



CITY COUNCIL SUMMARY MINUTES

Special Meeting
January 19, 2021

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

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

Closed Session

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Authority: Government Code Section 54956.8
Property: 445 Bryant Street, Assessor's Parcel Number 120-15-107
Negotiating Party: Tesla, Inc., a Delaware corporation
City Negotiators: Ed Shikada, Kiely Nose
Subject of Potential Negotiations: Lease Price and Terms of Payment.

Mayor DuBois reported the Closed Session concerned direction to City negotiators regarding price and terms of payment for a potential license agreement that permitted use and occupancy of a portion of the garage for 20 Tesla supercharging stations. If the discussion was productive, the Council was going to discuss approval of the agreement in open session.

Rebecca Eisenberg inquired regarding the City paying Tesla or Tesla paying the City. The negotiations needed to include Tesla providing electric shuttles for its employees and construction of an underground tunnel. She opposed the City paying Tesla any funds.

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

MOTION PASSED: 7-0

Council went into Closed Session at 5:10 P.M.

Council returned from Closed Session at 6:21 P.M.

Mayor DuBois announced no reportable action.

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Study Session

2. 2951 El Camino Real [20PLN-00158]: Prescreening 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 113 new Residential Units, 5,000 Square Feet of Office Space, 1,000 Square Feet of Retail Space, and Provides Parking within a Below-grade Garage. Environmental Assessment: Not a Project; Any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA). Zoning District: CS and R-1.

Jonathan Lait, Planning and Development Services Director, recalled the Council's adoption of the Comprehensive Plan, revisions to commercial and multifamily zoning, and approval of Planned Home Zoning (PHZ) to spur housing development. The Council's first prescreening of this project occurred in October 2020. The Applicant revised the project in response to comments made during the October prescreening. The Applicant did not intend to pursue the Code-compliant project under the Housing Incentive Program (HIP) that was presented in the Staff Report because it was not financially feasible. The project proposed 113 housing units, exceeded height limits, fulfilled the onsite affordability requirement, and provided housing units without creating any net new jobs. Amendments to the Comprehensive Plan and the Zoning Code were needed to address multifamily development within a Single-Family Residential (R-1) zone and the height limits.

Gary Johnson, Applicant, reported the project provided housing near a transit corridor and proposed to deed-restrict 20 percent of housing units without a subsidy from the City or a nonprofit. Market-rate units were intended to sustain the affordable units. The project complied with the parking requirement of one space per bedroom and provided bicycle and pedestrian connections to the North Ventura Coordinated Area Plan (NVCAP) area. The project required variances to the height limit and floor area ratio (FAR) in order to provide affordable units.

Sherry Scott, Architect, reviewed changes made to the project in response to comments made during the October 5, 2020 prescreening. Reducing the number of housing units and the height reduced shading on adjacent R-1 properties, density, and FAR. The building height was greatest along El Camino Real and transitioned to adjacent R-1 properties. Parking was located below grade. Office and retail uses were located on the ground floor and buffered residential units from the El Camino corridor. The project included street trees, wide sidewalks, and sidewalk seating to activate El

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Camino Real. The Applicant planned to work with residential neighbors to develop privacy screening between the project and their properties.

Mr. Johnson explained that exceeding the maximum allowed building height was necessary to make the project financially feasible. The price of land in Palo Alto, steadily increasing construction costs, the number of affordable units, and underground parking were primary factors in the overall cost of the project.

Suzanne Keehn remarked that the project violated multiple provisions of the Zoning Code and provided few affordable units. This project would not be allowed in other areas of the City.

Waldek K. liked the project and understood the reasons for locating taller buildings along El Camino. He expressed concern that reviewing development projects individually and prior to adoption of the NVCAP undermined the purpose of the NVCAP.

Mark Mollineaux was more concerned about constructing housing, especially affordable housing, than the shade on millionaires' homes. The Council needed to prevent on-street parking throughout the City in order to under-park structures.

Salim Damerджи liked the project because it provided smaller, affordable housing and it was located near transit. The Council needed to consider the future needs for housing. He supported less onsite parking, higher density, and taller buildings.

Rohin Ghosh remarked that this type of project provided him with a chance to return to his hometown following college. With housing near transit, people did not have to drive their vehicles.

Aram James wanted Black developers to propose projects. He questioned the meaning of below-market-rate (BMR) units in terms of price and suggested setting aside in perpetuity at least 20 percent of the units for Blacks in reparation for previous discrimination.

Katie Rueff felt this project was going to provide her with more opportunities to build a future in Palo Alto. The project benefited people she valued and climate change policies.

Kelsey Banes supported the project because it proposed affordable housing. Projects needed to address the displacement of tenants.

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Rebecca Eisenberg advocated for the project. The developer exceeded the minimum requirements in order to benefit the community.

Daniel Allen viewed the project as a way for the Council to contribute to housing goals and to take action. The location was perfect for this type of development. The developer addressed the Council's and the public's concerns.

Ryan Globus urged the Council to support the project. This was an opportunity to construct affordable housing without utilizing taxpayer funds.

Stephanie MacDonald supported the project. The zoning was wrong, not the project.

Raven Malone requested the Council approve the project. The area was perfect for greater density. The City needed housing for senior citizens, first responders, and future generations.

Jessica Clark hoped the community considered essential workers' need for housing within Palo Alto. She had been on the waiting list for affordable housing for ten years. Compromises had to be made to achieve housing goals.

Kevin Ma recommended the Council compromise regulations in order to retain local control and to achieve housing goals.

Rob Nielsen concurred with comments from Mr. Ma and Mr. Damerdji. The project was going to reduce Vehicle Miles Traveled (VMT).

Matt Bryant noted the project included rezoning two residential properties to commercial. One property was occupied by an elderly person who was unaware that his property was affected by the project. Other properties were ripe for this development.

Keith Reckdahl indicated the project reduced office square footage and added residences near transit. The NVCAP Working Group held reservations regarding locating tall projects near Pepper and Olive. He suggested the project replace the proposed office space with retail and retail-like businesses. The Council needed to refer the project to the Planning and Transportation Commission (PTC) and the Architectural Review Board (ARB) to reach compromises with the Applicant.

Rebecca Sanders viewed upzoning as a way to increase real property prices.

Scott O'Neil urged the Council to approve housing development so that future generations had places to live in Palo Alto.

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Joe Hirsch concurred with comments from Ms. Keehn and Palo Alto Neighborhoods (PAN). The Council needed a comprehensive review of the Zoning Code for properties along El Camino Real.

Candy Soroonis preferred housing projects comply with the Zoning Code and not convert residential properties into commercial properties.

Terry Holzemer asked the Council to reject the project because it violated zoning laws, and approving it may affect other neighborhoods. Many projects that complied with requirements were financially feasible.

Anupa Bajwa believed the project looked into adjacent neighbors' bedrooms, bathrooms, and yards; diminished privacy and natural light for neighbors; and increased traffic and parking congestion.

Gail Price, Palo Alto Forward President, supported the project. The creation of housing was impossible without more flexible regulations. Actions were needed to create affordable housing and services that were part of the common good.

Council Member Kou appreciated the project and the Applicant's community outreach. The Applicant requested a huge up-zoning. She preferred a 30-percent income range for affordable housing and less office space. The purpose of zoning was to protect the public.

Mayor DuBois requested the affordability level for the affordable units.

Mr. Johnson answered a mix of moderate-income, low-income, and workforce housing. The distribution of units across categories was not settled.

Mr. Lait explained that Option 1 of the PHZ required 5 percent of units to be dedicated to each of the very-low-income, low-income, moderate-income, and workforce categories.

Mayor DuBois inquired whether the 53-foot building height included solar facilities.

Mr. Johnson indicated it was possible to mount solar facilities flush on the upper-most rooftops or on the lower rooftops.

Mayor DuBois appreciated the Applicant's responsiveness to comments. He urged the Applicant to invest in trees and landscaping. He supported the project; however, he generally did not support projects converting R-1 properties to PHZ.

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Vice Mayor Burt recognized that tradeoffs were associated with the HIP and PHZ. The PHZ was part of the Zoning Code. Transitions between the project and R-1 properties were important. He requested the names of the two R-1 property owners.

Mr. Johnson reported Jessica Agarmande owned the parcel at 470 Olive, which was a commercial building zoned R-1. Decades ago, the parcel was zoned Service Commercial (CS). An individual owned the parcel at 456 Olive. The property owner was unable to adequately maintain the residence.

Vice Mayor Burt requested a comparison of this project with the project located on the former Santa Clara Valley Transportation Authority (VTA) lot.

Mr. Lait advised that the former VTA site was smaller, and the project proposed a 2.0 FAR, a building height of about 50 feet, and approximately 50 units. There was no transition between the building on the former VTA lot and R-1 properties.

Vice Mayor Burt noted the project proposed more square footage for housing than for office and was located on the edge of El Camino and Page Mill, where greater density was preferred.

Council Member Cormack requested the City's shortfall in achieving its Regional Housing Needs Allocation (RHNA) as of 2020.

Mr. Lait indicated the shortfall was about 950 units. Discussions were underway regarding approximately 1,000 housing units.

Council Member Cormack asked if the cost per unit in the Wilton Court project was approximately \$750,000 and if the project proposed about \$17 million in affordable housing without the use of City funding.

Mr. Lait commented that the project proposed a considerable amount of affordable housing in exchange for zoning allowances.

Council Member Cormack remarked that the largest employers in Palo Alto were in the healthcare industry, and the Council was interested in ensuring housing was available for healthcare workers. The Applicant fulfilled the Council's requests, and she supported the project moving forward.

Council Member Filseth noted the purpose of PHZ was to increase housing production. The project fell within the range of the Council's intentions for PHZ. These projects needed to be spread across the City. He inquired whether 120 percent of area median income (AMI) was income limited.

Mr. Lait explained that the 120 percent was tied to AMI.

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Council Member Stone appreciated the Applicant's responsiveness and expressed interest in more creative solutions for increasing affordable housing and complying with regulations. He particularly appreciated the Applicant working with one property owner to prevent his displacement from the neighborhood. He was concerned about the impacts of the Council's action regarding this project on projects in the pipeline. The project was not quite ready for Council approval; however, PTC and ARB reviews may benefit it. The Council needed to provide clear guidelines regarding the concessions it was willing to give projects.

Council Member Tanaka hoped to see more smaller units because they were inherently more affordable. Locating office and retail space along El Camino was a good idea. He supported the project proceeding through the process.

NO ACTION TAKEN

Council took a break at 8:18 P.M. and returned at 8:25 P.M.

3. Discuss and Accept the Human Relations Commission's Report "Black and Brown Palo Alto - History and Current Experience" and Provide Feedback and Direction on Their Action Plan to Address Equity and Inclusion.

Reverend Kaloma Smith, Human Relations Commission (HRC) Chair, reported the HRC was shocked by the data and intrigued by the lived experiences of community members. In June 2020, the Council directed the HRC to review *8 Can't Wait* and to prepare a report on the Black and Brown history and current community in Palo Alto. He shared the variety of sources used to prepare the report. The HRC identified themes of persistent racism, consistent aggression, the absence of positive role models, and the denial of housing. Only 1.8 percent and 5.6 percent of Palo Alto's population identified themselves as Black or African-American and Hispanic or Latino respectively while 6.5 percent and 39.4 percent of California's population and 13.4 percent and 18.5 percent of the U.S. population identified themselves as Black or African-American and Hispanic or Latino respectively. He shared community members' personal experiences of consistent aggression and the absence of positive role models, and a brief history of discrimination in housing. The HRC planned to equip the community for grassroots changes, partner with 100 community leaders to lead community circles, facilitate the formation of 100 community groups, compile a report and findings from community conversations, and ask the Council and community to commit to making this moment a pivot point and to commit to being a model for diversity, inclusion, equity, and belonging.

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Aram James remarked that unjust laws needed to be remedied. The City and Council needed to deal with racism within the Police Department.

Raven Malone remarked regarding her experiences with racism while campaigning for the Council. Black and Brown people needed to call out racism.

Kevin Ma indicated the Council needed to make changes rather than continue discussions. Discretionary enforcement exposed many biases. The Council also needed to consider racial justice in the Budget process.

Rebecca Eisenberg commented that the City's leadership appeared to intentionally silence Hispanic women and African-Americans. The Council had to accept the HRC's report.

Cleveland Kanard related his experiences with the Police Department and how those experiences destroyed his life.

Dixie B. urged the Council to move traffic and parking patrols and mental wellness checks from the Police Department to trained civilians. This was an opportunity for the Council to make meaningful changes to protect marginalized peoples in the community.

