



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

August 3, 2020

The Honorable City Council  
Attention: Finance Committee  
Palo Alto, California

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

Staff is requesting Council review and approve the attached Action Minutes.

#### **ATTACHMENTS:**

- Attachment A: 05-26-2020 DRAFT Action Minutes (PDF)
- Attachment B: 06-15-2020 DRAFT Action Minutes (PDF)
- Attachment C: 06-16-2020 DRAFT Action Minutes (PDF)
- Attachment D: 06-17-2020 DRAFT Action Minutes (PDF)
- Attachment E: 06-22-2020 DRAFT Action Minutes (PDF)
- Attachment F: 06-23-2020 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
May 26, 2020

The City Council of the City of Palo Alto met on this date via virtual teleconference at 1:03 P.M.

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

Absent:

## Action Items

1. City Manager's Fiscal Year 2021 Proposed Operating and Capital Budget and Municipal Fee Schedule Wrap-up, and Adoption of an Ordinance Amending Section 2.04.360 of the Palo Alto Municipal Code to Allow Council Members a Salary Waiver Option.

Council took a break at 3:57 P.M. and returned at 4:12 P.M.

**MOTION:** Council Member Kniss moved, seconded by Council Member Tanaka to keep the strategy to manage attrition in Police and Fire in short-term parking lot until the June 22, 2020 City Council Meeting.

**MOTION PASSED:** 7-0

**MOTION:** Vice Mayor DuBois moved, seconded by Mayor Fine to reduce the Transportation Management Association (TMA) Fund to \$453,000 and use the savings to assist city-wide COVID-19 business support efforts.

**AMENDMENT:** Council Member Cormack moved, seconded by Council Member XX for \$150,000 to be used to restore shuttle service and for the remainder (\$147,000) to assist with COVID-19 business support efforts.

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

**MOTION PASSED:** 7-0

Council took a break at 5:56 P.M. and returned at 6:30 P.M.

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**MOTION:** Council Member Kniss moved, seconded by Council Member Filseth to fund the City Council minutes transcription (\$35,000).

**MOTION PASSED:** 5-2 Fine, Tanaka no

**MOTION:** Council Member Kniss moved, seconded by Council Member Cormack to fund the cost of printing City Council materials (\$35,000).

**MOTION PASSED:** 6-1 Tanaka no

**MOTION:** Council Member Kou moved, seconded by Council Member Kniss to restore funding for Youth Community Service (YCS) Youth Connectedness Initiative (\$25,000).

**SUBSTITUTE MOTION:** Council Member Cormack moved, seconded by Council Member XX to revisit this later in the year, funding for Youth Community Service (YCS) Youth Connectedness Initiative (\$25,000).

**SUBSTITUTE MOTION WITHDRAWN BY THE MAKER**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "...for a total of \$50,000."

**MOTION AS AMENDED RESTATED:** Council Member Kou moved, seconded by Council Member Kniss to restore funding for YCS Youth Connectedness Initiative (\$25,000), for a total of \$50,000.

**MOTION AS AMENDED PASSED:** 7-0

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kniss to leave funding for KZSU (\$20,000) in the short-term parking lot until June 22, 2020.

**MOTION PASSED:** 7-0

**MOTION:** Council Member Cormack moved, seconded by Council Member Filseth to designate the remaining \$744,000 of the unallocated funds into a "COVID-19 Uncertainty Reserve Fund" to be revisited in September 2020 and again in December 2020, to be used in the following areas: Community Services, ongoing COVID-19 Response, Public Safety Operations, and Shuttle Systems.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "...or others as proposed by Staff."

**MOTION AS AMENDED RESTATED:** Council Member Cormack moved, seconded by Council Member Filseth to designate the remaining \$744,000 of the unallocated funds into a "COVID-19 Uncertainty Reserve" Fund to be revisited in September 2020 and again in December 2020, to be used in the following areas: Community Services, ongoing COVID-19 response, Public Safety operations, and Shuttle Systems, or others as proposed by Staff.

**MOTION AS AMENDED PASSED:** 6-1 Tanaka no

**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to allow the Transportation Management Association (TMA) to expand to California Avenue in the upcoming year.

**MOTION PASSED:** 7-0

Council took a break at 8:18 P.M. and returned at 8:30 P.M.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to direct Staff to return with a temporary suspension of 1 percent for Public Art, for two years, and reevaluate at the mid-year budget check-in.

**MOTION PASSED:** 4-3 Cormack, Fine, Kniss no

**MOTION:** Council Member Tanaka moved, seconded by Council Member XX to fund Palo Alto Schools for \$2.5 million.

**MOTION WITHDRAWN BY THE MAKER**

**MOTION:** Council Member Tanaka moved, seconded by Council Member XX to direct Staff to estimate the amount of market rent that would be collected for all the property owned by the City.

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

**MOTION:** Council Member Tanaka moved, seconded by Council Member XX to propose that computer equipment cycles are returned to 5-year cycles.

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## **MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION:** Council Member Tanaka moved, seconded by Council Member XX to keep the funding for 1.0 Police Lieutenant in the Police Department versus moving the position to the City Manager's Office.

## **MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION:** Council Member Tanaka moved, seconded by Council Member XX to reduce the number of recruiters in the Human Resources Department from 5 to 2.

## **MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION:** Council Member Tanaka moved, seconded by Council Member Kniss to direct Staff to explore changing delivery of services from a dominant fire-oriented model to a dominant medical-oriented model.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion to read, "...to explore changing emergency services delivery..."

**MOTION AS AMENDED RESTATED:** Council Member Tanaka moved, seconded by Council Member Kniss to direct Staff to explore changing emergency services delivery from a dominant fire-oriented model to a dominant medical-oriented model.

**MOTION AS AMENDED PASSED:** 7-0

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Filseth to direct the Finance Committee to evaluate the ability to fund the Roth Building renovations through the General Fund (not to exceed \$1 million) or impact fees, with the preference for impact fees.

