



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

February 24, 2020

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

### **Approval of Action Minutes for the February 1, 3, and 10, 2020 Council Meetings**

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

#### **ATTACHMENTS:**

- Attachment A: 02-01-20 DRAFT Action Minutes (PDF)
- Attachment B: 02-03-20 DRAFT Action Minutes (PDF)
- Attachment C: 02-10-20 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk





# CITY COUNCIL ANNUAL RETREAT DRAFT ACTION MINUTES

Special Meeting  
February 1, 2020

The City Council of the City of Palo Alto met on this date in the Council Chambers at 9:09 A.M.

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

1. City Manager Report and City Council Discussion on Accomplishments Addressing Council Priorities, Continuing Multi-year Efforts, and Discussion and Selection of 2020 Council Priorities.

Council took a break at 10:53 A.M. and returned at 11:13 A.M.

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to select the following priorities for 2020:

- A. Housing;
- B. Sustainability; and
- C. Mobility.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part A, "with special emphasis on affordability".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part B, "in the context of the changing climate and add to the Motion Part C, "improving mobility for all."

**AMENDMENT:** Council Member Kou moved, seconded by Council Member Tanaka to add "fiscal" as a subcategory to the Motion Part B, "sustainability."

**AMENDMENT FAILED:** 2-5 Kou, Tanaka yes

**MOTION AS AMENDED:** Mayor Fine moved, seconded by Council Member Kniss to select the following priorities for 2020:

- A. Housing, with special emphasis on affordability;

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- B. Sustainability, in the context of the changing climate; and
- C. Improving mobility for all.

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

Council took a break at 12:27 P.M. and returned at 1:00 P.M.

- 2. Policy and Services Committee Recommends Council Review and Discuss the Council's Procedures and Protocols Handbook.

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

- A. Approve the initial round of edits to the Council Procedures and Protocols (CPP) Handbook which were intended to make legally required changes, delete obsolete provisions, and update section to reflect current practices, with the following changes:
  - i. Allow a 10-minute break;
  - ii. Add Links to Government and Municipal Code Sections, Reports, and Supporting Documents;
  - iii. Add reference to Rosenberg's Rules and provide a link;
  - iv. Ensure "Planned Community" is deleted from document;
  - v. Review reference to "Policy and Procedure for Responding to Customer Complaints;"
  - vi. 7.2. A. change "activates" to "activities;" and
  - vii. Section 7.9 is missing.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion "Draft a sentence which would state, when reports are not ready 11 days in advance for major complex projects and policies, the City Manager and Mayor would have the discretion to move the item to a later date" (New Part A. viii.).

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion "Ensure the 11-day reporting requirement would have its own section in the Procedures and Protocols" (New Part A. ix.).

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

- A. Approve the initial round of edits to the Council Procedures and Protocols (CPP) Handbook which were intended to make legally required changes, delete obsolete provisions, and update section to reflect current practices, with the following changes:
- i. Allow a 10-minute break;
  - ii. Add Links to Government and Municipal Code Sections, Reports, and Supporting Documents;
  - iii. Add reference to Rosenberg’s Rules and provide a link;
  - iv. Ensure “Planned Community” is deleted from document;
  - v. Review reference to “Policy and Procedure for Responding to Customer Complaints;”
  - vi. 7.2. A. change “activates” to “activities;”
  - vii. Section 7.9 is missing;
  - viii. Draft a sentence which would state, when reports are not ready 11 days in advance for major complex projects and policies, the City Manager and Mayor would have the discretion to move the item to a later date; and
  - ix. Ensure the 11-day reporting requirement would have its own section in the Procedures and Protocols.

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

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Filseth to approve the proposed changes to Section 2.4.B, Telephonic Attendance of Council Members at Council Meetings.

**SUBSTITUTE MOTION:** Council Member Tanaka moved, seconded by Council Member Kniss to change Section 2.4.B, Telephonic Attendance of Council Members at Council Meetings, to align with State law which would change the remote posting of meeting notice to 72 hours in advance for a Regular Meeting, and 24 hours in advance for a Special Meeting.

**SUBSTITUTE MOTION FAILED:** 2-5 Kniss, Tanaka yes

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the word “actively” to “strongly.”

**MOTION AS AMENDED RESTATED:** Vice Mayor DuBois moved, seconded by Council Member Filseth to approve the proposed changes to Section 2.4.B, Telephonic Attendance of Council Members at Council Meetings and:

- A. The requirement related to remote posting of meeting notice shall align with State law which would require notice 72 hours in advance for a Regular Meeting, and 24 hours in advance for a Special Meeting;
- B. Change the word “actively” to “strongly.”