Sunita de Turreil felt a key component of the report was the importance of a sense of belonging. Creating policies and a community that celebrated diversity required time.

Lauren Bigelow advised that racial equity and housing issues were deeply linked. She supported the HRC's findings and looked forward to realizing some of the findings.

Council Member Stone believed the lived experiences were critical to understanding the impact of discrimination. He shared his and his wife's experiences with discrimination. He requested details of the HRC's plans for community leaders and meetings.

Mr. Smith acknowledged the need for significant change in the Police Department. Community leaders were able to influence groups of people, and the HRC intended to provide a curriculum for community leaders to influence changes in behaviors.

Valerie Stinger, Human Relations Commission Vice Chair, added that the HRC wanted to create momentum within community groups to support policy issues.

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Council Member Cormack suggested conversations among nearby neighbors may be more helpful than conversations in community groups. Perhaps the conversations needed to include gender discrimination and suggestions for addressing uncomfortable topics with friends and neighbors. Stanford University's undergraduate population was significantly more diverse than Palo Alto's population.

Mayor DuBois pledged to continue to fight systemic racism and supported the concept of community circles.

Council Member Kou noted honest conversations required two-way communication. She proposed including Palo Alto Unified School District (PAUSD) and private schools in the conversations and discussing the need to fill preconceived molds in order to achieve success.

Mr. Smith indicated the HRC was working with PAUSD on a project for Black History Month and the Library on a book group about anti-racism.

Vice Mayor Burt suggested the community discussions include understanding students of color and building relationships among Palo Alto and East Palo Alto residents and faith institutions.

Mr. Smith reported faith institutions from Palo Alto, East Palo Alto, Los Altos, and Menlo Park were planning a conference about race, religion, and systemic racism for May 2021. Coordinating the efforts of faith leaders, community groups, and the HRC was going to create something special.

Council Member Tanaka related that legislating behavior was impossible and supported the HRC's plans.

Council Member Filseth commented that the Council did not intend to bury the role of the Independent Police Auditor (IPA) by referring it to the Policy and Services Committee.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

Mayor DuBois announced Agenda Item Number 4, "Provide Feedback and Direction on the Community & Economic Recovery ..." would be heard on January 25, 2021, and Agenda Item Number 5, "Formation of Working Group and Council Subcommittee ...," would be moved to the end of tonight's agenda.

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Oral Communications

Aram James wanted to learn whether white nationalists were employed in the Police Department in order to prevent their terrorizing people of color.

Mark Mollineaux indicated Palo Alto failed miserably to achieve low-income housing goals prior to the passage of Senate Bill (SB) 35. Cities successfully utilized increased value from up-zoning to fund affordable housing. Fully parking a development project resulted in more carbon emissions and lower transit ridership.

Rebecca Eisenberg reported Vice Mayor Burt did not refute the evidence she provided regarding his previous company's environmental record. She proposed Council Members disclose any interest in power plants that relied on the Tuolumne River.

City Manager Comments

Ed Shikada, City Manager, reported timely topics discussed in City Manager Comments were included in a City blog. The Regional Stay at Home Order remained in effect. A variant of COVID-19 was identified in Santa Clara County. The County of Santa Clara (County) was providing information regarding vaccine plans via sccfreevax.org. Administration of a specific lot of the Moderna vaccine was on hold due to the number of allergic reactions it caused. Free COVID-19 testing was available on January 22, 2021, at Mitchell Park Community Center. A high winds advisory was in effect through Tuesday evening. The Utilities Department restored power to 4,400 residents earlier in the day. In accordance with Council direction, Fire Department Staff was evaluating first-time and recurring offenders of the Weed Abatement Ordinance to distinguish those affected by COVID-19 restrictions. An online survey regarding Council Priorities was available until January 29, 2021. A guide for the use of Foothills Park was available online.

Action Items

6. Adoption of an Ordinance to Amend the Municipal Fee Schedule to add Vehicle Entrance Fees for Foothills Park, and to Amend Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to Adjust Attendance Limits at Foothills Park.