**MOTION FAILED:** 2-5 Cormack, Filseth, Fine, Kniss, Tanaka no

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to direct Staff to return with a report or item on the Junior Museum and Zoo and what it would look like to eliminate the General Fund subsidy through a fully cost recoverable program.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "...six months after it reopens..."

**MOTION AS AMENDED RESTATED:** Vice Mayor DuBois moved, seconded by Council Member Kou to direct Staff to return with a report or item on the Junior Museum and Zoo, six months after it reopens, and what it would look like to eliminate the General Fund subsidy through a fully cost recoverable program.

**MOTION AS AMENDED PASSED:** 5-2 Kniss, Tanaka no

**MOTION:** Council Member Kou moved, seconded by Council Member XX to direct Staff to return with a discussion of price changes and increases for employee permits in all garages and lots in the California Avenue district to be consistent city wide.

## **MOTION WITHDRAWN BY THE MAKER**

**MOTION:** Council Member Cormack moved, seconded by Mayor Fine to adopt the Ordinance Amending Section 2.04.360 of the Palo Alto Municipal Code to Allow Council Members to provide a Salary Waiver Option.

**MOTION PASSED:** 7-0

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

- A. Direct Staff in regard to the City Manager's Fiscal Year 2021 Proposed Operating and Capital Budgets and Fiscal Years 2021 Municipal Fee Schedule including the following amendments detailed below, as amended via City Council motions, for Staff to return on June 22, 2020 with the final Fiscal Year 2021 budgets for City Council adoption:
  - i. Formal adoption of the City Manager's Fiscal Year 2021 Proposed Operating and Capital Budgets as amended by the actions outlined in Attachment A, Exhibit 1 and Exhibit 2 of CMR 11376;
  - ii. Formal adoption of the Fiscal Year 2021 Municipal Fee Schedule;

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- iii. Formal adoption of the Table of Organization (Pages 339 – 356 in the Fiscal Year 2021 Proposed Operating Budget) as amended by the above actions; and
- iv. Formal approval of the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan as revised through Attachment A, Exhibit 2 of CMR 11376.

**MOTION PASSED:** 6-1 Tanaka no

**ADJOURNMENT:** The meeting was adjourned at 10:10 P.M. honoring the men and women who gave their lives while serving in the U.S. military.



# CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting  
June 15, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:02 P.M.

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

Absent:

## Closed Session

- A. CONFERENCE WITH LABOR NEGOTIATORS  
**City Designated Representatives:** City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Monique LeConge Ziesenhenné, Nick Raisch, Kiely Nose, Gina Roccanova).  
**Employee Organizations:** Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union, (SEIU) Local 521; Service Employees International Union, (SEIU) Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA).  
**Authority:** Government Code Section 54957.6(a).

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:05 P.M.

Council returned from Closed Session at 6:33 P.M.

Mayor Fine announced no reportable action.

## Minutes Approval

1. Approval of Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

# DRAFT ACTION MINUTES

**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

**MOTION PASSED:** 7-0

## Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 2.

Council Member Tanaka registered a no vote on Agenda Item Numbers 3 and 4.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 2-5.

2. Approval of Contract Number C20176877 With Schaaf & Wheeler Consulting Civil Engineers in the Amount of \$789,918 for Design Services for the: 1) Corporation Way System Upgrades and Pump Station, 2) West Bayshore Road Pump Station, and 3) Trunk Line Improvement Projects; Capital Improvement Program Projects (SD-21000, SD-20000, and SD-23000).
3. Approval and Authorization for the City Manager or Designee to Execute the Following Three Utilities Public Benefits Program Contract Amendments: 1) Amendment Number 2 to Ecology Action of Santa Cruz (C15155144A), With no Increase in Compensation and Extending the Term for one Additional Year; 2) Amendment Number 2 to Enovity, Inc. (C15155144B), With no Increase in Compensation and Extending the Term for one Additional Year; and 3) Amendment Number 2 to BASE Energy, Inc. (C15155144C), With no Increase in Compensation and Extending the Term for one Additional Year.
4. Approval of Amendment Number 2 to Contract Number C17165394 With Genuine Parts Company, dba Napa Auto Parts, to Increase the Contract by \$781,013 to an Amount Not-to-Exceed \$3,777,087 and Extend the Term Through July 21, 2021.
5. Approval of Amendment Number 3 to Contract Number C18172676 With Dixon Resources to Extend the Term to June 2021 With no Additional Costs for the Downtown Parking Study.

**MOTION PASSED FOR AGENDA ITEM NUMBER 2:** 6-1 Kou no

**MOTION PASSED FOR AGENDA ITEM NUMBERS 3-4:** 6-1 Tanaka no

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## MOTION PASSED FOR AGENDA ITEM NUMBER 5: 7-0

**MOTION:** Council Member Kou moved, seconded by Vice Mayor DuBois to move Agenda Item Number 10 to follow City Manager's Comments.

**MOTION FAILED:** 2-5 Cormack, Filseth, Fine, Kniss, Tanaka no

### Action Items

6. PUBLIC HEARING: Resolution 9892 Entitled, "Resolution of the Council of the City of Palo Alto Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein."

Public Hearing opened at 7:29 P.M.

Public Hearing closed at 7:32 P.M.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to adopt the Resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

## MOTION PASSED: 7-0

7. Resolution 9893 Entitled, "Resolution of the Council of the City of Palo Alto Recommendation on the Proposed Fiscal Year (FY) 2020-2021 Community Development Block Grant (CDBG) Funding Allocation; Recommendation That the City Manager or Designee be Authorized to Execute Necessary Documents for the Fiscal Year 2020-2021 CDGB Application; and to Submit the 2020-2021 Action Plan and the 2020-2025 Consolidated Plan to the Department of Housing and Urban Development (HUD) by the Extended Deadline of August 16, 2020."

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;

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- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "Direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August." (New Part E)

**MOTION AS AMENDED RESTATED:** Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;
- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020; and
- E. Direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August.

