



CITY COUNCIL SUMMARY MINUTES

Special Meeting
January 30, 2023

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

Present In Person: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Present Remotely: None

Absent: None

Mayor Kou called the meeting to order at 5:00 P.M.

City Clerk Lesley Milton called the roll and declared all were present.

Agenda Changes, Additions and Deletions

There were none.

Public Comment

Fred Balin (Speaking on behalf of Enid Parson, Emily Renzel, Greg Schmid, Angelica Volterra, Dorothy Bender, Mary Sylvester, Rebecca Sanders, Jeff Levinsky, Doria Summa, Ann Balin, Annette Ross) noted that Attorney Thomas Jordan had passed away earlier in January 2023 and would be interred in Alta Mesa Memorial Park at a later date. He spoke of his life and his support of open spaces. A series of DVDs of oral histories had been submitted to the Media Center, which would be played on February 4, 5, and 7 on Channel 30.

Karen Holman spoke of Attorney Thomas Jordan personally.

Aram James thanked the previous speakers for their comments regarding Attorney Thomas Jordan. He read a statement he had written to the Council in opposition of tasers and the K-9 Unit. He spoke briefly of the First Amendment and the implications of limiting speech.

Talya Schube, a representative of the Palo Alto Student Climate Coalition, commented on climate change. She asked that the commitment to the 80 x 30 goal be reaffirmed. They supported the City's efforts to achieve climate justice.

Consent Calendar

1. Approval of Minutes from December 12, 2022, December 19, 2022 and January 9, 2023

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2. Approval of Amendment Number One (1) with Insight Public Sector, C20177991 Extending the Term by Three Years and Compensation by \$1,686,615 Utilizing a Riverside County Agreement for Citywide Microsoft Licensing and Approve a Contingency in the Amount of \$100,000 Annually, for a new Total Not-to-Exceed Contract Amount to \$3,628,317; CEQA Status—not a project
3. SECOND READING: Adoption of Amendments to Palo Alto Municipal Code Chapter 18.09, Accessory and Junior Accessory Dwelling Units due to State Law Changes and Direction from the California Department of Housing and Community Development. Environmental Assessment: Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305. Planning and Transportation Commission Recommended Approval of the Ordinance.

Public Comment

John Kelly addressed the proposed ordinance adopted by the City Council on December 12, 2022, regarding two-story ADUs. He respectfully asked that the second ordinance be taken off the Consent Calendar and that it be deliberated on further. He requested making two-story ADUs the norm regardless of the size of the ADU and had sent a letter outlining why he thought it was a sensible policy.

Maureen Bard requested approval of the updated ADU municipal code be withheld and asked the restrictive height limit on ADUs be reconsidered.

Aram James agreed with the previous speakers and requested Item 3 be taken off the agenda and that there be more conversation. He outlined why there could be litigation concerning the issue.

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

Council Members Lythcott-Haims, Tanaka registered a no vote on Agenda Item Number 3.

MOTION: Vice Mayor Stone moved, seconded by Mayor Kou to approve Consent Agenda Item Numbers 1-3.

MOTION PASSED FOR Item 1: 7-0

MOTION PASSED FOR Item 2: 6-1, Tanaka No

MOTION PASSED FOR Item 3: 5-2, Lythcott-Haims, Tanaka No

Council Member Lythcott-Haims indicated regarding Item 3 that she did not want the ADU ordinance to be brought in compliance with the State's law but rather to go further and allow

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taller ADUs across Palo Alto, which would achieve equity across the city. Because of the tree ordinance, extending a two-story ADU citywide would make it more likely ADUs would be built.

Council Member Tanaka indicated he had the same thoughts on Item 3 as Council Member Lythcott-Haims and felt the housing stock needed to be increased to solve the housing problem, and as there was a second story review, there was not a lot of danger of being more flexible on second stories. In regard to Item 2, he thought the City should get a better contract. He also did not like that there was a \$300K blank-check contingency. He indicated it was also \$100K a year over budget.

City Manager Comments

City Manager Ed Shikada expressed it would be appropriate to do a follow-up communication to Council in regard to Item 2. He indicated the action and ordinance of Item 3 was intended to maintain compliance with State law and was time sensitive. Staff was working on the next iteration of ADU regulations and would bring it to PTC and City Council later in the spring. Further discussion of two-story ADUs would be appropriate for next week. He reflected on the First Amendment and the Police Department. He discussed mental health and recent tragedies, and the City homepage provided links for available resources. He referred to high utility bills and mentioned available resources. He discussed available cold-weather advisory resources. He presented a slide of planned programs for Black History Month. There would be additional days and/or hours of operation for all library branches, the details of which were on the website. There was ongoing recruitment through February for board and commission positions. He listed the 2023 Council Priorities City Council approved. Upcoming agendas would include continued discussion of the Council Priorities, a study session on the shuttle service, and discussion and action on gas powered leaf blower enforcement on February 6; study sessions related economic development and the Buena Vista Mobile Home Park, a mid-year budget review, and Council Committee work plans on February 13; and a parklets update, Palo Alto Airport Status Study Session, procurement for automated license plate readers, and a proposed ordinance for firearms in sensitive places was scheduled for February 27 and beyond. The February 20, 2023, Council meeting would be cancelled in observance of Presidents' Day.

Action Items

- AA1. City Council discussion and direction regarding wage requirements for the contract for next Janitorial services (Continued from the 1/23/23 Meeting)
 - A. Review and Provide Direction on Wage and Benefits Requirements for Inclusion in a New Janitorial Services Request for Proposal (RFP)
 - B. Responsible Contracting Standards Colleague's Memo (Stone & Burt)

Public Works Director Brad Eggleston requested guidance on the wages and benefits requirements to be included in the upcoming RFP leading to a new janitorial contract.

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Assistant Director Public Works Mike Wong stated the Staff Report sought Council direction on the wage and benefits requirements for the new janitorial services bid solicitation. The current contract was to end in seven months. He indicated what the original bid solicitation focused on and what the new RFP would continue to focus on. He outlined three benefit requirement options staff was proposing. He furnished two tables staff had prepared related to the cost differences for the wages and benefits for each of the options.

Director Brad Eggleston mentioned a supplemental memo had been published with the agenda on January 26, 2023, that answered questions related to payment of back wages under the current contract.

City Manager Ed Shikada noted that resources would likely need to be considered to ensure contractor wage and benefit compliance. Collective bargaining agreement (CBA) requirements may require the City Attorney's office and staff follow up moving forward.

Vice Mayor Stone addressed wage theft and substandard working conditions with the third-party contractor. They received many requests to adopt a higher level of standards for subcontracted services. Assemblymember Berman encouraged adoption of the recommendation in the Memo, and Senator Becker supported the proposal. He referenced the needs the Memo addressed. He supported adopting a higher prevailing wage. He referred to a report by the Maintenance Cooperation Trust Fund. He noted why having a CBA was of particular importance to janitorial services and specified the recommendation was about the health, safety, and dignity of the city's janitors and ensured they were properly represented and cared for particularly in an industry with a well-documented history and ongoing practice of violating labor and employment laws.