Daren Anderson, Community Services Assistant Director, reported Foothills Park opened to everyone on December 17, 2020 with a temporary limit of 750 visitors at any one time. The number of visitors between December 17, 2020 and January 2, 2021 was six times the number of visitors for the same period in the previous year. The number of visitors increased from 156,250

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in 2019 to 222,608 in 2020. The number of visitors dropped slightly following January 2, 2021. Due to visitor capacity, Staff closed Foothills Park twice on January 17, 2021 and once on January 18, 2021. Staff observed increased traffic on Page Mill Road and roads within the park, cars parking outside Foothills Park, and the creation of new social trails. Staff also educated visitors regarding Leave No Trace. Staff was utilizing traffic cones, signage, and a message board to manage visitors and traffic. Staff implemented suggestions from stakeholders to improve visitors' experiences and intended to install a new vehicle counter in the next few weeks. Staff recommended the Council consider an entry fee of \$6 to \$10 regardless of residence, an annual pass costing \$65 to \$85 for nonresidents and \$50 to \$60 for residents, a 25 percent discount on annual passes for seniors and low-income persons, and free entry for pedestrians, bicyclists, and volunteers on their workdays. The annual operating cost for Foothills Park was \$1.53 million. Fees provided some cost recovery. Staff recommended initiating fees on weekends as early as February 20, 2021, and purchasing an automated payment machine. In addition, Staff recommended a maximum cap of 500 visitors or approximately 185 vehicles at any one time, in addition to individuals and vehicles holding facility reservations, and allowing the City Manager to increase the cap to a maximum of 750 visitors as needed.

Jeff Greenfield, speaking as an individual and for Marilyn Keller, Gerry Mastellar, Keith Reckdahl, and Lakshmi Sunder, concurred with Staff's assessment of visitor safety and environmental impacts. As stewards of the preserve, the City was responsible for balancing preservation with recreation. He recommended the Council utilize an Emergency Ordinance to set an interim cap of 500 visitors at any one time and to allow the City Manager to increase the cap to a maximum of 750 visitors, utilize a standard Ordinance to implement fees, and refer development of an entry fee policy to the Parks and Recreation Commission (PARC). Staff's approach to the dramatic increase in visitors was reasonable. Empirical evidence indicated Foothills Park was not designed to safely accommodate the current rate of visitors. Data from the spring and summer was needed for the Council to set a permanent visitor cap. Implementing an entry fee was both appropriate and necessary to help offset additional costs. A daily entry fee of \$6 and annual pass fees of \$60 for residents and \$80 for nonresidents were reasonable. Referral of development of a cash handling policy to the PARC was appropriate. Implementing an online reservation system for visitors was not practical because visits to open space were not based on time.

Mark Mollineaux advocated for charging a fee for parking at Foothills Park; although, the fee should be lower than that charged in other areas of the

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City. His friends from San Francisco visited Foothills Park over the weekend and found Palo Alto to be less racist than anticipated. The novelty of Foothills Park was likely the reason for the dramatic increase in visitors. He recommended the Council consider different fees for peak and off-peak visitor times.

Jane Moss commented that it was important for Foothills Park's guiding philosophy and policies to promote perpetual conservation. She questioned the definition of a successful opening given the many issues caused by increased visitation. Visitors were too numerous. The park was understaffed and offered too much parking and too much pavement. Dogs needed to be banned.

Rebecca Eisenberg opposed the implementation of any type of entrance fee because it negatively impacted people of color.

Jill O'Nan opposed exempting pedestrians and bicyclists from paying an entry fee due to a bicyclist's recent egregious behavior towards her in Foothills Park.

Kristen Zuraek concurred with Ms. Moss' comments. The opening of Foothills Park negatively impacted surrounding communities, and traffic was unmanageable. There was no safe path for pedestrians to access the park from Page Mill Road.

Ryan Globus supported charging an entry fee and requested the rationale for decreasing the visitor cap. An online reservation system was not accessible by everyone.

1415***813 Irina suggested the Council form a citizens advisory committee to oversee preservation of Foothills Park. Charging an entry fee and imposing a tax on residents to support Foothills Park was not fair. She supported an online reservation system with a mobile app.

Winter Dellenbach supported a cap of 500 visitors and questioned whether prohibiting parking along Page Mill Road was possible.

Aram James requested the number of citations issued between December 17, 2020, and January 19, 2021, the racial makeup of Park Rangers, and any type of weapon Park Rangers carried in order to determine if Staff's recommendations were meant to exclude people of color. The Council needed to exempt residents of East Palo Alto from paying entry fees.

