



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Regular Meeting
March 16, 2020

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:02 P.M.

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

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Santa Clara County Superior Court, Case No. 16CV300760
(One Case, as Defendant) –Miriam Green v. City of Palo Alto
Authority: Government Code Section 54956.9(d)(1).
2. **THIS ITEM HAS BEEN MOVED TO THE END OF THE AGENDA**

MOTION: Council Member Filseth moved, seconded by Vice Mayor DuBois to go into Closed Session.

MOTION PASSED: 7-0

Council went into Closed Session at 6:03 P.M.

Council returned from Closed Session at 6:55 P.M.

Mayor Fine announced no reportable action.

Rail Communications Update

- ~~3. Connecting Palo Alto Rail Grade Separation: Receive an Update from the Expanded Community Advisory Panel (XCAP).~~

NO DISCUSSION THIS EVENING-INFORMATION REPORT ONLY

Agenda Changes, Additions and Deletions

Mayor Fine announced Agenda Item Number 2 was moved to the end of the Agenda and Agenda Item Number 8 was continued to the March 23, 2020 Council meeting.

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Oral Communications

None.

Minutes Approval

4. Approval of Action Minutes for the February 24 and March 2, 2020 Council Meetings.

MOTION: Council Member Cormack moved, seconded by Council Member Kniss to approve the Action Minutes for the February 24 and March 2, 2020 Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Council Member Kniss, to approve Agenda Item Numbers 5-6.

5. Authorize Transmittal of the 2019 Comprehensive Plan Annual Progress Report to the Office of Planning and Research, and the 2019 Housing Element Annual Progress Report to the Department of Housing and Community Development.
6. Ordinance 5491 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 1.12 (Administrative Penalties – Citations) to Provide for an Administrative Hearing Upon Partial Advance Deposit of \$250 and Clarify Existing Procedures for Hearings (FIRST READING: March 2, 2020 PASSED: 6-0 Kou absent)."

MOTION PASSED: 7-0

City Manager Comments

None.

Action Items

- 6A. Update Regarding City Responses to COVID-19, Including Community Education and City Service Changes; