



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

October 19, 2020

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

Approval of Action Minutes for the September 28 and October 5, 2020 City Council Meeting

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

ATTACHMENTS:

- Attachment A: 09-28-20 DRAFT Action Minutes (PDF)
- Attachment B: 10-05-20 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
September 28, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:04 P.M.

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

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
Subject: Threatened Litigation by San Jose/Silicon Valley NAACP et al Regarding Non-resident Access to Foothills Preserve
Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) and (e)(5)
One Potential Case, as Defendant.

Molly Stump, City Attorney, announced the title for Agenda Item Number 1 should read: "CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION Subject: Gasque v. City of Palo Alto, Santa Clara County Superior Court, Case No. 20CV370681 Authority: Government Code Section 54956.9(d)(1)".

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 5:06 P.M.

Council returned from Closed Session at 7:24 P.M.

Mayor Fine announced that Council will return to the Closed Session at the end of the meeting.

Study Session

2. Update on City of Palo Alto's Race and Equity Work and Discussion of Next Steps.

NO ACTION TAKEN

DRAFT ACTION MINUTES

Minutes Approval

3. Approval of Action Minutes for the September 14, 2020 City Council Meeting.

MOTION: Mayor Fine, seconded by Council Member Cormack to approve the Action Minutes for the September 14, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 6.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to approve Agenda Item Numbers 4-9.

4. Approval of Contract Number C21177400 With BKF Engineers for a Maximum Not-to-Exceed Amount of \$329,689 for Design and Construction Support Services Related to Churchill Avenue and Alma Street Railroad Crossing Safety Improvements, Capital Improvement Project (PL-20000).
5. Resolution 9916 entitled "Resolution of the Council of the City of Palo Alto Approving and Attesting to the Veracity of the City's 2019 Annual Power Source Disclosure and Power Content Label Reports".
6. Approval of Amendment Number 2 to Contract Number S20178094 With Management Partners, Inc., to Extend the Term Through March 31, 2021 and Increase Compensation by \$85,000 for Procurement Advising Services for a new Not-to-Exceed Amount of \$170,000.
7. Designation of the Voting Delegate for the League of California Cities Annual 2020 Conference, to be Held Virtually October 7-9, 2020; and Approval of Staff's Recommendation to abstain on the League Resolution.
8. Authorization to Amend the Existing Agreement for Litigation Defense Services With the Law Firm of Jarvis Fay & Gibson (Contract S17168652) to Increase the Contract Amount by an Additional \$15,000 for a Total Not-to-Exceed Amount of \$130,000.
9. Interim Ordinance 5505 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapters 18.28 (Special Purpose PF, OS and AC Districts) and 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Adopt Temporary

DRAFT ACTION MINUTES

Regulations Relating to Safe Parking in PF Districts" (FIRST READING: September 14, 2020 PASSED 7-0).

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

MOTION PASSED FOR AGENDA ITEM NUMBERS 4-5, 8-9: 7-0

Council took a break at 9:01 P.M. and returned at 9:08 P.M.

Action Items

10. Status Report and Direction Regarding Continued Participation in the San Mateo County Tourism Business Improvement District (TBID) or Adoption of Resolution 9917 to Withdraw Participation entitled, "Resolution of the Council of the City of Palo Alto to Withdraw the City of Palo Alto from the Boundaries of the San Mateo County Tourism Business Improvement District".

MOTION: Council Member Tanaka moved, seconded by Council Member Filseth to Adopt the Resolution and direct Staff to transmit the Resolution to the City of Burlingame with a request to take all steps necessary to implement withdrawal from the San Mateo County Tourism Business Improvement District effective January 2021; and to Authorize the City Manager to negotiate and pay necessary and reasonable administrative costs of the City of Burlingame to effectuate the request.

MOTION PASSED: 7-0

11. Approval of a Contract With Baker Tilly US, LLP for Internal Auditor Services in an Amount Not-to-Exceed \$1,300,000 for a Term Commencing October 1, 2020 through June 30, 2022, Including Approval of Four Initial Task Orders; Resolution 9918 entitled, "Resolution of the City Council of the City of Palo Alto Appointing Kyle O'Rourke, Senior Consulting Manager with Baker Tilly US, LLP, as the Palo Alto City Auditor"; and Amendment of the Table of Organization to Eliminate 4.0 Positions in Various Funds.

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

- A. Approve and authorize the Mayor or his/her designee to execute the attached professional services contract with Baker Tilly US, LLP for internal auditing services in an amount not to exceed \$1,300,000 for a term commencing October 1, 2020 through June 30, 2022, including approval of four initial task orders detailing initial work commencing on October 1, 2020;

DRAFT ACTION MINUTES

- B. Adopt a resolution appointing Kyle O'Rourke of Baker Tilly US, LLP, Certified Internal Auditor (CIA), as Palo Alto's City Auditor; and
- C. Amend the Table of Organization to Eliminate 4.0 positions, 1.0 City Auditor position in the General Fund, and 3.0 Senior Performance Auditor positions (2.0 from the General Fund and 1.0 from the Utilities' Enterprise Funds).

MOTION PASSED: 7-0

Closed Session

- 1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION; Subject: Threatened Litigation by San Jose/Silicon Valley NAACP et al Regarding Non-resident Access to Foothills Preserve; Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) and (e)(5); One Potential Case, as Defendant.)

Council returned to the Closed Session at 10:22 P.M.

Adjournment: The meeting was adjourned from the Closed Session at 11:36 P.M.



