



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

September 14, 2020

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

### **Approval of Action Minutes for the August 17 and 24, 2020 City Council Meetings**

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

#### **ATTACHMENTS:**

- Attachment A: 08-17-20 DRAFT Action Minutes (PDF)
- Attachment B: 08-24-20 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting

August 17, 2020

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

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

Absent:

## Closed Session

1. PUBLIC EMPLOYEE APPOINTMENT  
Title: City Auditor  
Authority: Government Code Section 54957 (b)

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss 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 7:28 P.M.

Mayor Fine announced no reportable action.

## Minutes Approval

1. Approval of Action Minutes for the August 03, 2020 City Council Meeting.

**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the August 03, 2020 City Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to approve Agenda Item Number 2.

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2. Resolution 9912 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule E-15 (Electric Service Connection Charges), and Utilities Rules and Regulations 2, 15, 20, 27 and 29."

**MOTION PASSED:** 7-0

## Action Items

- 2A. PUBLIC HEARING / QUASI-JUDICIAL. 2353 Webster Street [18PLN00339]: Appeal of Director's Approval of an Individual Review Application to Demolish an Existing One-story 1,593 Square Foot (SF) Home and Construct a Two-story Home (Approximately 2,935 SF) With a Basement and an Attached Garage. Zoning District: Single-family Residential (R-1) (Continued From August 10, 2020).

Public Hearing opened at 8:08 P.M.

Public Hearing closed at 9:30 P.M.

Council took a break at 9:30 P.M. and returned at 9:42 P.M.

**MOTION:** Council Member Kniss moved, seconded by Council Member Kou to add to the conditions of approval:

- A. Reduce the basement depth to 8 feet in total dimension, which includes the exterior wall;
- B. Add Catherine Martineau's recommendations:
  - i. Reporting tree protection compliance during construction. In addition to daily inspection reporting during demolition phase, a mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City Urban Forester beginning with issuance of building permit, using the template in the Tree Technical Manual, Addendum 11. The Contractor and Owner shall implement any corrective actions as directed by project arborist or Urban Forester;
  - ii. Basement and light well excavation should utilize vertical cut, I-beam and lagging or other minimal-cut method that leaves rooting soil intact, if approved by the Urban Forester; and
  - iii. The building permit shall include a comprehensive landscape plan prepared by a landscape architect, approved by both the Project Arborist and Urban Forester. The plan shall include plantings required by Condition Number 13, and in the rear yard

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specify Valley Oak compatible plant species comparable to Tree Technical Manual, Addendum 5, Landscaping Under Native Oaks; and

- C. Allow the plans to go up an additional 2 feet from the ground.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion to read, "...to approve the project with the following conditions:"

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** "...Modify conditions of approval to:

- i. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
- ii. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work"; and
- iii. Change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy...". (New Part D)

**SUBSTITUTE MOTION:** Council Member Cormack moved, seconded by Council Member Filseth to uphold the Planning and Development Services Director's approval of the Individual Review (IR) application. (File No. 18PLN-00339).

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER,** "... and change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy...".

**AMENDMENT TO THE SUBSTITUTE MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to add to the Substitute Motion:

- A. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval; and
- B. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best

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practices are being employed by the contractor and on-site foreman overseeing the work.”

**AMENDMENT TO THE SUBSTITUTE MOTION PASSED:** 4-3 Cormack, Filseth, Fine no

**AMENDMENT TO THE SUBSTITUTE MOTION:** Council Member Kou moved, seconded by Council Member XX to direct the applicant to perform a ground penetrating radar study.

**AMENDMENT TO THE SUBSTITUTE MOTION FAILS DUE TO THE LACK OF A SECOND**

**SUBSTITUTE MOTION AS AMENDED:** Council Member Cormack moved, seconded by Council Member Filseth to uphold the Planning and Development Services Director’s approval of the Individual Review (IR) application (File No. 18PLN-00339) and:

- A. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
- B. Change Condition Number 30 to read, “For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work.”; and
- C. Change Condition Number 32 to read, “The tree appraisal duration period shall be *ten* years from the date of final occupancy...”.