**MOTION AS AMENDED PASSED:** 7-0

- 8. Resolution 9894 Entitled, "Resolution of the Council of the City of Palo Alto Updating the City's Transportation Analysis Methodology Under California Environmental Quality Act (CEQA) to Comply With California Senate Bill 743; and Adoption of a Local Transportation Impact Analysis Policy to Evaluate Level of Service (LOS) and Other Local Roadway Impacts."

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**MOTION:** Council Member Filseth moved, seconded by Council Member Kniss to:

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence; and
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "Direct Staff to return within 6-9 months with further review of LOS Standards." (New Part C)

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part B, "to rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then the project will be deemed to have significant local impact." (New Part B.a)

**MOTION AS AMENDED RESTATED:** Council Member Filseth moved, seconded by Council Member Kniss to:

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence;
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies;
  - i. Rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative

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than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then *the project will be deemed to have significant local impact.*"; and

- C. Direct Staff to return within 6-9 months with further review of LOS Standards.

## **MOTION AS AMENDED PASSED:** 6-1 Kou no

Council took a break at 9:06 P.M. and returned at 9:12 P.M.

- 9. Approval of two Lease Agreements Between Palo Alto Unified School District and the City of Palo Alto for: 1) Cubberley for 54 months, Not-to-Exceed Amount of \$2,733,280 per Year, and 2) Extended Day Care Sites for 24 months, Not-to-Exceed Amount of \$707,676 per Year.

**MOTION:** Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 54 months and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion to state, "...for Cubberley for 30 months..."

**MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 30 months, Not-to-Exceed amount of \$2,733,280 per Year and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

**SUBSTITUTE MOTION:** Council Member Tanaka moved, seconded by Council Member XX to direct Staff to have a more collaborative negotiation with the Palo Alto Unified School District (PAUSD).

## **SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND**

## **MOTION AS AMENDED PASSED:** 6-1 Tanaka no

- 10. Review and Provide Initial Input on Options for a Framework and Workplan to Address Systemic Racism.

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Council took a break at 11:24 P.M. and returned at 11:32 P.M.

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

- A. Direct the Human Relations Commission to lead the 8 Can't Wait Initiative and to produce a report on the black community's history in Palo Alto;
- B. Expand community engagement to include private and public forums;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Start a community-effort to paint "Black Lives Matter" or a similar message near City Hall;
- E. Direct the Public Art Commission to explore public art honoring diversity; and
- F. Direct Staff to evaluate which current police functions may be served by other public safety models.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part A, "and brown".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part A, "within 90 days" and to the Motion, Part B, "within 30 days".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion, Part A from 90 days to 60 days.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to combine Motion, Part D and Part E.

**MOTION AS AMENDED RESTATED:** Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

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- A. Direct the Human Relations Commission to lead the “8 Can’t Wait” campaign and to produce a report on the black and brown history and current community in Palo Alto, within 60 days;
- B. Expand community engagement to include private and public forums, within 30 days;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Direct the Public Art Commission to explore public art honoring diversity, and work with our community to paint “Black Lives Matter” or a similar message near City Hall, as soon as possible; and
- E. Direct Staff to evaluate which current police functions may be served by other public safety models.

**MOTION AS AMENDED PASSED: 7-0**

Adjournment: The meeting was adjourned at 1:11 A.M.



# CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting  
June 16, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:03 P.M.

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

Absent:

## Action Items

- A. Adoption of Amendments to the City of Palo Alto Tobacco Retailer Permit Ordinance (Palo Alto Municipal Code Chapter 4.64) to Further Restrict Electronic Cigarette Products and Flavored Tobacco Products (CONTINUED FROM JUNE 8, 2020).

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor DuBois to Direct Staff to create an Ordinance with the following:

- A. A complete ban on vaping;
- B. To exempt adult-only stores to sell flavored tobacco products including cigar pipe, chewing, and paper cigarettes; and
- C. To exempt the onsite use of flavored tobacco products for currently permitted businesses.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Motion, Part A to read, "...complete ban on the sale of vaping products".

**MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Vice Mayor DuBois to direct Staff to create an Ordinance with the following:

- A. A complete ban on the sale of vaping products;
- B. To exempt adult-only stores to sell flavored tobacco products including cigar, pipes, chewing, and paper cigarettes; and
- C. To exempt the onsite use of flavored tobacco products for currently permitted businesses.

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**SUBSTITUTE MOTION:** Council Member Tanaka moved, seconded by Council Member Cormack to adopt amendments to the City of Palo Alto Tobacco Retailer Permit Ordinance (Palo Alto Municipal Code Chapter 4.64) to further restrict electronic cigarette products and flavored tobacco products.

**SUBSTITUTE MOTION PASSED:** 4-3 DuBois, Fine, Kniss no

Council took a break at 6:35 P.M. and returned at 6:43 P.M.

1. Direct Staff to Continue With the 2020 Sustainability and Climate Action Plan (S/CAP) Update and Evaluate the 2020 S/CAP Potential Goals and Key Actions (CONTINUED FROM JUNE 8, 2020).

**MOTION:** Vice Mayor DuBois moved, seconded by Mayor Fine to direct Staff to continue with its work on the 2020 Sustainability and Climate Action Plan (S/CAP) Update and the evaluation of 2020 S/CAP Potential Major Goals and Key Actions related to greenhouse gas emissions reduction and direct Staff to look at a key indicator for biodiversity.

**MOTION PASSED:** 7-0

Council took a break at 8:33 P.M. and returned at 8:46 P.M.

2. Review of the Third Quarter Financial Report and Approval of Various Fiscal Year (FY) 2020 Budget Adjustments to Address Projected COVID-19 Impacts.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to amend the Fiscal Year 2020 Budget Appropriation for various funds and various capital projects.

