



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
May 18, 2020

The City Council of the City of Palo Alto met on this date via virtual teleconference at 5:03 P.M.

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

Absent:

## Closed Session

### A. CONFERENCE WITH LABOR NEGOTIATORS

**City Designated Representatives:** City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Monique LeConge Ziesenhenné, Nick Raisch, Kiely Nose, Gina Roccanova)

**Employee Organizations:** Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union, (SEIU) Local 521; Service Employees International Union, (SEIU) Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA)

**Authority:** Government Code Section 54957.6(a)

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:07 P.M.

Council returned from Closed Session at 7:32 P.M.

Mayor Fine announced no reportable action.

## Study Session

1. Update to the City's Transportation Analysis Methodology to Comply With Senate Bill 743, Including use of Vehicle Miles Traveled (VMT) for California Environmental Quality Act (CEQA) Review and Level of Service

# ACTION MINUTES

(LOS) Standard for Local Transportation Analysis (Continued From May 4, 2020).

## NO ACTION TAKEN.

### Consent Calendar

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou, third by Council Member Kniss to remove Agenda Item Number 5 to be heard after Council's summer recess.

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

**MOTION:** Council Member Kniss moved, seconded by Council Member Filseth to approve Agenda Item Number 2.

2. Adoption of an Ordinance Amending Title 12 of the Palo Alto Municipal Code to set a 120-day Statute of Limitations for Challenges to the City's Water Service Rates, Wastewater Collection and Disposal Rates, Refuse Rates, Storm Water Management Fees, and Fiber Licensing Service Rates.
3. ~~Approval and Authorization for the City Manager or Designee to Execute a Professional Services Agreement With Magellan Advisors, LLC in a Not-to-Exceed Amount of \$214,236 for Phase 1 of the Fiber Network Expansion Plan (This item has been removed).~~
4. ~~Approval and Authorization for the City Manager or Designee to Execute the Following Marketing and Graphics Contracts in a Combined Not-to-Exceed Amount of \$290,000 Annually and a Combined Not-to-Exceed Amount of \$1,450,000 Over a Five-year Term: A) Eric Goldsberry Art Direction, Contract Number C20176172A; B) Marketing for Change, Contract Number C20176172B; and C) Underground Advertising, Contract Number C20176172C; Finding of California Environmental Quality Act (CEQA) Exemption (This item has been removed).~~
5. ~~QUASI-JUDICIAL. 2353 Webster Street [18PLN-00339]: Appeal of Director's Approval of an Individual Review Application to Demolish an Existing One-story 1,593 Square Foot Home and Construct a Two-story Home (Approximately 3,133 Square Feet) With a Basement and Attached Garage; Approved by the Director of Planning and Development Services on March 17, 2020. Zoning District: Single-family Residential (R-1).~~

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

# ACTION MINUTES

6. Adoption of Amendments to the City of Palo Alto Tobacco Retail Ordinance (PAMC Chapter 4.64) to Further Restrict Electronic Cigarette Products and Flavored Tobacco Products, Direct Staff to Discuss Amending the Tobacco Retail Permit (TRP) Agreement With the County of Santa Clara, and Updates to Council's Previous Questions on Reducing Youth Tobacco use (Continued From May 18, 2020).

**MOTION:** Council Member Kou moved, seconded by Council Member Filseth to direct Staff to bring to the City Council a proposed tobacco Ordinance that mirrors the Santa Clara County Ordinance.

**SUBSTITUTE MOTION:** Mayor Fine moved, seconded by Council Member Kniss to adopt the proposed Ordinance and direct Staff to explore the following and return to Council at a later date:

- A. Investigate further restrictions for adult-only stores (e.g., card readers, purchase log, additional fees to support youth programs, etc.);
- B. Consider alternative exemption structure for retailers, e.g., exempt lounges where no product leaves the store; and
- C. Consider additional measures over time to reduce the number of adult-only stores.

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

**SUBSTITUTE MOTION:** Mayor Fine moved, seconded by Vice Mayor DuBois to direct Staff to modify the proposed Ordinance and return to Council at a future date, eliminating the current exemption for those adult stores where the subject products leave the store, introduce a future effective compliance date that would allow the other four impacted adult-only stores time to sell/remove their current inventory, and modify their business model to address the exemption elimination.

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to add a compliance date of September 1, 2020.

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to return to Council prior to the summer recess.

**SUBSTITUTE MOTION RESTATED:** Mayor Fine moved, seconded by Council Member DuBois to direct Staff to modify the proposed Ordinance and return to Council prior to the summer recess, eliminating the current exemption for those adult stores where the subject products leave the store, introduce a future effective compliance date of September 1, 2020 that would allow the

# ACTION MINUTES

other four impacted adult-only stores time to sell/remove their current inventory, and modify their business model to address the exemption elimination.

**SUBSTITUTE MOTION FAILED:** 3-4 Cormack, Kniss, Kou, Tanaka no

**MOTION PASSED:** 4-3 DuBois, Fine, Kniss no

Adjournment: The meeting was adjourned at 11:58 P.M.