**SUBSTITUTE MOTION AS AMENDED FAILED:** 3-4 DuBois, Kniss, Kou, Tanaka no

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Motion, Part A to read, “Reduce the basement depth to an 8-foot ceiling height and allow 1-foot above grade;”

**MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Council Member Kou to approve the project with the following conditions:

- A. Reduce the basement depth to 8-foot ceiling height and allow 1 foot above grade;
- B. Add Catherine Martineau’s recommendations:

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- i. Reporting tree protection compliance during construction. In addition to daily inspection reporting during demolition phase, a mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City Urban Forester beginning with issuance of building permit, using the template in the Tree Technical Manual, Addendum 11. The Contractor and Owner shall implement any corrective actions as directed by project arborist or Urban Forester;
  - ii. Basement and light well excavation should utilize vertical cut, i-beam and lagging or other minimal-cut method that leaves rooting soil intact, if approved by the Urban Forester; and
  - iii. The building permit shall include a comprehensive landscape plan prepared by a landscape architect, approved by both the Project Arborist and Urban Forester. The plan shall include plantings required by Condition #13, and in the rear yard specify Valley Oak compatible plant species comparable to Tree Technical Manual, Addendum 5, Landscaping Under Native Oaks; and
- C. Modify conditions of approval to:
- i. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
  - ii. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work."; and
  - iii. Change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy..."

## **MOTION AS AMENDED PASSED:** 4-3 Cormack, Filseth, Fine no

- ~~3. Staff and Utilities Advisory Commission Recommend the City Council Adopt a Resolution Amending the City's Electric Supply Portfolio Carbon Neutral Plan and Electric Utility Reserves Management Practices. (THIS ITEM HAS BEEN CONTINUED TO AUGUST 24, 2020)~~
- ~~4. 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~~

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~~Junior Accessory Dwelling Units); Adding a new Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units); Updating Chapters 18.04 (Definitions); 16.58 (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 Q&A 3 August 17, 2020 MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK'S OFFICE AT PALO ALTO CITY HALL, 250 HAMILTON AVE. DURING NORMAL BUSINESS HOURS. Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15282(h), 15301, 15302 and 15305 (THIS ITEM HAS BEEN CONTINUED TO SEPTEMBER 14, 2020)~~

Adjournment: The meeting was adjourned at 12:13 A.M.





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
August 24, 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, Mayor Fine, Kniss, Kou, Tanaka

Absent:

## Minutes Approval

1. Approval of Action Minutes for the August 10, 2020 City Council Meeting.

**MOTION:** Council Member Cormack moved, seconded by Council Member Kniss to approve the Action Minutes for the August 10, 2020 City Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Council Member Kniss moved, seconded by Mayor Fine to approve Agenda Item Numbers 2 and 3.

2. Approval of Contract Number C21179389 With Teichert Construction in the Amount of \$1,904,325 for the Page Mill Road Safety Improvements Project (HSIPL-5100(029), Capital Improvement Program Street Maintenance Project (PE-86070).
3. Ordinance 5504 Entitled "Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Chapters 18.52 and 18.54 Adjusting Parking Requirements to Facilitate EVSE Installation, Compliance With Accessibility Laws, Parking Substitutions, and Parking Lot Re-striping and Maintenance. Environmental Assessment: This Project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15301, 15302, 15303, and 15061(b)(3) (FIRST READING: August 10, 2020 PASSED: 7-0)."

**MOTION PASSED:** 7-0

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## Action Items

3A. Staff and Utilities Advisory Commission Recommend the City Council Adopt a Resolution 9913 Entitled "Resolution of the Council of the City of Palo Alto Amending the City's Electric Supply Portfolio Carbon Neutral Plan and Electric Utility Reserves Management Practices (Continued from August 17, 2020).

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

- A. Adopt a Resolution amending the Carbon Neutral to:
- i. Modify the definition of carbon neutrality to use an hourly carbon emissions accounting standard;
  - ii. Minimize electric supply portfolio costs by authorizing the exchange of bundled RECs from the City's long-term renewable resources (Bucket 1 RECs) for Renewable Portfolio Standard (RPS) eligible, unbundled RECs (Bucket 3 RECs), to the maximum extent possible, while maintaining compliance with the state's RPS regulations ("REC Exchanges");
  - iii. For calendar years 2020 through 2024, authorize the purchase of RPS-eligible, unbundled RECs (Bucket 3 RECs) as needed to neutralize any residual emissions resulting from the difference between emissions calculated under an annual accounting and hourly accounting methodology; and
- B. Direct Staff to return to Council in 2022 to review the authorization to minimize electric supply portfolio costs via REC Exchanges.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add a new Part C, "that for the first two years, two-thirds of proceeds go to electrical rate relief and one-third toward emission reduction programs".