**MOTION PASSED:** 6-1 Tanaka no

3. Discussion and Direction to Staff Regarding the: 1) Establishment of a Pension Funding Policy, 2) Approval of Contract Number C15159278 With Bartel Associates for a Six-year Term for Actuary Services in the Amount Not-to-Exceed of \$132,325, and 3) and Authorization to the City Manager to Execute a Contract Amendment Number 1 to Contract Number C15159278 to Increase Funding by \$97,675 for a Revised Total Not-to-Exceed \$230,000 for Additional Actuarial Consultant Work Related to Long-term Obligations for Pension and Retiree Health Liabilities (CONTINUED FROM JUNE 8, 2020).

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**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Approve the example pension funding policy as outlined in Attachment C of Staff Report Number 11407;
- B. Approve and authorize the City Manager or his designee to execute Contract Number C15159278 with Bartel Associates, dated September 1, 2015, for an amount not to exceed \$132,325 for OPEB and pension actuary and analysis services; and
- C. Approve and authorize the City Manager or his designee to execute Amendment No. 1 to Contract Number C15159278 with Bartel Associates to increase the funding by \$97,675 for a revised total amount Not-To-Exceed \$230,000 for additional actuarial consultant work related to long-term obligations for pension and retiree health liabilities.

**MOTION SPLIT FOR THE PURPOSE OF VOTING**

**MOTION PART A PASSED: 7-0**

**MOTION PART B AND C PASSED: 6-1 Tanaka no**

Adjournment: The meeting was adjourned at 11:12 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
June 17, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:34 P.M.

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

Absent:

## Closed Session

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Authority: Government Code Section 54956.8  
Property: Cubberley Conveyance Property and Leased Site,  
4000 Middlefield Road, Palo Alto, CA  
Assessor's Parcel Nos. 147-08-052 and 053  
Agency Negotiators: Ed Shikada, Kristen O'Kane, Molly Stump,  
Terence Howzell, Kiely Nose, David Ramberg, and Sunny Tong  
Negotiating Parties: City of Palo Alto and Palo Alto Unified School  
District.  
Under Negotiation: Lease Price and Terms of Payment.

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:52 P.M.

Council returned from Closed Session at 6:59 P.M.

Mayor Fine announced based on feedback from school officials, and in continued partnership with the district, we unanimously endorse returning to the City Council next week to place the 54-month lease agreement with PAUSD for approval on the consent calendar. The City Council is legally not able to approve this lease agreement in a closed session discussion. The City Council appreciates the districts cooperation and flexibility. Note that the childcare lease was approved on Monday 6/15.

Adjournment: The meeting was adjourned at 7:00 P.M.



# CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting  
June 22, 2020

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

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

Absent:

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS  
**City Designated Representatives:** City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Monique LeConge Ziesenhenné, Nick Raisch, Kiely Nose, Gina Roccanova)  
**Employee Organizations:** Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union, (SEIU) Local 521; Service Employees International Union, (SEIU) Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA)  
**Authority:** Government Code Section 54957.6(a).

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:05 P.M.

Council returned from Closed Session at 5:52 P.M.

Mayor Fine announced no reportable action.

## Study Session

2. 3300 El Camino Real (20PLN-00101): Request for Pre-screening of a Proposal to Rezone the Subject Property From Research Park (RP) to Planned Home Zoning (PHZ) and to Redevelop the Site With a Mixed-use Development That Includes Approximately 52,500 Square Feet (sf)

# DRAFT ACTION MINUTES

of Office; 4,400 sf of Ground Floor Retail, and 187 Residential Units. Environmental Assessment: Not a Project; any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA). Zoning District: RP.

## **NO ACTION TAKEN**

### Agenda Changes, Additions and Deletions

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to do a check-in at 10:30 P.M., and move Agenda Item Number 9 on June 23, 2020 Action Agenda to the June 23, 2020 Consent Calendar.

**MOTION PASSED:** 4-3 Cormack, Kniss, Tanaka no

**MOTION:** Council Member Kou moved, seconded by Vice Mayor DuBois to defer Agenda Item Numbers 6 and 8 on the June 23, 2020 Agenda to a date after the Council summer recess.

**MOTION PASSED:** 5-2 Cormack, Fine no

### Minutes Approval

3. Approval of Action Minutes for the June 8, 2020 City Council Meeting.

**MOTION:** Council Member Cormack moved, seconded by Council Member Kniss to approve the Action Minutes for the June 8, 2020 City Council Meeting.

**MOTION PASSED:** 7-0

### Consent Calendar

**MOTION:** Council Member Kou moved, seconded by Council Member XXX, third by Council Member XXX to pull Agenda Item Numbers 20, 25, and 27.

**MOTION FAILED DUE TO THE LACK OF A SECOND AND THIRD**

**MOTION:** Council Member Tanaka moved, seconded by Council Member XXX, third by Council Member XXX to pull Agenda Item Number 21.

**MOTION FAILED DUE TO THE LACK OF A SECOND AND THIRD**

Council Member Kou registered no votes on Agenda Item Numbers 9, 13, 20, 25, 27, and 29.

Council Member Tanaka registered no votes on Agenda Item Numbers 11, 24, 29, and 30A.

# DRAFT ACTION MINUTES

Vice Mayor DuBois registered a no vote on Agenda Item Number 12.

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to approve Agenda Item Numbers 4-30A.

1. Approval of a Contract Extension With AT&T, CALNET3 State Contract Number C15157655, Extending the Term Through December 31, 2021, for Telecommunications in an Amount Not-to-Exceed \$300,000 Annually.
2. Approval of Contract Number C20175305A With AECOM in the Amount of \$302,073 for Consultant Services to Develop a Sea Level Rise Vulnerability Assessment and Adaptation Plan.
3. Resolution 9895 Entitled, "Resolution of the Council of the City of Palo Alto and Approval of a Joint Powers Authority Agreement and Memorandum of Understanding to Join the California State Association of Counties Excess Insurance Authority (CSAC-EIA) for Dental/Vision Benefit Plan Claims Administration;" and Approval to pay up to \$130,000 Annually to PBIA for Claims Administration Services and to Transfer Funds to PBIA Not-to-Exceed \$710,000 for the 2020 Plan Year to pay Benefit Claims.
4. Adoption of the Fiscal Year 2021 Investment Policy.
5. Resolution 9896 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Amended and Restated Market Purchase Program Agreement With the Northern California Power Agency (NCPA), Authorizing the City Manager or Designee to Authorize NCPA to Purchase and Sell Electricity and Related Products Under the Agreement, and Approving Revisions to the City's Energy Risk Management Policy."
6. Resolution 9897 Entitled, "Resolution of the Council of the City of Palo Alto to Approve Amendment Number 2 to the Agreement With the State of California for Maintenance of State Highways in the City of Palo Alto for Capital Improvement Program Project Charleston/Arastradero Corridor Project, PE-13011, and Authorization of the City Manager or Designee to Execute the Amendment."
7. Approval of Eight On-call Consulting Contracts Totaling \$1.5 Million Over a Four-year Term to Provide Expertise for Long Range Planning Projects, Application Processing, and Environmental Review in the Department of Planning & Development Services, With all Work Subject to Assigned Task Order and Availability of Funds.

# DRAFT ACTION MINUTES

8. Approval of Three Five-year Professional Service Agreements for Electric Engineering Consulting Services on an As-needed Basis With: 1) AECOM Technical Services, Inc, 2) NV5, Inc, and 3) Soudi Consultants, Inc, for an Annual Collective Total Not-to-Exceed Amount of \$1,000,000 per Year, and a Five-year Collective Total Not-to-Exceed Amount of \$5,000,000, With all Work Subject to Assigned Task Orders and Availability of Funds.
9. Approval and Authorization for the City Manager to Execute Electric Enterprise Fund Contract Number C20177717 With Wire Wrangler, LLC, dba TW Power Line Construction, in an Amount of \$1,906,408 for the Caltrain Facility Relocation Project (EL-17007) and Wood Pole Replacement Project (EL-19004); and Authorization to Negotiate and Execute Related Change Orders in the Amount of \$190,641 for a Total Not-to-Exceed Amount of \$2,097,049.
10. Approval of six Contracts for On-call Inspection and Plan Review Services in a Combined Amount Not-to-Exceed \$6,000,000 Over a Four-year and Six-month Term Ending December 31, 2024 With: 1) 4Leaf, Inc, 2) TRB+Associates, 3) SAFEbuilt, 4) Shums Coda Associates, 5) Bureau Veritas, and 6) Independent Code Consultants, Inc.
11. Resolution 9898 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Apply to the State of California Housing and Community Development Department for the Local Early Action Planning (LEAP) Grant for Housing Production Grant Program;" Environmental Assessment: Exempt Under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).
12. Resolution 9899 Entitled, "Resolution of the Council of the City of Palo Alto Adopting the 2019 San Francisco Bay Area Integrated Regional Water Management Plan."
13. Approval and Authorization for the City Manager or Designee to Execute Amendment Number 3 to the Memorandum of Understanding (Contract Number S17167654) With the Santa Clara Valley Water District (dba Valley Water) to Increase Funding by \$50,000 and Extend the Contract Term for an Additional two Years, for a Revised Total Not-to-Exceed Amount of \$305,000 Over the Five and One-half Year Term to Provide Continued Funding and Support Making Water Conservation a way of Life Through Water use Efficiency Services, Rebates, and Incentive Programs.
14. Approval and Authorization for the City Manager or Designee to Execute Contract Number C20171908 With Sedaru in a Total Not-to-Exceed

# DRAFT ACTION MINUTES

Amount of \$205,952 to Provide Professional Services for Wastewater Collection System Management Software and Implementation, Including \$201,452 for Basic Services and up to \$4,500 for Additional Services.

15. Resolution 9900 Entitled, "Resolution of the Council of the City of Palo Alto Setting the Appropriations Limit (GANN Limit) for Fiscal Year 2021."
16. Approval of Amendment Number 1 to Contract Number C19175498 With Integrated Design 360 for Development and Support of Sustainability Implementation Plan, Green Building Program, Deconstruction and Source Separation Program, Dewatering Monitoring Program, and Utilities On-call Services for a Term Extension of One-year and Increasing Compensation for Ongoing and Approved Work by \$354,230 for a Total Not-to-Exceed Amount of \$930,230.
17. Approval of a Contract With O'Grady Paving, Inc., in an Amount Not-to-Exceed \$2,954,031 for the FY 2020 Streets Resurfacing Project, Capital Improvements Program Projects PE-86070, PE-09003, PO-12001, and PL-12000.
18. Resolution 9901 Entitled, "Resolution of the Council of the City of Palo Alto Calling a General Municipal Election for Tuesday, November 3, 2020, for Four Council Member Seats."
19. Approval of Contract Number C21178189 With A. Teichert & Son Inc, dba Teichert Construction, in the Amount of \$13,873,053; Amendment Number 8 With C&S Engineers, Inc., Contract Number C15155208A, for the Airport Apron Reconstruction Phase III Capital Improvements Program Project AP-16000; and Approval of a Budget Amendment in Fiscal Year 2021 in the Airport Enterprise Fund.
20. Approval of Seven Five-year Contracts for On-call, as Needed, IT Project Support Services for an Annual Collective Total Not-to-Exceed Amount of \$480,000; and a Five-year Collective Total Not-to-Exceed Amount of \$2,400,000; and Approval of six On-call, as Needed, SAP Project Support Services, for an Annual Collective Total Not-to-Exceed Amount of \$350,000 per Year, and a Five-year Collective Total Not-to-Exceed Amount of \$1,750,000, With all Work Subject to Assigned Task Orders and Availability of Funds.
21. Approval of an Agreement Between the City of Palo Alto and the Midpeninsula Community Media Center, Inc, for Cablecasting, Production, and Streaming Services From July 1, 2020 Through June 30, 2023, for an Annual Amount of \$160,000, With two One-year Options

# DRAFT ACTION MINUTES

to Extend for a Potential Five-year Total Not-to-Exceed Amount of \$800,000.