Moria Bradski remarked that the number of visitors made Foothills Park feel like a tourist trap rather than a nature preserve. She supported charging an

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entry fee to nonresidents only, if possible, or reducing the entry fee for residents; setting the cap at 500 visitors; and allowing dogs in the park by permit only.

Sue Welch asked the Council to close Foothills Park until an environmental assessment was conducted and an appropriate use plan was prepared. The change in access was impacting the park.

Mayor DuBois noted the time of 10:30 P.M. and proposed that the Council complete this Agenda Item and consider continuing remaining Agenda Items.

Council Member Cormack shared visitors' positive comments regarding the opening of Foothills Park. She did not support implementing fees as a way to deter visitation; however, she did support implementing fees to pay for fencing, bathrooms, and staffing. The Council needed to refer the matter to the PARC as it did not have sufficient data to make decisions.

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

- A. Amend PAMC section 22.04.150(k), using an Emergency Ordinance, to authorize the City Manager to adjust the attendance limits at Foothills Park, not to exceed 750 people;
- B. Direct the Parks and Recreation Commission to quickly return to Council with previously directed proposal for fees, including annual passes;
- C. Direct Staff to prepare to implement a fee system by procuring any systems required and designing any processes needed; and
- D. Direct Staff to continue to work with the town of Los Altos Hills and the neighbors of Foothills Park to promote the safety of pedestrians and vehicles.

MOTION FAILED DUE TO THE LACK OF A SECOND

Council Member Kou inquired about Staff's ability to ensure bicyclists did not travel on trails within Foothills Park.

Mr. Anderson advised that Staff capacity was not sufficient for monitoring trails. Park Rangers were allowed to direct bicyclists to leave the park or to issue citations when they observed bicyclists on the trails. Unfortunately, bicyclists entered Foothills Park illegally and unobserved through various entrances.

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Council Member Kou requested ideas for managing the multiple entry points.

Mr. Anderson indicated Staff capacity was not sufficient to monitor the main entrance much less all entrances. If a decent program was initiated in the future, those volunteers could provide assistance.

Council Member Kou inquired regarding the Office of Transportation's involvement in reviewing the traffic issues.

Mr. Anderson related that Office of Transportation Staff provided some suggestions, but more work was needed.

Council Member Kou asked if Staff planned to engage with residents around Foothills Park regarding measures to manage traffic.

Mr. Anderson stated Staff was receiving complaints and concerns from the residents, but more work was needed.

Council Member Kou requested the history of entry fees for Foothills Park.

Mr. Anderson reported that the Municipal Fee Schedule set a daily entry fee of \$2 and an annual pass fee of \$25 in 1988. The fees were removed in 2001. The fees were implemented as cost recovery for reconstruction of the Boronda Lake dam.

Council Member Kou expressed disappointment that Foothills Park was opened without a plan.

Council Member Filseth asked if the Park Rangers were counting people or vehicles.

Mr. Anderson replied primarily vehicles.

Council Member Filseth hoped that a citation for bicyclists utilizing park trails was costly enough to get their attention. During his visits to Foothills Parks, he observed the issues other people reported. He questioned whether the vehicle limit needed to be less than 180.

Council Member Stone supported an Emergency Ordinance setting a cap of 500 visitors. The Stay at Home Orders increased attendance at all parks and open space, and those were likely to continue for a while. He supported charging fees for bicyclists and pedestrians. He inquired regarding Staff's ability to collect fees for bicyclists and pedestrians.

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Mr. Anderson expressed concerns regarding the safety of bicyclists and pedestrians queuing among vehicles and the fees driving more bicyclists and pedestrians to unmanned entrances.

Council Member Stone suggested a discounted or no fee for students and fee waivers for low-income visitors. Staff needed to provide regular updates to the PARC or Council.

Vice Mayor Burt noted the severity of issues declined on weekdays after the holidays, but weekends were still a problem. He preferred to set a limit on the number of vehicles allowed in the park at any one time, allow Staff some discretion to adjust the limit, and implement a daily entry fee on weekends only.