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

**MOTION:** Council Member Filseth moved, seconded by Mayor Fine to approve the proposed changes to Section 2.4.H, Consent Calendar.

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

**MOTION:** Council Member Tanaka moved, seconded by Vice Mayor DuBois to change Section 2.4.J, Council Requests to Remove Item, to state “Two Council Members may request that an item be removed from the Consent Calendar...”

**MOTION FAILED:** 3-4 DuBois, Kou, Tanaka yes

**MOTION:** Vice Mayor DuBois, seconded by Council Member XX to direct Policy and Services Committee to review possible changes to Section 2.4.L, Consent Calendar Categories and whether contracts above a given dollar threshold should be placed on the Action Agenda.

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

**MOTION:** Council Member Tanaka moved, seconded by Vice Mayor DuBois to direct the Finance Committee to come up with proposed thresholds for Council to consider related to Section 2.4.L, Consent Calendar Categories, which determines the eligibility for items to be placed on the Consent Calendar.

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

**MOTION:** Council Member Kniss moved, seconded by Council Member Tanaka to change Section 2.4.V., Motions, to include a procedure that Council should begin work on an Action Item with a Motion, followed by public comment and Council discussion and action.

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**MOTION FAILED:** 2-5 Kniss, Tanaka yes

**MOTION:** Council Member Filseth moved, seconded by Council Member Kou to retain Section 2.3.H, "Respect the 'One Hour' Rule for Staff Work," as written.

**MOTION PASSED:** 7-0

**MOTION:** Council Member Kniss moved, seconded by Council Member Tanaka to refer Section 7, City Council and Boards and Commissions Policy for Travel and Miscellaneous Expense Reimbursement, to the Finance Committee for review and discussion.

**SUBSTITUTE MOTION:** Council Member Filseth moved, seconded by Council Member Cormack to refer to the Policy and Services Committee for review and discussion Council Procedures and Protocols, Section 7, City Council and Boards and Commissions Policy for Travel and Miscellaneous Expense Reimbursement.

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Substitute Motion "Consider whether to make City Council travel expense reports available to the public."

**SUBSTITUTE MOTION AS AMENDED:** Council Member Filseth moved, seconded by Council Member Cormack to refer the following to the Policy and Services Committee for review and discussion:

- A. Council Procedures and Protocols, Section 7, City Council and Boards and Commissions Policy for Travel and Miscellaneous Expense Reimbursement; and
- B. Consider whether to make City Council travel expense reports available to the public.

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

**MOTION:** Council Member Cormack moved, seconded by Council Member XX to refer to Policy and Services Committee the possible establishment of a protocol for the use of electronic devices during a public meeting.

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

Adjournment: The meeting was adjourned at 2:44 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
February 3, 2020

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:00 P.M.

Present: Cormack; DuBois arrived at 5:10 P.M., Filseth, Fine, Kniss, Kou, Tanaka

Absent:

## Special Orders of the Day

1. Recognition of Palo Alto City Library 2020 Kids and Teen Writing Contest Winners.
2. Fire Safety Month Poster Award Recognition to Palo Alto Unified School District Students for Excellence in Art, Creativity, and Messaging.

## **NO ACTION TAKEN**

### Closed Session

3. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: Miriam Green v. City of Palo Alto  
Santa Clara County Superior Court  
Case No. 16CV300760 (One Case, as Defendant)  
Authority: Government Code Section 54956.9(d)(1).
4. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: Andrew Valentine v. City of Palo Alto  
Santa Clara County Superior Court  
Case No. 19CV344693 (One Case, as Defendant)  
Authority: Government Code Section 54956.9(d)(1).

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:19 P.M.

Council returned from Closed Session at 7:04 P.M.



# DRAFT ACTION MINUTES

Mayor Fine announced no reportable action.

## Agenda Changes, Additions and Deletions

None

## Minutes Approval

5. Approval of Action Minutes for the January 21, 2020 Council Meeting.

**MOTION:** Council Member Cormack moved, seconded by Council Member Kniss to approve the Action Minutes for the January 21, 2020 Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Council Member Cormack moved, seconded by Council Member Kniss to approve Agenda Item Numbers 6-10.

6. Approval and Authorization for the City Manager or Designee to Execute Contract Number C20175147 for an Emergency Vehicle Traffic Signal Preemption System (PL-19000) With Trafficware as a Pilot Project in a Total Not-to-Exceed Amount of \$597,500, for a Maximum of Four Years.

7. Approval of Contract Number C20174814 With Lime Energy Services for a Total Not-to-Exceed Amount of \$1,820,000, and for a Term of Three Years, to Provide Energy Efficiency Services to Small and Medium Businesses.