Council Member Burt expressed that people performing work on behalf of the City needed a fair living wage. He asked the date of the final version of Colleagues' Memo. He proposed looking at outsourcing policies at the upcoming discussion on priorities for the year and to include discussion about how Colleagues' Memos would be prioritized and agendized.

Director Eggleston answered the Colleagues' Memo was originally agendized for the November 14, 2022, meeting.

Vice Mayor Stone declared it was submitted October 5, 2022.

City Manager Shikada remarked they received it in October.

Public Comment #AA1 – Janitorial Services

Aram James supported the CBA and hoped there would not be a third-party contractor. He opined comparable wages and health benefits were needed for janitorial services. He requested having conversations with Vice Mayor Stone and Council Member Burt.

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Cassie Peabody read in Spanish comments from a group of SWA janitors, which she then translated into English, which stated a responsible contractor policy valuing their rights was needed.

Jose Pavon, a political organizer with SEIU-USWW, requested he translate for a speaker that needed translation. He believed the Memo indicated \$17.50/hour was the contracted wage, which was not a livable wage. He asked the City of Palo Alto to act in support of the workers.

[Carmen Salivas] (translated by Jose Pavon) had been a member of SEIU-USWW for 23 years and supported being union with a stable salary, paid holidays, stable benefits, paid vacation, and automatic raises. She wanted the workers of Palo Alto to also enjoy the same benefits.

Council Member Lythcott-Haims expressed it was incumbent upon local government to seek to better understand and better serve the most vulnerable workers and residents providing services deemed essential and to ensure it be a top priority that janitorial workers be compensated appropriately and free from harassment and wage theft from their employer.

Council Member Veenker echoed Council Member Lythcott-Haims' comments about being judged by how we treat the most vulnerable. She was glad to see the prevailing wage and the CBAs raised in the Memo. She inquired how the prevailing wage in Table 1 would be addressed going forward with the City-determined wage starting at \$20 or higher for the PUC + union wage.

Director Eggleston answered that they could require the PUC prevailing wage, union wage, or a CBA not have different higher wages for the different classifications. They suggested looking at the scale of wages staff had defined and applying that and set a floor for the wages that could apply even if collective bargaining and/or the PUC wage was required.

Council Member Veenker asked if that meant starting with the PUC prevailing wage plus the union wage but keeping the relative increases as they were under the City-determined wages going up the scale.

Director Eggleston confirmed that was correct.

Council Member Lauing considered this a morality issue and commented the Council needed to be fully committed. He presumed the 40% increase was a General Fund item that needed to be budgeted, which he was fine with.

Director Eggleston answered a great majority of it was a General Fund cost, but it was not that simple because the services were provided to areas occupied by Enterprise funds.

Council Member Burt questioned if the Council should support Option 3, which aligned with the Colleagues' Memo, and what they foresaw as the process by which the bidders would be able to have a CBA before commencement of the new contract and if the bidders they had used had CBAs. He queried if from a timing standpoint there would a hurdle from the remainder of

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time on the existing contract to the new bidders going through a collective bargaining before implementation of the contract because, the way it was written, a contract with a bidder could be settled on without them having a CBA, but it would need to be in place by the time the contract took effect. He asked if a bidder did not have CBAs would they have to go into that to be able to bid or take the risk of an unknown cost if they negotiated it subsequent to receiving the contract but prior to the effective date. He pointed out key benefits in Option 1. He was concerned that 24 months was a long while to wait for qualification for healthcare. Regarding the different categories within the work sector, he requested an explanation of the different qualifications of a police department custodian and a utilities custodian versus a general purpose custodian.

Assistant Director Wong answered that most of the bidders in past RFPs had not been Collective Bargaining Units (CBUs). He thought a few companies without CBAs would bid, and he indicated what that could mean. Regarding the different categories within the work sector, different job classifications were based on different skillsets and qualifications.

Director Eggleston added they could not say exactly what bidders would do. Some companies had CBAs. There was an SEIU master agreement for the region that private companies could sign up to, which he understood they could go into the collective bargaining whether they became SEIU or some other union and could use that as a master agreement. From a timing standpoint, there would be a hurdle, but that language had not been drafted. He thought it was correct if a bidder did not have CBAs they would have to go into that to be able to bid or take the risk of an unknown cost if they negotiated it subsequent to receiving the contract but prior to the effective date.

City Manager Shikada expected the only companies that would bid on this would be those with a CBA.

Council Member Tanaka asked why the contract was renewed with the current janitorial service if they were violating labor standards; why the City, not the janitorial service, had to pay for the difference in wages; besides Mountain View what other cities had adopted practices of this proposal; if the cost would be 44% more than the current cost and where it would come from; and why some services were provided by City employees and some contractors and why not contract out everything, not just janitorial.

Director Eggleston explained the current janitorial service contract was renewed because in previous reports it had been characterized as more of a misunderstanding than a violation, and when the issue was presented to them, they immediately corrected it. Services needed to be continued, and doing an RFP and developing a new contract would have taken time. They tried to bring the item to Council in October or early November, but it was continued, and they did not have a choice other than to further extend the contract. Also, this RFP would be a different process. Staff recommended the City pay for the difference in wages to make sure it happened expeditiously and fairly. They were not aware of other cities adopting such a proposal. They could not say exactly how much it would cost, and he explained it would be on the order of a

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\$1M annual increase, and it was part of Council's decision how to budget the funds. He explained why some services were contracted and some provided by City employees.

City Attorney Molly Stump stated questions regarding services being provided by City employees versus contractors was beyond the boundaries of the agenda item. A deeper dive needed to be done for a noticed item so staff could be prepared. The area was very complicated, and the janitorial contract was one of many types of contracts, and there were many reasons for contracting services and complicated legal issues regarding the type of services and the process.

Mayor Kou believed it was important to visit and revisit the living wage. She inquired how vendor compliance would be ensured, and thought it was an area that needed to be further explored and solidified. She questioned where the money would come from.

Director Eggleston indicated ensuring vendor compliance was usually more focused on ensuring they were fulfilling the scope of services they were being paid for and not on the wages and benefits side. At least in Public Works, he believed the janitorial contract was the first time wage and benefit requirements had been established versus following a process of determining performance stands and choosing the lowest bidder. The City did not have much experience monitoring wage and benefits compliance.

City Manager Shikada noted if additional wage and benefits requirements were to be part of the RFP they want to ensure adequate resourcing to ensure compliance.

MOTION: Council Member Tanaka moved to look at this proposal and all contracts for services during the budget review cycle.

Council Member Tanaka commented that Council was thinking about moving forward with this but the question of where funds would come from had not been answered.

Motion died for lack of a second.

MOTION: Council Member Burt moved, seconded by Vice Mayor Stone adopt Option 3 as stated in the staff report and to scale the new wage set in proportion to classifications included in Option 1 using the PUC base custodian prevailing wage as a baseline.

Council Member Burt hoped his colleagues would support the proposal.

Vice Mayor Stone expressed there was an economic benefit to passing the motion. He quoted Senator Becker's letter in that he strongly supported the proposal and hoped the Council did as well.

