Council Member Cormack noted three for-profit preschools received grants from the Small Business Recovery Grant Program. She expressed dismay that Council Members had not included nonprofits in the program.

Vice Mayor DuBois hoped the City could find funds to pay KZSU for its broadcast of Council meetings or support a Friends of KZSU. COVID-19 testing remained a problem.

Council Member Kou requested Staff provide a review of proposed State legislation and explore a drive-in movie for the community.

Mayor Fine reported Caltrain had paused business planning activities and launched an initiative for equity in payments and fares.

Adjournment: The meeting was adjourned at 12:41 A.M. in memory of former Council Member Grant Spaeth and in honor of civil-rights champion and U.S. Representative John Lewis.