22. QUASI-JUDICIAL. 1700-1730 Embarcadero Road [20APL-00002 and 19PLN-00291]: Appeal of Director's Approval of a Major Architectural Review to Address the Following Outstanding Issues for a Previously Approved Auto Dealership Project: Color, Landscaping, Parapets, Lighting, Transportation Demand Management Plan, County Airport Land Use Commission Review; and Floor Area Ratio. Environmental Assessment: Addendum to an Initial Study/Mitigated Negative Declaration That was Adopted for the Project on June 24, 2019, Zoning District: CS(D)(AD).
23. Approval of Three Library Contracts With: 1) Baker & Taylor for up to Six-years for a Total Amount Not-to-Exceed \$2 Million for the Purchase of Library Materials and Services, 2) Ingram for up to Six-years for a Total Amount Not-to-Exceed \$200,000 for Print Materials and Services, and 3) Midwest Tape for up to Six-years for a Total Amount Not-to-Exceed \$700,000 for Media and Digital Materials and Services.
24. Approval of Amendment Number 1 to Contract Number C18170224 With Global Action for the Earth (the Empowerment Institute) for \$45,000 for an Extension of the Community Engagement Block Program (Cool Block) and a new Electrification Initiative With the Cool Blocks and Extension of the Term to December 2021.
25. Adoption of a Record of Land Use Action (ROLUA) Approving a Change to the Local Historic Resources Inventory Classification for 235 Hamilton Avenue (Cardinal Hotel) From a Category 3 (Contributing Building) to a Category 2 (Major Building) Historic Resource. The Historic Resources Board Recommends Adoption of the ROLUA. Approval of This Historic Designation is Exempt From the California Environmental Quality Act (CEQA) in Accordance With Section 15301 of the CEQA Guidelines.
26. Adoption of an Ordinance to Reduce the Number of Human Relations Commission and Public Art Commission Members From Seven to Five.
27. Ordinance 5498 Entitled, Ordinance of the Council of the City of Palo Alto Dissolving the Library Advisory Commission by Amending Sections in Chapters 2.08 (Officers and Departments), 2.16 (Boards and Commissions Generally), and 2.24 (Library Advisory Commission) (FIRST READING: June 8, 2020 PASSED 7-0)."

# DRAFT ACTION MINUTES

30A. Adoption of a Revised Compensation Plan for Management and Professional Employees, Updated Salary Schedules and Side Letters with Public Safety Unions.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 4-8, 10, 14-19, 21-23, 26, 28, 30: 7-0**

**MOTION PASSED FOR AGENDA ITEM NUMBER 9: 6-1 Kou no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 11: 6-1 Tanaka no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 12: 6-1 DuBois no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 13: 6-1 Kou no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 20: 6-1 Kou no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 24: 6-1 Tanaka no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 25: 6-1 Kou no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 27: 6-1 Kou no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 29: 5-2 Kou, Tanaka no**

**MOTION PASSED FOR AGENDA ITEM NUMBER 30A: 6-1 Tanaka no**

Council took a break at 9:44 P.M. and returned at 10:00 P.M.

## Action Items

31. PUBLIC HEARING: Adoption of the Budget Ordinance 5499 Entitled, "Ordinance of the Council of the City of Palo Alto for Fiscal Year 2021, Including Adoption of Operating and Capital Budgets and Municipal Fee Schedule;" Adoption of an Ordinance 5501 Entitled "Ordinance of the Council of the City of Palo Alto Amending Section 2.04.360 of the Palo Alto Municipal Code to Allow Council Members a Salary Waiver Option; and Review and Accept the June 30, 2019 Actuarial Valuation of the Palo Alto's Retiree Healthcare Plan and Funding Strategy."

32. PUBLIC HEARING: Adoption of the Following Five Resolutions: 1) Resolution 9902 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Fiscal Year (FY) 2021 Electric Utility Financial Plan, Including Proposed Reserve Transfers, and Amending the Electric Utility Reserve Management Practices," 2) Resolution 9903 Entitled, "Resolution of the Council of the City of Palo Alto Approving the FY 2021

# DRAFT ACTION MINUTES

Gas Utility Financial Plan, Including Proposed Transfers, Amending the Gas Utility Reserve Management Practices, and Adopting a Gas Rate Increase by Amending Utility Rate Schedules G-1, G-2, G-3 and G-10," 3) Resolution 9904 Entitled, "Resolution of the Council of the City of Palo Alto Approving the FY 2021 Water Utility Financial Plan and Amending the Water Utility Reserve Management Practices," 4) Resolution 9905 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 Increasing the Storm Water Management Fee by 2.5 Percent per Month per Equivalent Residential Unit for FY 2021," and 5) Resolution 9906 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedules EDF-1 and EDF-2 to Increase Dark Fiber Rates 2.5 Percent."

## AGENDA ITEMS NUMBERS 31 AND 32 WERE HEARD TOGETHER

Public Hearing opened at 10:30 P.M.

Public Hearing closed at 11:04 P.M.

**MOTION:** Council Member Kniss moved, seconded by Council Member Filseth to move Agenda Item Number 33 to the June 23, 2020 Action Agenda.

**MOTION PASSED:** 5-2 Cormack, Fine no

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor DuBois to fund KZSU at \$20,000 for Fiscal Year 2021.