Council Member Lythcott-Haims acknowledged Council Member Tanaka's motion. She was not going to vote for it, but she was not sure if she should have seconded it in order to have the conversation. It was important that Council be good fiscal stewards of the City's resources and

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that there be consistency across all third-party contracts providing services. She intended to examine those issues as they came before Council, perhaps around budget time in the spring. She supported the present motion.

Council Member Veenker supported the motion. She thought it was a good vehicle to explore how to deal with the CBA requirement. The prevailing wage requirement was a little different and a little bit of a departure, so Council would see how they did with the broader budget discussions.

City Manager Shikada wanted to confirm his understanding of the motion and queried if it was correct that the PUC wage would be used as the minimum to scale the other wages to reflect the classifications.

Director Eggleston acknowledged that was correct.

Discussion ensued regarding the language of the motion, and changes were made for clarity.

Mayor Kou asked if \$20 was used as the base and the percentage of the lead custodian, etc., going up.

Asst Director Wong clarified that it would be based on the dollar amount job classification because the rates may change in the next contract.

Council Member Burt stated the lead custodian, etc., would increase at the same percentage they currently did.

Council Member Tanaka asked why the wording of the motion was changed. He would support the wording of the original motion, not the current motion.

Council Member Burt stated it was based on the information in Table 1, which he explained.

Mayor Kou asked if healthcare benefits would go into effect after two years of service and if there would be monitoring to ensure people would not be dismissed from service close to the two-year mark.

Director Eggleston understood healthcare benefits would start after two years of service.

Council Member Burt stated they would be contractually bound to meet all of the contract requirements, including healthcare benefits.

City Manager Shikada stated healthcare benefits would be defined in the CBA.

Vice Mayor Stone asked if the CBA could negotiate a shorter time frame for healthcare benefits.

Director Eggleston indicated that could be done.

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Council Member Tanaka questioned if the vote could be split as he liked the motion as it was originally versus the modified version.

City Attorney Stump declared that motion was not on the floor and he could make a substitute motion.

MOTION PASSED: 6-1, Tanaka No

4. Review and Adoption of the Policy and Services Committee Recommendations on the Revised Council Procedures and Protocols Handbook (previously discussed on December 19, 2022)

Deputy City Manager Chantal Cotton-Gains gave a brief overview of the Council Procedures and Protocols Handbook. She indicated the purpose of the handbook. It required City Council adoption, and there would be annual review through the Policy & Services Committee. She discussed what brought the Council to this review. The process of changing policy pieces in the handbook would be done annually through the P&S Committee, which was currently happening. The item was being brought back to City Council so the different topics could be expanded on. To organize the meeting, they were hoping to have discussion section by section, and that it could be done with tentative approvals or agreements for each section with the goal of adopting as much as possible.

Mayor Kou noted the goal was to approve handbook sections so work could be done within a framework. There may need to be further refinements or amendments by staff.

Council Member Lauing asked if procedurally the order on Packet Page 42 and 43 would be followed of Items 1 through 16 and if they could work with the redlined version. He inquired if the asterisks would be addressed last.

Mayor Kou confirmed the redlined version could be followed. As the sections are gone through, the asterisks not addressed would be addressed at the end.

City Manager Ed Shikada commented it was effectively a page turn on the document. Pages 42 and 43 were policy issues that had been identified through the P&S discussion and was a subset of the page by page. Those issues would be raised as Council proceeded section by section to make sure they were part of the discussion.

Deputy City Manager Cotton-Gains requested sections being discussed be identified for the public and staff to follow along.

Vice Mayor Stone stated the asterisks were a few critical policy changes that did not reach consensus at P&S, which Council needed to discuss further.

Public Comment

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Fred Balin commented that reporting on quasi-judicial hearings required more than stating it had been covered in the Staff Report, and according to the policies and procedures, disclosure was supposed to include anything that impacted the Council's decision. He addressed the extended release of the packet window being 10 days, project plans being submitted to the City Manager or the Planning Department 5 days before a meeting, and the policy for City Council speaking to Planning Commissioners regarding a project going through the process.

Aram James thought Point B under Public Decorum and Meetings regarding remarks being addressed to Council as a body and not to any individual member or staff person needed to be amended consistent with the United States Constitution. Regarding professionalism and equitable rights, he asked that earlier comments that he believed were directed at him be stricken from the record. He wanted taser and the K-9 issues on the agenda.

Deputy City Manager Cotton-Gains mentioned that the travel section had been updated for the draft.

Mayor Kou specified the discussion would start with Packet Page 96 (Item Page 56), Table of Contents.

There were no comments.

Mayor Kou proceeded to Packet Page 97, City Council Procedures, Section 1.

Council Member Lythcott-Haims outlined her reasoning for supporting rotation in the assignment of mayor.

Council Member Veenker asked if Referrals referenced on Packet Page 97 meant if something was referred to a standing committee that the Council could not address the issue at that meeting and there would have to be public notice and it be addressed at a later date. She enquired what "submit" meant in regard to Council members submitting matters to the Council. She questioned if two people authored a Colleagues' Memo and one were on the committee if they could participate in that deliberation and asked it to be specified who it would apply to. Regarding Function of Committees, it seemed inconsistent that it referenced the Council since the Council could not speak at the committee meeting and requested it be cleaned up. Page 101 (Page 9 of the Memo), Item F, referenced Committee of the Whole, but it seemed that thereafter all reference to the Committee of the Whole had been deleted. Concerning Page 9, Item C, Creation and Appointment, she voiced it would be helpful to estimate the time needed (once a month for an hour, etc.) for members participating on an ad hoc committee.

City Attorney Molly Stump replied it was correct that the Council could not address something being referred to a standing committee, that the public would need to be noticed, and it would be addressed at a later date. Council members would submit matters to the Council under the Colleagues' Memo process. This was not a matter for local policy and was a requirement of the Brown Act and applied to not just a Council member who signed on to a Colleagues' Memo but

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any Council member who was not on the committee, that they may only observe and not speak. If two people authored a Colleagues' Memo and one were on the committee, it was not intended that they could not participate in that deliberation. She commented the language should be clarified to reflect any Council member not on a standing committee who attended the committee meeting could not speak even as a member of the public, so it could read including Council members who authored a Colleagues' Memo.

City Manager Shikada indicated the paragraph related to Council members submitting matters to the Council was addressing a Council member not being a member of a committee being able to speak at the committee, which would be a Brown Act issue.

Council Member Tanaka agreed with Council Member Lythcott-Haims on Section 1.1, the Organization of City Council.

Council Member Burt queried if the intended language on Page 6 of the redlined packet, Function of Committees, was to be the committee and the public. He thought the term "expressly delegated" was too narrow and maybe needed to read "except as matters under guidelines provided by the Council" or "expressly delegated to the committee." Under Public Participation, he asked what "if extended public participation is desired, the Chair may provide for a longer period" was referring to. He suggested that it reflect individual speaker time would typically be three minutes and leave the language in giving greater latitude.

City Manager Shikada stated the Public Comment section could be clarified to reflect the intent of Council.

City Attorney Stump declared that "extended public participation" under the Public Participation section was meant to provide flexibility on the total amount of speaker time or the amount of time per speaker.