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
October 05, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:04 P.M.

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

Absent:

Study Session

1. 2951 El Camino Real [20PLN-00158]: Pre-screening of a Proposal to Rezone the Subject Property From CS (Service Commercial) and R-1 (Single-Family Residential) to Planned Home Zoning (PHZ) and Redevelop the Site With a Mixed-use Development That Includes Approximately 119 new Residential Units, 5,000 Square Feet of Office Space, and 1,000 Square Feet of Retail Space. Environmental Assessment: not a Project and any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA). Zoning District: CS (Service Commercial) and R-1 (Single-Family).

NO ACTION TAKEN

Minutes Approval

2. Approval of Action Minutes for the September 21, 2020 City Council Meeting.

MOTION: Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the September 21, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

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

Council Member Kniss, Mayor Fine, and Council Member Tanaka registered a no vote on Agenda Item Number 7.

MOTION: Vice Mayor DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 3-7.

DRAFT ACTION MINUTES

3. Resolution 9919 entitled, "Resolution of the Council of the City of Palo Alto Approving and Authorizing the City Manager to Execute the Professional Services Agreement Between the Northern California Power Agency (NCPA) and the Cities of Palo Alto and Santa Clara for Electric Transmission, Generation and Regulatory Consulting Services, on Behalf of the City of Palo Alto", in an Amount Not-to-Exceed \$821,875 Through October 31, 2025.
4. Approval of Fiscal Year 2020 Reappropriation Requests to be Carried Forward Into Fiscal Year 2021 and Budget Amendments in Various Funds.
5. Review and Approval of the 2020 Annual Williamson Act Contract Renewals Within Palo Alto City Limits.
6. Approval of Amendment Number 1 to Contract Number C20176363 With Magellan Advisors, LLC for an Integrated Fiber Expansion Approach and Acceleration of the Fiber-to-the-Premises (FTTP) Business Case, and to Increase Compensation by \$285,065 for a Total Not-to-Exceed Amount of \$497,576.
7. Ordinance 5506 entitled, "Ordinance of the Council of the City of Palo Alto Amending Section 18.18.090 (Parking and Loading) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Temporarily Extend Ineligibility of Certain Uses to Participate in the University Avenue In-lieu Parking Program." (FIRST READING: May 11, 2020 PASSED: 4-3).

MOTION PASSED FOR AGENDA ITEMS 3, 5-6: 7-0

MOTION PASSED FOR AGENDA ITEM 4: 6-1 Kou no

MOTION PASSED FOR AGENDA ITEM 7: 4-3 Kniss, Fine, Tanaka no

Council took a break from 7:15 P.M. and returned at 7:30 P.M.

Action Items

8. PUBLIC HEARING/LEGISLATIVE: Adoption of Several Ordinances Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units Amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning); Amendments Include Repealing Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) and Adding a new Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units); and Updating Chapters 18.04 (Definitions), 16.58

DRAFT ACTION MINUTES

(Development Impact Fees), 16.04 (California Building Code), 16.06 (California Residential Code), and 16.14 (California Green Building Standards Code). Environmental Assessment: Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15282(h), 15301, 15302 and 15305 (CONTINUED FROM AUGUST 17, 2020).

Public Hearing opened at 8:05 P.M.

Public Hearing closed at 8:39 P.M.

Council took a break at 9:40 P.M. and returned at 9:48 P.M.

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

- A. Adopt the Ordinances amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning) to amend regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); and
- B. Direct the Planning and Transportation Commission (PTC) to look at deed restricted affordable ADU's.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Direct Staff to continue working with the community, including the ADU Task Force, during the PTC process." (New Part C)

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

- A. Adopt the Ordinances amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning) to amend regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs);
- B. Direct the Planning and Transportation Commission (PTC) to look at deed restricted affordable ADU's; and
- C. Direct Staff to continue working with the community, including the ADU Task Force, during the PTC process.

MOTION AS AMENDED PASSED: 7-0

DRAFT ACTION MINUTES

9. Approval of an Extension of the Pilot Phase of the Old Palo Alto Residential Preferential Parking Program (RPP) for a Period of Twelve Months (CONTINUED FROM SEPTEMBER 14, 2020).

MOTION: Council Member Kou moved, seconded by Vice Mayor DuBois to direct Staff to return to Council with a Resolution to establish the Old Palo Alto Residential Preferential Parking (RPP) Program as an ongoing RPP District.

SUBSTITUTE MOTION: Council Member Cormack moved, seconded by Mayor Fine to extend the pilot phase of the Old Palo Alto Residential Preferential Parking (RPP) Program for twelve months ending on October 31, 2021.

SUBSTITUTE MOTION FAILED: 3-4 DuBois, Filseth, Kou, Tanaka no

MOTION RESTATED: Council Member Kou moved, seconded by Vice Mayor DuBois to direct Staff to return to Council with a Resolution to establish the Old Palo Alto Residential Preferential Parking (RPP) Program as an ongoing RPP District.

MOTION PASSED: 6-1 Fine no

10. Review and Discussion of the City of Palo Alto's Public Art Program, and Direct Staff to Either Amend the Municipal Code to Temporarily Suspend the One Percent for Public Art in Municipal Projects and/or Private Development Projects for two Years, or Provide Other Direction to Staff.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to not suspend the one percent for public art in municipal projects and/or private development projects for two years.

MOTION PASSED: 7-0

Adjournment: The meeting was adjourned at 11:37 P.M.