**MOTION FAILED:** 3-4 Cormack, Filseth, Fine, Tanaka no

**MOTION:** Council Member Cormack moved, seconded by Council Member Filseth to:

- A. Adopt the Fiscal Year 2021 Budget Ordinance, which includes:
  - i. City Manager's Fiscal Year 2021 Proposed Operating and Capital Budgets, previously distributed at the April 20th City Council Meeting;
  - ii. Amendments to the City Manager's Fiscal Year 2021 Proposed Operating Budget;
  - iii. Amendments to the City Manager's Fiscal Year 2021 Proposed Capital Budget;
  - iv. Allocated Charge Amendments to the City Manager's Fiscal Year 2021 Proposed Operating and Capital Budgets;

# DRAFT ACTION MINUTES

- v. Fiscal Year 2021 City Table of Organization; and
- vi. Fiscal Year 2021 Municipal Fee Changes;
- B. Adopt the Ordinance Amending Section 2.04.360 of the Palo Alto Municipal Code to Allow Council Members a Salary Waiver Option;
- C. Accept the Fiscal Year 2021 – 2025 Capital Improvement Plan;
- D. As recommended by the Finance Committee at the May 5, 2020 meeting (CMR 11284), accept the June 30, 2019 biennial actuarial valuation of Palo Alto’s Retiree Healthcare Plan and approve full funding of the Actuarial Determined Calculation (ADC) for Fiscal Year 2021 and Fiscal Year 2022 using a 6.25% Discount Rate for the calculation; and
- E. Approve and adopt Resolutions of the City Council of the City of Palo Alto:
  - i. Approving the Fiscal Year 2021 Electric Utility Financial Plan, including reserve transfers, and amending the Electric Utility Reserve Management Practices;
  - ii. Approving the Fiscal Year 2021 Gas Utility Financial Plan, including reserve transfers, amending the Gas Utility Reserve Management Practices, and adopting a Gas Rate Increase by Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;
  - iii. Approving the Fiscal Year 2021 Water Utility Financial Plan, including reserve transfers, and amending the water Utility Reserve Management Practices; and
  - iv. Amending Utility Rate Schedule D-1 increasing the Storm Water Management Fee by 2.5 percent per month per Equivalent Residential Unit for Fiscal Year 2021; and
  - v. Amending Utility Rate Schedules EDF-1 and EDF-2 to increase Dark Fiber Rates 2.5 percent.

## **MOTION SPLIT FOR THE PURPOSE OF VOTING**

**MOTION PART A PASSED:** 5-2 Kou, Tanaka no

**MOTION PART B PASSED:** 7-0

**MOTION PART C PASSED:** 5-2 Kou, Tanaka no

# DRAFT ACTION MINUTES

**MOTION PART D PASSED:** 7-0

**MOTION PART E PASSED:** 6-1 Tanaka no

Vice Mayor DuBois left the meeting at 12:07 A.M.

~~33. PUBLIC HEARING / QUASI JUDICIAL. 488 University Avenue [19PLN-00038]: Request for a Waiver From Title 18 to Allow Conversion of a Residential use to a Hotel use to Accommodate 100 Guestrooms. In Addition, the Applicant Requests Approval of an Architectural Review and Historic Review Application for Interior and Exterior Renovations to the Hotel President to This Category 2 Historic Building, as Well as a Parking Adjustment to Accommodate the Conversion to a Hotel use. The Project Also Includes a Conditional Use Permit to Allow for Restoration and use of a Historic Rooftop Garden and for the On-site Sale of Alcoholic Beverages. Proposed Revisions Include Structural and Seismic Retrofit of the Existing Structure. Zone District: Downtown Commercial District With Ground Floor and Pedestrian Overlays (CD-C)(GF)(P). Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) Pursuant to Guidelines Sections 15332 (In-fill Development), 15331 (Historical Resource Restoration/Rehabilitation), 15301 (Existing Facilities), and 15302 (Replacement or Reconstruction). (THIS ITEM IS CONTINUED TO JUNE 23, 2020).~~

34. Approval of Special Amendments to the Employment Agreements between the City of Palo Alto and Council Appointed Officers Specifically the City Attorney and the City Manager.

**MOTION:** Council Member Kniss moved, seconded by Council Member Filseth to approve and authorize the Mayor to execute the following contract amendments for Council Appointed Officers:

- A. Amendment Number Eight to employment agreement between the City of Palo Alto and Molly S. Stump; and
- B. Amendment Number Two to employment agreement between the City of Palo Alto and Ed Shikada.

**MOTION PASSED:** 5-1 Tanaka no, DuBois absent

Adjournment: The meeting was adjourned at 12:33 A.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
June 23, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:02 P.M.

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

Absent:

## Special Orders of the Day

1. Appointment of two Candidates to the Utilities Advisory Commission for Three-year Terms Ending May 31, 2023.

First Round of voting for two positions on the Utilities Advisory Commission for Three-year Terms Ending May 31, 2023.

Voting For: Claude Ezran

Voting For: Lisa Forssell      Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Voting For: Phil Metz

Voting For: Lauren Segal      Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Mayor Fine announced that Lisa Forssell with 7 votes, and Lauren Segal with 7 votes were appointed to the Utilities Advisory Commission.

## Consent Calendar

**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to approve Agenda Item Numbers 2-4A.

2. Authorize the City Manager to Place "Black Lives Matter" on a City Street Near Palo Alto City Hall.
3. Approval of a Lease Agreement Between Palo Alto Unified School District (PAUSD) and the City of Palo Alto for the Cubberley Community Center for 54 Months, Not-to-Exceed \$2,733,280 per Year.

# FINAL ACTION MINUTES

4. Adoption of a Resolution 9907 Entitled, "Resolution of the Council of the City of Palo Alto Continuing the Proclamation of Local Emergency due to COVID-19."
- 4A. (FORMER AGENDA ITEM NUMBER 9). Approval of Amendment Number 2 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation, PL-17001, Effort and to Increase Compensation by \$309,872 for a Total Not-to-Exceed Amount of \$2,794,658; and Approval of an Updated Rail Workplan (THIS ITEM WAS MOVED TO CONSENT BY A MOTION OF THE COUNCIL ON JUNE 22, 2020).