8. Approval of Amendment Number 3 to Contract Number C16161210 With Shah Kawasaki Architects, Inc. to add a Not-to-Exceed Amount of \$102,141 to Provide Continued Construction Administration and LEED Certification Services for the Fire Station 3 Replacement Project (PE-15003), for a new Total Not-to-Exceed Amount of \$916,383.

9. Approval of Contract Number C20177344 With Bear Electrical Services for the Provision of On-call Traffic Signal and Electrical Services for a Term of 36 Months With a Maximum Total Compensation Not-to-Exceed \$375,000.

10. Appointment of 2020 Emergency Standby Council.

**MOTION PASSED:** 7-0

# DRAFT ACTION MINUTES

## Action Items

11. Update and Discussion of the Planning and Development Services Housing Work Plan and Direction to Modify or Direct new Assignments Related to Housing and Other Department Assignments (Continued From January 21, 2020).

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

- A. Reauthorize Planned Communities for residential projects and mixed-use projects that improve the jobs to housing balance;
- B. Housing will be a public benefit, and proposals should include 20% inclusionary BMR housing;
- C. Everything is negotiable at the Staff level, but take-it-or-leave-it at the Council level;
- D. Revisit this program in 36 months;
- E. Direct Staff to prioritize workplan ideas according to which support our housing production targets, including scalable zoning changes to support housing;
- F. Direct the City Manager to return with a resourcing recommendation for Planning and Development Services; and
- G. Explore options for using public land for affordable housing projects.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include in Motion Part A, "...mixed-use projects that supply enough housing to cover the net, new job creation".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part H, "Refer to the Finance Committee a proposal to consider an affordable housing tax".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part I, "Direct Staff to develop metrics for tracking housing".

# DRAFT ACTION MINUTES

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include in Motion Part B, "...and have Staff balance that across the range of Area Median Income (AMI)".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include in Motion Part C, "Guidelines: everything is negotiable...".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include in Motion Part D, "...with a Council update in 18 months".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include in Motion Part A, "Reauthorize Planned Communities (Planned Home Zoning, PHZ)...".

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

- A. Reauthorize Planned Communities (Planned Home Zoning, PHZ) for residential projects and mixed-use projects that supply enough housing to cover the net, new job creation;
- B. Housing will be a public benefit, and proposals should include 20 percent inclusionary BMR housing, and have Staff balance that across the range of Area Median Income (AMI);
- C. Guidelines: everything is negotiable at the Staff level, but take-it-or-leave-it at the Council level;
- D. Revisit this program in 36 months, with a Council update in 18 months;
- E. Direct Staff to prioritize work plan ideas according to which support our housing production targets, including scalable zoning changes to support housing;
- F. Direct the City Manager to return with a resourcing recommendation for Planning and Development Services;
- G. Explore options for using public land for affordable housing projects;

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- H. Refer to the Finance Committee, a proposal to consider an affordable housing tax; and
- I. Direct Staff to develop metrics for tracking housing.

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

Council took a break at 10:25 P.M. and returned at 10:31 P.M.

- 12. Finance Committee Recommends Council Accept the Fiscal Year 2021 - Fiscal Year 2030 Long Range Financial Forecast and Fiscal Year 2021 Budget Development Guidelines.

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor DuBois to accept the Fiscal Year 2021 to 2030 General Fund Long Range Financial Forecast (Base Case), and the City Manager's Report 10727, including the Fiscal Year 2021 Annual Budget Development Guiding Principles.

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member XX to direct Staff look at the actuals of the long-range financial forecast.

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

**MOTION PASSED: 7-0**

Adjournment: The meeting was adjourned at 11:01 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting  
February 10, 2020

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:03 P.M.

Present: Cormack, DuBois; Filseth arrived at 6:05 P.M., Fine, Kniss, Kou, Tanaka

Absent:

## Special Orders of the Day

1. Proclamation Honoring the 100th Anniversary of the League of Women Voters of Palo Alto.

## **NO ACTION TAKEN.**

- ~~2. Recognition of the Firefighters who Responded to the Sonoma County and Ventura County Fires in 2019.~~

## Closed Session

3. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: ABG-PACT Owner v. City of Palo Alto et al.  
Santa Clara County Superior Court, Case No. 19cv352355  
Authority: Government Code Section 54956.9 (d)(1).
4. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: Written Liability Claim Against the City of Palo Alto  
By Julio Arevalo (Claim No. C19-0112)  
Authority: Government Code Section 54956.9 (e)(3).

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 6:29 P.M.