Deputy City Manager Cotton-Gains confirmed "extended public participation" under the Public Participation section was related to the amount of time an individual speaker would be allowed to speak.

Council Member Lauing suggested the assignment of mayor by rotation be placed at the end because there was a year to figure it out, and he thought there would be debate. He had a lot to say about it but would not speak to it currently. As for Packet Page 98, he concurred with Council Member Veenker and wondered if there should be more than the first full sentence there to identify the function of committees. Studying the current or perspective Council agenda items would probably not air all sentiments and expression of opinions. It did not seem clear. It should be noted the public could continue to speak at meetings.

City Attorney Stump expressed the language of the function of committees was old language and it could be worded differently.

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Council Member Burt stated Page 8 of the Memo, New Language, referenced adding other standing committees and listed Finance, etc., which were permanent standing committees but other committees could become standing committees for a limited time, which would not be viewed as a permanent standing committee but functioning as a standing committee and not an ad hoc under Brown Act rules.

City Attorney Stump indicated the word standing did not appear in the Brown Act but ad hoc did, so care needed to be taken in how it was used. She explained how standing committees could be different in character. Staff intended to add the ones not in the municipal code but had been long standing. There were others, which could be added and when they were dissolved, they would need to amend to remove them.

Council Member Burt remarked maybe they would not be listed but allude to the potential that they would exist and add language saying other standing committees may be adopted by the Council.

Council Member Lauing noted he liked the first sentence under Function of Committees and was not sure more was needed. He was not sure delegation and approval of contracts, etc., needed to be specified because none of it could be done without Council approval. The last sentence was not helpful.

City Attorney Stump provided an example of things Rail Committee had done without coming back to Council.

Council Member Burt mentioned the Council could assign things not expressed, and narrow actions but would give latitude to a committee.

City Manager Shikada conceptualized that motions would be taken and voted on for each section. To do that, clarity was needed on what would and would not to be changed. He suggested there be clarity on what changes would be made in Section 1.

Mayor Kou thought a motion could be made on the boxes and a vote taken and then a determination made. For the wordsmithing, Council may need to provide the concern and have staff return with the wording when going back to P&S, so it would not be currently addressed.

Council Member Lauing wanted to keep the words “actions of the committee should be advisory recommendations only” and delete the remainder of the sentence on Page 6, Function of Committees.

MOTION: Vice Mayor Stone moved, seconded by Council Member Burt to approve Section 1 with the following amendments:

- A. Keep the existing language in 1.1 Organization of City Council.

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- B. Revise the redline in 1.2.1 Function of Committees to read: *Actions of the committee shall be advisory recommendations only-to the full Council, except as to matters expressly delegated to the committee by Council.*
- C. Add this language to Section 1.2 B: Policy and Services Committee: "Other standing committees may be adopted by the Council."
- D. The Chair may set public speaking time to 3 minutes.
- E. Proposing to amend to read "Council members who are not on a committee may attend the committee meeting but only as an observer; they may not speak or otherwise participate in the committee meeting."

Vice Mayor Stone agreed with the discussion of making sure there would be flexibility regarding other standing committees being adopted by the Council. As to B, he agreed with Council Member Lauing's statements regarding redundancy. As for A, he discussed his rationale for not supporting the mayor being rotational.

Council Member Veenker thought it would be appropriate to have a discussion at a different time regarding the rotation of mayor. She asked if Page 5, Packet Page 97, meant just Council members. She requested the phrase "the Committee of the Whole" be deleted on Page 9, Packet Page 101. She supported the motion.

City Manager Shikada would remove the phrase "the Committee of the Whole."

Council Member Lythcott-Haims was stuck by the fact they had clerical changes to the language, consent-type changes, and action items. The question of the mayoral selection was a much different category of question than the others, and she wanted a commitment that there would be a conversation regarding that. Action items that may have been in the handbook would deserve more time. Starting with Section 2, she wondered if there was a way to indicate clerical issues and put on essentially a consent motion and indicate the items that would be deferred for further conversation. She asked if Council Member Lauing had a suggestion as to how to handle the mayoral rotation issue.

Mayor Kou suggested she make a friendly amendment or a substitute motion.

Council Member Lauing remarked if 1.1 was passed as it was it would not change anything that could be done in the future and could be brought up at any point. He commented that all the hard items could be moved to the end, which could mean the next meeting.

MOTION PASSED: 7-0

Council Member Tanaka would like to make an unfriendly amendment on Part A and add something to the effect of scheduling an action item this year.

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Mayor Kou reminded the Council that the handbook would go back to P&S every year for review and was something that could come back to the Council.

MOTION: Moved by Council Member Tanaka, seconded by Council member Lythcott-Haims to approve Section 1 with the following amendments:

- A. Keep the existing language in 1.1 Organization of City Council & schedule an action item discussion later this year
- B. Revise the redline in 1.2.1 Function of Committees to read: *Actions of the committee shall be advisory recommendations only-to the full Council, except as to matters expressly delegated to the committee by Council.*
- C. Add this language to Section 1.2 B: Policy and Services Committee: "Other standing committees may be adopted by the Council."
- D. The Chair may set public speaking time to 3 minutes
- E. Proposing to amend to read " Council members who are not on a committee may attend the committee meeting but only as an observer; they may not speak or otherwise participate in the committee meeting"

Council Member Tanaka stated at least three other Council members wanted to have a more in-depth discussion regarding mayoral rotation, which should be honored. It had been discussed in P&S and passed.

Vice Mayor Stone remarked it passed as a 2-3 vote in P&S. He thought the process of having this come back as a Colleagues' Memo was the best step forward. He was concerned that scheduling many action items would produce a burdened schedule.

Mayor Kou mentioned again that reviewing the handbook returned every year to P&S.

Council Member Burt believed the current policy was the correct one, so he would not support coming back for a prolonged discussion.

Council Member Lauing provided his reasons for being comfortable with the original language as opposed to the amendment, in spite of favoring more discussion.

MOTION FAILED: 4-3, Lauing, Stone, Kou, Burt No

City Attorney Stump recommended Council call out uncontroversial clerical errors on items that were very straightforward and that Council consider those taken care of by staff, and they would not need to be addressed in a subsequent motion.

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Mayor Kou returned to clerical errors in Section 1. There was a letter B but no letter A where P&S Committee was referenced on Page 8. She asked if it was necessary to put “per speaker” for speaking time on Page 6.

City Attorney Stump declared there were some formatting changes that needed to be made, which staff would do. They would add “per speaker” on Page 6.

Deputy City Manager Cotton-Gains mentioned that would align with fixing the table of contents.

Mayor Kou progressed to Section 2, City Council Conduct with Palo Alto Boards and Commissions.

City Manager Shikada remarked there was an interest coming out of the P&S Committee discussion in what was termed meeting efficiency, so there may be some areas for the Council to consider related to the organization of the meetings in the interest of efficacy. Staff had flagged policy issues related to AB2449, Remote Attendance, and the timing of Colleagues’ Memos and how they would be handled near the end of the calendar year or terms of Council members.

Deputy City Manager Cotton-Gains flagged that P&S had not voted unanimously as to the number of times a meeting could be attended remotely by a Council member.