MOTION: Vice Mayor Burt moved, seconded by Council Member XX to adopt an Ordinance to:

- A. Direct Staff to impose caps on the number of attendees between 500-650 people; and
- B. Amend the Municipal Fee Schedule to add a weekend entrance fee for Foothills Park of \$6 per vehicle and a pedestrian and bicycle fee of \$3 each.

MOTION FAILED DUE TO THE LACK OF A SECOND

Vice Mayor Burt noted high attendance at Arastradero Preserve since open space was opened to visitors in May 2020. Improving the overflow parking lot at Arastradero Preserve could draw visitors from Foothills Park to Arastradero Preserve. Signage needed to be installed promptly.

Council Member Tanaka inquired regarding the busiest days of the week at Foothills Park.

Mr. Anderson responded weekends and holidays. Attendance on weekdays varied but was significantly less than weekends.

Council Member Tanaka wanted to utilize an Emergency Ordinance to limit the number of visitors and implement fees. Foothills Park's revenue and expenses needed to be Budget neutral.

MOTION: Council Member Tanaka moved, seconded by Council Member Kou to adopt an Ordinance to:

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- A. Amend PAMC Section 22.04.150(k) to authorize the City Manager to adjust the attendance limits at Foothills Park, not to exceed 400 people;
- B. Amend the Municipal Fee Schedule to add a \$10 per vehicle and a \$3 per person entrance fee for Foothills Park; and
- C. Direct the Parks and Recreation Commission and Staff to return to Council with considerations for a reservation system, fees, and annual passes; and
- D. Direct Staff to return with an Emergency Ordinance to authorize the City Manager to adjust the attendance limits at Foothills Park, not to exceed 400 people.

Council Member Tanaka indicated the Motion provided a general framework until details were determined.

Council Member Kou inquired whether the Council was allowed to adopt an Emergency Ordinance in the current meeting.

Molly Stump, City Attorney, advised that the Council was allowed to amend the proposed Ordinance and pass it on first reading and direct Staff to return with an Emergency Ordinance. The Agenda Item was not noticed as an Emergency Ordinance.

Council Member Kou recommended the Council set a low initial cap that could be changed with assessment of impacts.

Mayor DuBois requested clarification of the City Manager's ability to adjust the visitor cap.

Mr. Anderson explained that Staff intended to provide the City Manager with the ability to increase or decrease the cap based on observations. He recommended the Council refer further definition of thresholds for adjustments to the PARC.

Mayor DuBois asked about the rationale for drafting an Emergency Ordinance.

Ms. Stump reported that an Emergency Ordinance decreased the visitor cap from 750 to 400 immediately upon its adoption. A standard Ordinance was effective 30 days after a second reading.

Mayor DuBois noted adoption of an Emergency Ordinance required the approval of six Council Members. He proposed Staff conduct limited

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enforcement of park regulations and manage Foothills Park in a more natural state.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion, Part B to read, "... to add an interim \$6 per vehicle entrance fee for Foothills Park."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion, Part A and D to read, "... 400 people but not to exceed 500 people."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion, Part C to read, "... to return to Council with fees, rules, and enforcement policies."

Council Member Stone reiterated his desire to waive fees for low-income visitors and discount fees for students and seniors.

Council Member Tanaka preferred the PARC determine a fee schedule given the late hour.

Council Member Kou concurred with directing the PARC to provide a fee waiver for low-income visitors.

Mr. Anderson related that implementing a fee waiver for the daily entry fee was going to be difficult. The PARC was interested in a fee waiver and explored some models.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part C, "discounts."

Council Member Cormack proposed amending the Motion to charge an entry fee on weekends only.

Council Member Tanaka wanted the revenues and expenses to be budget neutral.

Council Member Cormack noted additional staffing was needed if the fee was charged on weekdays.

Mr. Anderson reported collecting a fee on weekdays was not possible at the current time due to limited staffing. Staff recommended the purchase of an automated machine to collect entry fees on weekdays.

Council Member Cormack requested a date on which weekday fees could be implemented.

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Mr. Anderson replied March 24, 2021.

Council Member Cormack requested clarification of Part A.

Ms. Stump explained that the City Manager was allowed to set the cap between 400 and 500 people.

Council Member Cormack inquired whether the Council typically referred development of enforcement policies to Boards and Commissions.

Mr. Shikada felt PARC input was appropriate given the nature of the issues.

Council Member Filseth proposed amending the entry fee to \$10 so that staff did not have to make change.

Mr. Anderson supported the proposal to simplify Staff's work.

Mayor DuBois noted parks in Santa Clara County and San Mateo County charged \$6.

Council Member Filseth asked if compliance with the Americans with Disabilities Act (ADA) was an issue at Foothills Park.

Mr. Anderson advised that Office of Transportation Staff needed to review the number of accessible parking stalls.

Council Member Filseth proposed banning dogs from Foothills Park at all times and supported exploration of a reservation system.

AMENDMENT: Council Member Filseth moved, seconded by Council Member Tanaka to change the entrance fee from \$6 to \$10.

Vice Mayor Burt inquired about including the fees in the Emergency Ordinance.

Ms. Stump did not believe there was a difference for weekdays.

Vice Mayor Burt recommended the Council address the most important issues on an interim basis and defer the remaining issues because of the late hour. There was no process to collect fees on weekdays; therefore, only a weekend fee was appropriate on an interim basis. A fee of \$10 was too high. The correct visitor limit was currently unknown. A limit of 400 visitors was likely to deter residents from visiting Foothills Park.

Council Member Filseth related that a limit of 1,000 visitors was possible.

SUMMARY MINUTES

Vice Mayor Burt clarified that the City Manager set the limit at 750 visitors.

AMENDMENT WITHDRAWN BY THE MAKER

Mr. Anderson requested the Council exempt volunteers from paying the fee only on the days they worked in the park.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part B, "... with volunteers exempted."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion, Part D, to read, "Direct Staff to return with an Emergency Ordinance to:

- a. Amend PAMC Section 22.04.150(k) to authorize the City Manager to adjust the attendance limits at Foothills Park, to 400 people but not to exceed 500 people; and
- b. Amend the Municipal Fee Schedule to add an interim \$6 per vehicle entrance fee for Foothills Park, with volunteers exempted."

MOTION AS AMENDED RESTATED: Council Member Tanaka moved, seconded by Council Member Kou to adopt an Ordinance to:

- A. Amend PAMC Section 22.04.150(k) to authorize the City Manager to adjust the attendance limits at Foothills Park, 400 people but not to exceed 500 people;
- B. Amend the Municipal Fee Schedule to add an interim \$6 per vehicle entrance fee for Foothills Park, with volunteers exempted;
- C. Direct the Parks and Recreation Commission and Staff to return to Council with considerations for fees, discounts, rules and enforcement policies; and
- D. Direct Staff to return with an Emergency Ordinance to:
 - a. Amend PAMC Section 22.04.150(k) to authorize the City Manager to adjust the attendance limits at Foothills Park, 400 people but not to exceed 500 people; and
 - b. Amend the Municipal Fee Schedule to add an interim \$6 per vehicle entrance fee for Foothills Park, with volunteers exempted.

SUMMARY MINUTES

MOTION AS AMENDED PASSED: 6-1 Cormack no

4. ~~Provide Feedback and Direction on the Community & Economic Recovery Workplan and Approve Budget Amendments in Various Funds. (This item is continued to January 25, 2021).~~
7. ~~SECOND READING: Adoption of a Temporary Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Broaden Permissible Uses and Raise Thresholds for Conditional Use Permits for Some Land Uses Throughout the City. Environmental Review: California Environmental Quality Act (CEQA) Exemption 15061(b)(3) (FIRST READING: December 14, 2020 PASSED: 7-0) (Continued From January 11, 2021). (This item is continued to a future date.)~~
5. ~~Formation of Working Group and Council Subcommittee for the 2023-31 Housing Element Update Process. (This item is continued to a future date).~~

Council Member Questions, Comments and Announcements

Council Member Kou reported Group 2 of the Santa Clara Valley Transportation Authority (VTA) elected Vice Mayor Burt to the VTA Board of Directors. A workshop was scheduled for 9:00 A.M. on Friday.

Mayor DuBois advised that the League of Cities discussed working with the Santa Clara/Santa Cruz Counties Airport Roundtable as its financial authority.

Vice Mayor Burt indicated he was appointed as the Santa Clara County Cities Association's representative to the San Francisco Bay Conservation & Development Commission (BCDC).

Adjournment: The meeting was adjourned in recognition of Martin Luther King Jr. at 12:00 A.M.