Council returned from Closed Session at 7:58 P.M.

Mayor Fine announced no reportable action.

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## Agenda Changes, Additions and Deletions

Agenda Item Number 2 was removed from the Agenda.

## Minutes Approval

5. Approval of Action Minutes for the January 27, 2020 Council Meeting.

**MOTION:** Council Member Cormack moved, seconded by Mayor Fine to approve the Action Minutes for the January 27, 2020 Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor DuBois to approve Agenda Item Numbers 6-9.

6. Approval of two Professional Services Agreements for On-call Construction Inspection Services for Water, Gas, Wastewater Collection, and Electric Utility Capital Improvement Projects With: 1) 4Leaf, Inc. (C20176888A) for a Not-to-Exceed Amount of \$2,000,000; and 2) Park Engineering, Inc. (C20176888B) for a Not-to-Exceed Amount of \$1,000,000, for a Total Not-to-Exceed Amount of \$3,000,000 for up to Five Years.
7. Approval of Amendment Number 2 to Contract Number S16163447 With Brad Horak Consulting for Public Safety Network and Wireless Consulting Services to Increase the Amount by \$40,000 for a new Not-to-Exceed Amount of \$140,000.
8. Adoption of an Ordinance Dedicating 0.64 Acres of Land Adjacent to 3350 Birch Street to Become Part of Boulware Park.
9. Resolution 9879 Entitled, "Resolution of the Council of the City of Palo Alto Amending the Administrative Penalty Schedule to add Penalties Related to Planned Community (PC) Ordinance Number 5069/Title 18 (Zoning)."

**MOTION PASSED:** 7-0

## Action Items

10. TEFRA HEARING, Regarding Conduit Financing for Palo Alto Housing Corporation, on Behalf of the Wilton ECR, L.P. Project Located at 3703-3709 El Camino Real, Palo Alto; and Resolution 9880 Entitled,

# DRAFT ACTION MINUTES

“Resolution of the Council of the City of Palo Alto Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority for the Purpose of Financing the Acquisition, Development, Construction and Equipping of a 59-unit Multifamily Rental Housing Facility for Low-income Households and Other Matters Relating Thereto.”

TEFRA Hearing opened at 8:23 P.M.

TEFRA Hearing closed at 8:25 P.M.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to adopt the Resolution approving the issuance of the bonds by the California Municipal Finance Authority for the benefit of Wilton ECR, L.P.

**MOTION PASSED:** 7-0

11. Council Appointed Officers’ Committee Recommendation That Council Discuss and Accept the Report “Internal Auditing Practices: City of Palo Alto Relative to Industry Practices” and Provide Direction on Next Steps (Continued From January 21, 2020).

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

- A. Accept the report; and
- B. Direct the Mayor to appoint an Ad Hoc Committee to fill the City Auditor function which would allow consideration of firms.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to amend Motion Part B to state, “...to assign the CAO Committee to develop a specification for...”.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to amend Motion Part B to state, “... City Auditor Function which would focus on consideration of firms”.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part B, “to be completed within 90 days”.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part B, “...to develop and issue a specification...”.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part B, "...and return to Council with responses".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "With an understanding that the scope of work will include a city-wide risk assessment". (New Part C)

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "The CAO Committee will discuss the exact array and focus of auditing services". (New Part D)

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

- A. Accept the report; and
- B. Direct the Mayor to assign the CAO Committee to develop and issue a specification for the City Auditor function which would focus on consideration of firms, to be completed within 90 days and return to council with responses; and
- C. With an understanding that the scope of work will include a city-wide risk assessment; and
- D. The CAO Committee will discuss the exact array and focus of auditing services.

**MOTION PASSED:** 7-0

Council took a break from 9:38 P.M. and returned at 9:45 P.M.

- 12. Review the Preferred Alternative Concept Plan for San Antonio Road and East Charleston Road Intersection and Direct Staff to Initiate and Complete Final Design Plans, Environmental Analysis, Specifications and Estimates for Construction.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to approve Concept Plan D as the preferred alternative for San Antonio Road and East Charleston Road intersection and direct Staff to initiate and complete final design plans, environmental analysis, specifications and estimates for construction.

**MOTION PASSED:** 7-0



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13. Resolution 9881 Entitled, "Resolution of the Council of the City of Palo Alto Scheduling the City Council Summer Break and Winter Closure for 2020."

**MOTION:** Mayor Fine moved, seconded by Vice Mayor DuBois to adopt the Resolution scheduling the City Council 2020 Summer Break and Winter Closure.

**MOTION PASSED:** 7-0

Adjournment: The meeting was adjourned at 10:30 P.M.