Mayor Kou thought attending five meetings remotely was too many. Regarding Page 13, Number 2 iii, she noted that disruption to the meeting broadcast would stop City business, which disturbed her. She proposed that a Council member having X number of failed attempts to connect would have to declare their absence. An event of a Council member not being able to connect or there being continued disruptions concerned her.

City Attorney Stump stated the requirement regarding remote attendance was in the new AB2449, and the way it was drafted was broader than necessary. The law only required that procedure apply to meetings in which a Council member was using emergency circumstances or just cause, so it could be moved somewhere else in the document to be clearer. It would not require the meeting be ended but would require no action be taken, so a pause would need to occur while the technical problems were addressed and everybody was back in the meeting. She commented on what the law said and her concerns of a Council member reconnecting to a meeting. If the rule Mayor Kou described was used, all Council members would need to understand they would be out for the rest of the meeting.

Council Member Bert asked if Page 13, Number 2 iii meant the Council as a Whole.

City Attorney Stump affirmed the Council as a Whole could not take action, and it should say Council, not Council members.

SUMMARY MINUTES

Mayor Kou opined that a Colleagues' Memo should be on the agenda before the end of that Council member's term. She suggested a Colleagues' Memo, after receipt by staff, have a timeline to be placed on the agenda.

City Attorney Stump was concerned there may not be enough time to do legal research, if it was needed, if a timeline of getting Colleagues' Memos onto agendas was stipulated.

City Manager Shikada indicated a specific timeframe was not necessary, but they would operate accordingly if that was what Council wanted.

Council Member Bert accepted the proposed language on Page 17 as it was not restrictive with a Colleagues' Memo being submitted late in a Council member's term, with an expectation that it would come before the Council during that Council member's term as well. He did not know if it should be put in writing, but a Council member should consider the timing, and staff should attempt to get it to the Council while that member was serving. He was looking at the document version prior to the most recent update, which he thought was better language. He asked how the language got changed.

City Attorney Stump recalled P&S voted 2:1 to change the language.

Council Member Lythcott-Haims suggested that Section 2.1 acknowledge the meetings would start at 5:00 and call them regular meetings versus calling them special meetings. Regarding Section 2.3, Attendance Procedures, it was possible there was a violation of the labor code by asking City employees, Council, and staff to work up to 7 hours continuously with one 10-minute break. It was imperative to figure out how the City work would be done without meeting into all hours of the night routinely. She proposed a restatement of language in 2.1A that would state Council hold three regular meetings a month from 5:00 to 10:30 p.m. and endeavor to additional meetings or continue the meeting past 10:30 p.m. only in the case of emergencies. Putting it in writing may help put it in practice. She supported the change for five meetings for Council and five meetings for committees being permissible as remote in Section 2.3B.

City Attorney Stump specified the handbook language would need to be amended to make 5:00 the regular start time, but an ordinance would also need to be amended because the 6:00 start time was in the Municipal Code.

Council Member Veenker voiced that meetings starting at 5:00 could be a hardship for working people, so she was not sure if she would support the 5:00 hour, although she supported the concept behind it. She asked for an explanation of a special meeting cycle.

City Manager Shikada answered that the term special described a meeting starting at 5:00 rather than 6:00. The meetings could start at 6:00, but with full agendas, it could potentially require more or later meetings.

Discussion ensued regarding start times of 5:00, 6:00, and 7:00.

SUMMARY MINUTES

City Attorney Stump indicated the meetings should start at 6:00 or the code should be amended to start meetings at 5:00 if the meetings would always start at 5:00. She stated it would be a good practice because there were actions that could only be taken at regular meetings. She indicated that a special meeting could be adjourned to have a regular meeting so certain limited actions could be taken, which she did not support doing such.

Council Member Veenker would not suggest any amendments to the meeting start time now and hoped the Council could later discuss the issue. Regarding Item C, Supporting Reports and Materials, she asked that the supplemental memoranda not be new material at the meeting if it was previously available. She did not know if the language needed to be amended. Regarding remote participation being five, she inquired how that agreed with the State law of no more than two. She queried if the AB2449 remote attendance procedures were supplemental, alternative, or in addition to the other requirements. She questioned if one was attending remotely and there was a closed session and it was not possible to be in a private place for the session if one could sit out of the session and return to the meeting.

City Manager Shikada indicated that supplemental material was presented at the meetings because it was not available at the time of the base packet.

City Attorney Stump clarified there were two formulas in the State law regarding remote participation, which were mandatory for using that type of remote participation. The five times per year was a City-level policy for all types of remote participation. That type of participation was the just cause and the emergency. One could do something other than just cause or emergency. The traditional Brown Act procedures could be used. She believed Council intended AB2449 remote attendance procedures to be supplemental, alternative, or in addition. It allowed a different set of procedures for some of the five remote attendances. She understood that Council stated a Council member could participate remotely in a Council meeting only five times per year, so one may never qualify for AB2449 or may choose not to use it. She covered some of the requirements of AB2449. Regarding attending remotely and there being a closed session where it was not possible to be in a private place, one could step out for that portion.

Council Member Tanaka thought 6:00 meetings should be adhered to and wanted meetings to be at 6:00, not 5:00. He agreed with the concept of a cutoff time for the meetings. He thought meetings could be run more efficiently and that the timer should be used more. He encouraged everyone to read the book *The Mythical Man-Month*. He thought remote attendance should be allowed at least five times a year for Council meetings and five times a year for each committee one might be on. The Colleagues' Memo should be heard before a Council member's term ended, and there should be a timeline.

Council Member Lythcott-Haims stated it was the Council's way of being that would have to change to manage the length of time of the meetings by addressing fewer issues and speaking more efficiently. She wanted to see a commitment to that kind of discipline. She voiced that regular meetings starting at 6:00 was more equitable than starting at 5:00.

SUMMARY MINUTES

MOTION Moved by Mayor Kou, seconded by Council Member Burt to approve Section 2 with the following amendments:

- A. Number of remote appearances to be no more than 3 times per year
- B. Modify General Procedures for Appearing Remotely iii “after five tries to reconnect that the Council Member is considered absent”
- C. Council Members nearing the end of their term desiring to submit a Colleagues’ memo should consider submittal timing and steps needed in order to ensure Council discussion prior to the end of their term

Mayor Kou voiced that all ran to serve on the Council and many knew what to expect. The City needed to be in continuous movement. She believed it was democratic to allow questions and represent the community and for the community to be able to provide public comments. Meeting efficacy was a challenge. She thought Council members should be present and ready to do the work.

Council Member Lythcott-Haims reiterated her concern of remote attendance being three times per year. She would need to attend remotely more than three times in a year. She opined that remote attendance worked. In this modern era, the Council should be able to have that flexibility.

MOTION: Moved by Council Member Lythcott-Haims and seconded by Council Member Veenker to remove Item A: Number of remote appearances to be no more than 3 times per year.

Mayor Kou indicated it was unfriendly amendment.

Council Member Veenker agreed there should be a remote attendance limit of five times. She would support this and count on each Council member to use their good judgment and commitment to the City as they decided how they would attend.