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

- A. Adopt a Resolution amending the Carbon Neutral to:

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- i. Modify the definition of carbon neutrality to use an hourly carbon emissions accounting standard;
  - ii. Minimize electric supply portfolio costs by authorizing the exchange of bundled RECs from the City's long-term renewable resources (Bucket 1 RECs) for Renewable Portfolio Standard (RPS) eligible, unbundled RECs (Bucket 3 RECs), to the maximum extent possible, while maintaining compliance with the state's RPS regulations ("REC Exchanges");
  - iii. For calendar years 2020 through 2024, authorize the purchase of RPS-eligible, unbundled RECs (Bucket 3 RECs) as needed to neutralize any residual emissions resulting from the difference between emissions calculated under an annual accounting and hourly accounting methodology;
- B. Direct Staff to return to Council in 2022 to review the authorization to minimize electric supply portfolio costs via REC Exchanges; and
- C. For the first two years, two-thirds of proceeds go to electrical rate relief and one-third toward emission reduction programs.

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

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

- A. Direct Staff to return to Council with a review of the Carbon Neutral Plan by the end of 2024 to evaluate the effectiveness of these policy changes and to modify them if necessary (with a particular focus on reviewing the use of Bucket 3 RECs to neutralize any residual emissions resulting from the switch to an hourly emissions accounting methodology); and
- B. Create a Cap and Trade Program Reserve in the Electric Fund which will hold revenues from the sale of carbon allowances freely allocated to the electric utility under the State's Cap and Trade Program.

## **MOTION PASSED: 6-1 Filseth no**

Council took a break at 6:25 P.M. and returned at 6:35 P.M.

4. Recommendation to Accept the Human Relations Commission Report on Their Review of *8 Can't Wait* Policies in Relation to Current Palo Alto Police Department (PAPD) Policies, and Direction to the City Manager Regarding Revisions to Police Policies.

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

- A. Accept the Human Relations Commission (HRC) report on their review of *8Can'tWait* policies in relation to current Palo Alto Police Department (PAPD) practices; and
- B. Review and accept the Palo Alto Police Department response, and direct the City Manager to revise Use of Force policies including ideas such as:
  - i. Chokeholds, strangleholds, lateral vascular neck restraints, chest compressions, or any other intentional tactics that restrict blood flow to head or neck be explicitly prohibited.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add more comprehensive use of force language with respect to de-escalation and to add de-escalation tactics as listed.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to revise the deadly force application to require officers to evaluate each situation in consideration of the circumstances in each case and to use other available resources and techniques when reasonably safe and feasible to do so, including that an officer must reasonably believe the use of deadly force is necessary to justify its use.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that the policy include the concept of shooting as a last resort, consistent with the HRC and PAPD objectives.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to return to Council with the final Police Department Policy, including all *8Can'tWait* policies and department feedback

Council took a break at 9:46 P.M. and returned at 9:56 P.M.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to return with proposed language to be included in the use of force policy.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to consider moving the pointing of a weapon or the discharge of a weapon to the use of force section of the policy manual.

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

- A. Accept the Human Relations Commission (HRC) report on their review of *8Can'tWait* policies in relation to current Palo Alto Police Department (PAPD) practices, and
- B. Review and accept the Palo Alto Police Department response, and direct the City Manager to revise Use of Force policies including ideas such as:
  - i. Chokeholds, strangleholds, lateral vascular neck restraints, chest compressions, or any other intentional tactics that restrict blood flow to head or neck be explicitly prohibited;
  - ii. Add more comprehensive use of force language with respect to de-escalation and to add de-escalation tactics as listed;
  - iii. Revise the deadly force application to require officers to evaluate each situation in consideration of the circumstances in each case and to use other available resources and techniques when reasonably safe and feasible to do so, including that an officer must reasonably believe the use of deadly force is necessary to justify its use;
  - iv. The policy include the concept of shooting as a last resort, consistent with the HRC and PAPD objectives;
  - v. Direct Staff to return with proposed language to be included in the use of force policy;
  - vi. Direct Staff to consider moving the pointing of a weapon or the discharge of a weapon to the use of force section of the policy manual; and
- C. Direct Staff to return to Council with the final Police Department Policy, including all *8Can'tWait* policies and department feedback.

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

# DRAFT ACTION MINUTES

5. Update and Potential Direction on City of Palo Alto's Race and Equity Work.

## **NO ACTION TAKEN**

Adjournment: The meeting was adjourned at 11:32 P.M. in deep gratitude of the firefighters and first responders fighting the wildfires in the area.