**MOTION PASSED:** 7-0

## Action Items

- 4B. PUBLIC HEARING / QUASI-JUDICIAL. 488 University Avenue [19PLN00038]: Request for a Waiver From Title 18 to Allow Conversion of a Residential use to a Hotel use to Accommodate 100 Guestrooms. In Addition, the Applicant Requests Approval of an Architectural Review and Historic Review Application for Interior and Exterior Renovations to the Hotel President to This Category 2 Historic Building, as Well as a Parking Adjustment to Accommodate the Conversion to a Hotel use. The Project Also Includes a Conditional Use Permit to Allow for Restoration and use of a Historic Rooftop Garden and for the On-site Sale of Alcoholic Beverages. Proposed Revisions Include Structural and Seismic Retrofit of the Existing Structure. Zone District: Downtown Commercial District With Ground Floor and Pedestrian Overlays (CDC)(GF)(P). Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) Pursuant to Guidelines Sections 15332 (In-fill Development), 15331 (Historical Resource Restoration/Rehabilitation), 15301 (Existing Facilities), and 15302 (Replacement or Reconstruction)(THIS ITEM WAS CONTINUED FROM JUNE 22, 2020).

Public Hearing opened at 6:26 P.M.

Public Hearing closed at 6:43 P.M.

Council took a break at 6:43 P.M. and returned at 6:59 P.M.

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to:

- A. Grant a waiver to allow conversion of a downtown residential use to a hotel use;

# FINAL ACTION MINUTES

- B. Approve the requested architectural review, historic review, parking adjustment, and conditional use permit applications, and the associated environmental exemption findings;
- C. Direct Staff to update in-lieu parking requirements and fees prior to issuance of a building permit;
- D. Remove condition 58;
- E. Add a condition to prevent office conversion; and
- F. Expand the condition to prevent amplified sound on the roof deck.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part E, "and provide a waiver for all residential uses."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to combine Motion, Parts A and E, to read, "Direct Staff to update findings and impose conditions as appropriate, granting a waiver to allow the conversion from rental housing to a hotel use or residential use, and prohibiting the conversion into non-hotel commercial uses, including offices;"

**MOTION AS AMENDED RESTATED:** Mayor Fine moved, seconded by Council Member Kniss to:

- A. Direct Staff to update findings and impose conditions as appropriate, granting a waiver to allow the conversion from rental housing to a hotel use or residential use, and prohibiting the conversion into non-hotel commercial uses, including offices;
- B. Approve the requested architectural review, historic review, parking adjustment, and conditional use permit applications, and the associated environmental exemption findings;
- C. Direct Staff to update in-lieu parking requirements and fees prior to issuance of a building permit;
- D. Remove condition 58; and
- E. Expand the condition to prevent amplified sound on the roof deck.

**MOTION AS AMENDED PASSED:** 6-1 Kou no

# FINAL ACTION MINUTES

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to direct the City Attorney to prepare a public memo explaining the legal rules that applied to the Council's consideration and decision on the President Hotel, and publish it on the City's website.

**MOTION PASSED:** 6-1 Kou no

Council took a break at 8:56 P.M. and returned at 9:07 P.M.

5. PUBLIC HEARING: Adoption of a Resolution 9908 Entitled, "Resolution of the Council of the City of Palo Alto to Suspend Assessments for Fiscal Year 2021 on the Downtown Palo Alto Business Improvement District."

Public Hearing opened at 9:08 P.M.

Public Hearing closed at 9:10 P.M.

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor DuBois to adopt a Resolution temporarily suspending the levy of assessments in Fiscal Year 2021 in connection with the Downtown Palo Alto Business Improvement District (BID).

**MOTION PASSED:** 5-2 Filseth, Kou no

6. ~~Discuss the Parks and Recreation Commission's Pilot Program to Increase Access to Foothills Park for Nonresidents and Provide 3 June 23, 2020 Direction to Staff (THIS ITEM WAS CONTINUED BY COUNCIL ON JUNE 22, 2020 TO A DATE IN AUGUST)~~

7. Urgency Interim Ordinance 5500 Entitled, "Urgency Interim Ordinance of the City of Palo Alto Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property; Relaxing Regulations Regarding: 1) Onsite Parking, 2) On-sale and Consumption of Alcohol, 3) Design/Architectural Review, and 4) Permit Fees to Facilitate Such Outdoor use"; and Adoption of a Resolution 9909 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing Temporary Street Closures of California Avenue, University Avenue and Adjacent Downtown Blocks; and Approving a Temporary Pilot Parklet Program Including Standards and Requirements."

**MOTION:** Council Member Kniss moved, seconded by Council Member Cormack to:

- A. Adopt an Interim Urgency Ordinance Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-sale

# FINAL ACTION MINUTES

and Consumption of Alcohol, Design/Architectural Review, and Permit Fees, All to Facilitate Such Outdoor Use During the COVID-19 State of Emergency, With the Ordinance to Take Effect Immediately Upon Adoption; and

- B. Adopt a Resolution Temporarily Closing Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101 and Approving a Pilot Parklet Demonstration Program Including Parklet Design Requirements, All to Facilitate Outdoor Dining and Retail.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion, Part B, "...and to encourage Staff to accommodate low-cost parklet options."

**MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Council Member Cormack to:

- A. Adopt an Interim Urgency Ordinance Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-Sale and Consumption of Alcohol, Design/Architectural Review, and Permit Fees, All to Facilitate Such Outdoor Use During the COVID-19 State of Emergency, With the Ordinance to Take Effect Immediately Upon Adoption; and
- B. Adopt a Resolution Temporarily Closing Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101 and Approving a Pilot Parklet Demonstration Program Including Parklet Design Requirements, All to Facilitate Outdoor Dining and Retail; and to encourage Staff to accommodate low-cost parklet options.

**MOTION AS AMENDED PASSED:** 7-0

- 8. ~~Discussion and Direction to Staff on Housing Affordability Requirements for Projects Proposed Under the Planned Home Zoning (PHZ) (Planned Community Zoning) (THIS ITEM WAS CONTINUED BY COUNCIL ON JUNE 22, 2020 TO A DATE IN AUGUST)~~
- 9. ~~Approval of Amendment Number 2 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation, PL-17001, Effort and to Increase Compensation by \$309,872 for a Total Not to Exceed Amount of~~

# FINAL ACTION MINUTES

~~\$2,794,658; and Approval of an Updated Rail Workplan (THIS ITEM HAS BEEN MOVED TO CONSENT)~~

Adjournment: The meeting was adjourned at 11:43 P.M.