Council Member Lauing did not think being remote was as good as being in person, but attending remotely was better than an empty seat. He did not think the difference between three and five was material relative to the total load. He was comfortable supporting five remote attendances.

Council Member Tanaka thought five remote attendances made more sense than three. He thought attending remotely was more effective and that remote public speakers should be allowed to turn their camera on. Attending remotely was also better for the environment. He supported this amendment and wanted to support the diversity of Council members, not just those wealthy enough to not have to work.

MOTION PASSED: 6-1, Kou No

SUMMARY MINUTES

Council Member Tanaka wanted to make a friendly amendment to enable public participants' video. He believed it was much more engaging and improved communication with constituents.

Mayor Kou did not accept it.

MOTION: Moved by Council Member Tanaka, seconded by Council Member Lythcott-Haims to add to Section 5 to explore the ability to enable video for members of the public.

Council Member Tanaka wanted to encourage as much public participation as possible and believed video was much more effective than voice only.

Council Member Lythcott-Haims agreed. She wanted the decision of whether to be visible to be the participant's rather than that of the Council.

Council Member Lauing requested to know the implications if there were many public speakers wanting to attend by video.

City Clerk Lesley Milton stated when the Council first started using Zoom there was a technical issue with disconnecting people, and she did not know if that had been fixed. Video was not allowed previously because of that technical problem.

City Attorney Stump stated there was a legal issue with people engaging in behavior and exposing members of the public to inappropriate imagery, and they had to be cut off.

Council Member Lauing queried if it was going to be only suggestion how it could be part of the motion if the attorneys and the clerk had to investigate it and come back to the Council later.

Deputy City Manager Cotton-Gains voiced this point was the public interacting with the Council as opposed to the Council's participation. The reorganization of the handbook would place this in Section 5.

Mayor Kou indicated that she had seen a speaker come on with propaganda in the background completely off topic, which was concerning.

Vice Mayor Stone concurred with Mayor Kou's point. It presented issues regarding the limitations of government censoring speech that could be in the background. It was an added complexity that would not further the public dialogue. He would not support D.

MOTION PASSED: 4-3, Kou, Lauing, Stone No

FINAL MOTION: Moved by Mayor Kou, seconded by Council Member Burt to approve Section 2 with the following amendments:

~~A. Number of remote appearances to be no more than 3 times per year~~

SUMMARY MINUTES

- B. Refer to Policy and Services Committee to explore modifications to General Procedures for Appearing Remotely iii “after fifteen minutes attempting to reconnect that the Council Member attending remotely is encouraged to declare him/herself absent for the remainder of the meeting”.
- C. Council Members nearing the end of their term desiring to submit a Colleagues’ memo should consider submittal timing and steps needed in order to ensure Council discussion prior to the end of their term. Staff will make best efforts to agendaize such memos prior to the end of the Council term.
- D. Add to Section 5 to explore the ability to enable video for members of the public.

Mayor Kou asked if the wording in regard to B was sufficient and if there should be something about a Council member being considered absent if they were not successful in connecting. She was concerned that Council members attending in person would be waiting for the Council member attending remotely to reconnect, which would cause the meeting to go late into the night if business was going to be completed. She thought about referring it back to P&S.

City Attorney Stump was concerned that a Council member would not be able to return to the meeting if there was a very important item coming up. She did not know who would have the authority to prevent an elected Council member from attending a meeting. A situation could be created where the Council’s action taken during the time of the technical issue could be at risk. It could be referred back to P&S. She suggested leaving the rule as drafted, which was a statement of State law, and she could make it narrower so it would apply to only situations when a Council member was using emergency circumstances or just cause. It may have been fairly rare because the circumstances were fairly narrow. This rule did not have to apply for regular standard remote, which may have taken care of a lot of the concern.

Discussion ensued regarding the language of B, the circumstances under AB2449 allowing a Council member to continue to participate remotely if they had technical issues, and the difficulty of an elected official telling another elected official they could not vote on an item. It was decided, as the law was new and the idea of considering a Council member absent due to technical issues was new, it would be referred to P&S, and the City Attorney would have a greater opportunity to consider the matter.

Mayor Kou queried regarding B if the language in the handbook would remain as it was in the handbook.

City Attorney Stump recommended the language remain as it was in the handbook.

Council Member Veenker suggested changing the language in B to read after 15 minutes of attempting to reconnect that the Council Member attending remotely would be encouraged to declare him/herself absent for the remainder of the meeting.

SUMMARY MINUTES

City Attorney Stump noted that language resolved her concern, and that it would not need to go to P&S. The wording of the Council member being encouraged to declare him/herself absent versus being required to declare him/herself absent indicated that Council member would be taking on the responsibility and there would not be a problem of who would have the ability to require it.

Council Member Burt commented that it needed to be researched if there was an issue of it not being covered by the State law and, therefore, was within the discretion of Council policy, so it would still need to go to P&S.

Mayor Kou understood there was the State law AB2449 and then the City regulations which was the remote attendance.

City Attorney Stump expressed AB2449 would apply only if a Council member was using AB2449. It was within the Council's discretion with or without AB2449 to say there would be no remote participation. She was concerned that the Council member not being able to come back for a later item would put the City at risk because AB2449 stated action taken while the Council member's technology was down was subject to challenge. AB2449 applied to just cause and emergency circumstances.

Council Member Burt suggested deleting cause and emergency circumstances, follow the State law on those circumstances, and expand remote participation. In the cases where it had been expanded, Council would not be obligated under the terms of AB2449 and Council could set the rules for that. The rule for remote attendance needed to be in the procedures when not using AB2449.

City Attorney Stump stated there was not a problem if the Council member was not under AB2449. The rule saying the City's action would be at risk if the technology was down was a new piece of State law part of AB2449 and applied only to AB2449. The rule for remote attendance when not using AB2449 would be an enforcement issue that was up to Council, and it would not be staff telling a Council member they would not be connected or that they were dismissed.

Mayor Kou mentioned that under iii, it read that AB2449 would apply to both standards of remote attendance.

City Attorney Stump voiced that was how it was drafted, and she could move it to a different section so it would be clearer. Someone suggested adding the phrase when a Council member was participating under AB2449. Either way was fine.

MOTION PASSED: 7-0

[The Council took a five-minute break]

SUMMARY MINUTES

Mayor Kou proceeded to Section 3, City Council Meeting Order of the Agenda. She asked if the high-dollar value referenced on Page 21, Section 3.7, needed to be defined as there were different contracts, some of which were necessary and others that should be put on the agenda to inform the community and there could be conversation. Concerning Page 23, Section 3.8, she inquired if oral communications had been allowed in the past for the City Manager comments.

City Manager Shikada expressed it was within Council's discretion to define the high-dollar value referenced in Section 3.7. He indicated why there had been flexibility on it in the past. To his knowledge, oral communications had not been allowed in the past for the City Manager comments. It was set up largely for announcements. It was an item the Council would take action on.

City Clerk Milton shared that she had received comments from the public that they were frustrated that general public comments for items not on the agenda were not at the beginning of the meeting. It was up to the Council if the agenda was to be reordered.

Mayor Kou declared that was another item for colleague consideration.

Council Member Veenker inquired if study sessions could be placed after action items, which would help advance public comment to an earlier time, and more important decisions could be addressed earlier in the meeting. She queried if Council member questions related to announcements or things not on specific action items could be earlier in the agenda. She voiced that the language at the end of the last sentence on Page 18, Item A, Closed Session Requirements, Number 4, Attendance, needed correction. She pointed out a typo at the top of Page 22, Item B, Administrative Matters, Item 7 – the Director “of” Planning and Development Services. She questioned if on Page 23, Item 4, it should be noted that it would take four Council members to request an item be removed from the Consent Agenda if it was for a second reading.

City Attorney Stump acknowledged they could note that it would take four Council members to request an item be removed from the Consent Agenda if it was for a second reading.

Council Member Burt noted that Page 23 stated, “Council members who intend to request to remove an item should inform the City Manager’s office,” and he would be more comfortable with the wording “should strive to” or something to that effect as the word “should” could be interpreted as a requirement as opposed to an obligation the Council would strive to. Regarding 3.10, he suggested Council comments follow the City Manager comments. He thought it was best to keep the study session earlier in the meeting, as agenda changes could be done to change the sequence of a given meeting.

Council Member Lythcott-Haims noted that 3.7, Consent Agenda, referenced A, B, C, 2, 3, 4 and did not include a number 1. She loved the idea of the study session being last on the agenda and the actions items being done sooner and would like to experiment with to see what it could do for the efficiency and the overall length of a meeting.

SUMMARY MINUTES

Council Member Tanaka expressed that most of the public commented on action items and thought the action items should be first on the agenda, which would allow the public to speak sooner on the items. Optimizing the agenda may be having the order as action items, study sessions, consent items, City Manager comments, and Council member comments. He opined that two Council members should be able to pull a consent item because the Colleagues' Memo required two Council members.

Council Member Lauing did not disagree with the agenda order change, but noted that the amount of public comment on a study session should not be underestimated. He pointed out that items considered after 10:30, on Page 18, referenced new items. Regarding Page 22, Item C, he was glad to see it instituted in the interest of efficiency and recognizing the work of the commissions.

Vice Mayor Stone suggested that the Mayor agendize a future study session at the end of the meeting as a test before any changes were made. He liked the suggestion of moving up Council member comments but was worried it may be another opportunity to pontificate and would add 20-30 minutes to the meetings. He voiced that Council members being able to move an item off consent would add more to action items, meaning more later meetings.

Council Member Tanaka wondered why items that had passed boards or commissions unanimously were reconsidered by the Council. He supported streamlining to boards and commissions, which would decrease unnecessary workload on the Council.

MOTION Moved by Council Member Burt, seconded by Council Member Lythcott-Haims to approve Section 3 with the following amendments:

- A. Section 3.4: Council members who intend to request to remove an item, add "strive to" inform the City Manager's Office
- B. Move the section Council Comments to occur after City Manager Comments
- C. Move the section City Manager Comments to occur before the Consent Agenda

Council Member Tanaka thought study sessions should be later in the meetings and asked if the maker and seconder would be open to that.

Council Member Burt was not open to that as a policy change but was willing to encourage the Mayor to look for an opportunity to try it.

Council Member Lythcott-Haims agreed it should be considered by the Mayor but not be put in policy.

Council Member Veenker supported the motion.

MOTION PASSED: 7-0

SUMMARY MINUTES

Mayor Kou announced the Council was moving to Section 4, Procedures at City Council Meetings.

Deputy City Manager Cotton-Gains indicated not many things in the section changed and was mostly to clean up language.

Vice Mayor Stone mentioned there had not been strong directive from P&S regarding Council member speaking time and thought it would be left to each individual Council member to enforce themselves but, ultimately, the mayor or the vice mayor would enforce time limits.

Council Member Lythcott-Haims supported what was written in Section 4 regarding speaking time.

Council Member Lauing asked if Number 6 on Page 26 meant 5 votes were needed with a 7-person quorum.

City Attorney Stump stated that was the traditional Robert's Rules. She noted the reason for the supermajority.

Council Member Veenker questioned the language of Item A1 and asked if that indicated the mayor's permission was needed to make a motion. She did not understand the first sentence of Page 29, Item 11 and how a motion to reconsider could happen during an adjournment. She asked if the contacts referenced on Page 31, Items 4 and 5 were the same contacts if it could indicate it meant the same contacts. She wanted to make clear that it was all the contacts they were tracking.

Mayor Kou stated that in the past that time was provided for questions and comments and then motions asked for. If a motion was made early, there may be more questions about the motion.

City Attorney Stump indicated it was a matter of politeness and orderliness, but she did not think anyone would stop a Council member from making a motion. The language could be changed to "should seek." In reference to a motion to reconsider happening during an adjournment was a technical term and the practice had not been used with this Council. She indicated that a meeting could be adjourned to the immediate next day without re-noticing it if business had not been finished, which was lawful under the Brown Act and was called an adjourned meeting. Related to contacts referenced on Page 31, Items 4 and 5, it could be indicated that it meant the same contacts, but she declared that disclosure protected the City.

Council Member Burt thought a timer was useful for speaking time. Comments should be aired but not repeated. He suggested keeping the five minutes in the first sentence, but he favored language of "The Council shall be guided by the speaking time set by the presiding officer and shall conclude comments beyond the allotted time at the direction of the presiding officer."

SUMMARY MINUTES

MOTION Moved by Council Member Burt, seconded by Vice Mayor Stone to approve section 4 with the following amendments:

- A. Modify A1: Should Seek permission of the Mayor before making a motion
- B. Modify 4.3.15: The Council shall be guided by the speaking times set by the presiding officer and shall conclude comments at the direction of the Presiding Officer. The presiding officer shall endeavor to treat all members equitably.

Vice Mayor Stone remarked that the motion articulated the balance P&S was seeking for speaking times.

MOTION PASSED: 7-0

Mayor Kou moved to Section 5, How the Public Engages with the City Council.

Council Member Veenker commented that Page 35, Item F did not address those not in Council chambers.

City Attorney Stump noted that staff would fix that.

Council Member Lythcott-Haims opined that, related to Section 5.1D, notice should be given to the public related to the time they had to sign up for public comment and proposed adding the sentence regarding that from the agenda to Section 5.1D.

City Clerk Milton mentioned that the front page of the agenda had instructions for public comments, which is what they had been implementing. Any modifications made should be consistent in both the agenda and the procedures and protocols.

Council Member Burt specified it needed to be made clear when the cut off for signing up for speaking time would be, and the mayor needed to know about how many speakers there would be to determine speaking time, so there needed to be a forewarning. He provided suggestions related to determining when the cut-off time would be for public speakers to sign up. Regarding time limits, circumstances of speaking time was the number of speakers and whether there was a critical item on the agenda, which may require more time to speak.

Discussion ensued related to procedures and possible language in the handbook in regard to speaker time limits and cut-off times for signing up.

MOTION Moved by Council Member Burt, seconded by Council Member Veenker to approve Section 5 with the following amendments:

- A. Under 5.1C Time Limits: Replace "...are many speakers or items on the agenda" with "...are many speakers, number of items on the agenda, or items anticipated to be lengthy"

SUMMARY MINUTES

- B. Modify 5.1D to Add: “Approximately 5 minutes before cutting off submission for the public to request to speak on an item, the Mayor will endeavor to announce the pending cut off time.”

MOTION PASSED: 7-0

City Manager Shikada suggested setting a goal to make it through Section 8 tonight and leaving protocols for a future date.

Mayor Kou announced Section 6, City Council Questions on Agenda-Related Items, would be addressed.

Council Member Veenker would relate a typo to staff offline.

MOTION Moved by Council Member Burt, seconded by Council Member Lauing to approve Section 6 with the following amendments:

- A. Add language to Section 6.1: Council Members are strongly discouraged from asking questions already addressed in the staff report.
- B. Add language at the end of Section 6.1: “If the staff report is incomplete by 5:00 PM Thursday, that there is an extension to submit Council Questions until 5:00 PM on Friday”.

MOTION PASSED: 7-0

Mayor Kou proceeded to Section 7, Annual Council Priority Setting Guidelines.

Deputy City Manager Cotton-Gains clarified that this section was a separate policy altogether, which had been pulled into this document, and though it was all redlined, it was not new language. There were a few changes made to reflect most recent practice.

Council Member Veenker wondered if Item 2 on Page 38 could be revised to say 2 to 3 specific objectives within a priority may also be selected and should generally have a 2-year achievement goal.

Council Member Burt was open to Council Member Veenker’s suggestion. He suggested changing the language in the prologue statement under Guidelines for Selection of Priorities to read shared values to help guide our decisions that: 1) Balance revenues and expenses now and in the future, 2) Are environmentally sustainable, 3) Integrate equity, etc., 4) Create a healthy, safe, etc., 5) Safeguard public trust, 6) Embrace innovation. This would make the values stand alone as simple bullets rather than repeating every frame.

Council Member Lauing proposed deleting Items 1 and 2 for Guidelines for Selection of Priorities and outlined his reasons for such.

SUMMARY MINUTES

Discussion ensued related to the deletion of Items 1 and 2 and possible changes to the guidelines for selection of priorities.

Council Member Lythcott-Haims found the placement of the six values strangely located in the document and felt they should be at the outset of City Council procedures. She wanted them moved to a more suitable place so they would not be buried in the document.

ORIGINAL MOTION Moved by Council Member Veenker seconded by Council Member Lythcott-Haims to approve Section 7 with the following amendments:

- A. Revise Item 7.1 to say “Guideline of 3 or 4 priorities per year”
- B. Add Item 7.3 in the Guidelines for Selection of Priorities Section to read: “2-3 specific objectives within a priority may be selected and generally have a 2-year time limit”

Council Member Veenker preferred not to limit the priorities at the highest level to a three-year time limit.

Council Member Lythcott-Haims thought Priorities should be titled differently, as they resembled the Values. The specific objectives should be limited in time to two or three years. She thought climate and housing would be on the list for a long time.

Council Member Burt stated the priorities that continued past three years were for the most part captured in the values and was the original concept. He gave an example of S/CAP being within environment sustainability, and he did not know if the statement needed to be modified to make it clearer. He questioned where the value on housing was captured as opposed to a focus for the next two or three years to say changes needed to be adopted in zoning, etc., that would allow the housing element goals to be met. The goal would not go away when not a focused priority but meant the groundwork had been laid and there was a plan of implementation and achievement. He struggled with defining values. He believed the priorities should be guidance for up to three years, which would not prohibit Council from continuing or cutting short a priority.

Council Member Lauing indicated what Council Member Veenker proposed in terms of what was originally called objectives would get to the specific priorities. He thought the public would focus on the specific priorities, not the values. He suggested not saying no more than three priorities because it would give flexibility to not exclude things, and it was currently more than three.

Discussion ensued regarding the motion, an amendment, revising Items 1 and 2, and adding an Item 3, and there was discussion related to priorities, objectives, and values. The Council decided to split the motion.

SUMMARY MINUTES

SPLIT MOTION Moved by Council Member Burt seconded by Mayor Kou to incorporate the following in the motion:

- B. Revise Item 2 to say “Priorities should be targeted for up to a 3-year timeframe”

MOTION FAILED: 4-3, Lythcott-Haims, Tanaka, Lauing, Veenker No

FINAL MOTION Moved by Council Member Veenker seconded by Council Member Lythcott-Haims to approve Section 7 with the following amendments:

- A. Revise item 1 to say “Guideline of 3 or 4 priorities per year”
- ~~B. Revise item 2 to say “Priorities should be targeted for up to a 3-year timeframe”~~
- C. Add Item 3 in the Guidelines for Selection of Priorities Section to read: “2-3 specific objectives within a priority may be selected and generally have a 2-year time limit”
- D. Revise the statement of shared values and move it to the Introduction Section
 - a. Update the prologue statement “The Palo Alto City Council ~~universally~~ holds these values to help guide ~~our~~ decisions ~~and the work we do~~. These ~~values include~~ that:
 - 1. ~~We will make decisions that~~ balance revenues and expenses, now and in the future.
 - 2. ~~We will make decisions that~~ are environmentally sustainable ~~now and in the future~~.
 - 3. ~~We will~~ integrate equity into our decisions, considering how decisions affect people differently based on their identity or circumstances.
 - 4. ~~We will~~ make decisions that create a healthy, safe and welcoming community for all.
 - 6. ~~We will~~ safeguard public trust through transparent practices and open communication.
 - 7. ~~We~~ embrace innovation.

MOTION PASSED: 7-0

Mayor Kou moved to Section 8, Procedures and Protocols Review and Enforcement.

Council Member Lythcott-Haims asked for hypotheticals of examples of what a Council member might do that would put censure in place.

City Manager Shikada outlined the discussion P&S had.

SUMMARY MINUTES

Council Member Burt questioned how severe a violation should warrant censure, and would censure be considered if there were severe persistent violations or a single egregious violation.

Council Member Veenker wondered if this should be referred to P&S to set more specific standards and guidelines and to discuss what an extreme case might look like.

Council Member Lauing was happy to sign up for such a discussion. Gradation may need to be considered.

Council Member Lythcott-Haims would love to see reference to the City Attorney added as to whether censure would be appropriate. She worried that it may be used politically. She would like P&S to address this.

MOTION Moved by Vice Mayor Stone, seconded by Mayor Kou to approve Section 8 with the following amendments:

- A. Exclude the censure language and refer to Policy & Services Committee for language modifications

Council Member Burt stated there should be guidance that censure would not occur for political motivations or reasons.

MOTION PASSED: 7-0

Mayor Kou asked if the procedures had been approved but not adopted.

City Manager Shikada thought the procedures had been approved.

Council Member Burt indicated they had been approved section by section.

City Manager Shikada remarked that staff could bring back the cleaned-up version of the procedures on consent. The protocol section had not yet been approved, and there would be another date for that discussion, which he suspected would be after the Committee Work Plan discussions.

Council Member Questions, Comments and Announcements

There were none.

Adjournment: The meeting was adjourned at 11:36 P.M. in memory of Tom Jordan and Walt Hayes.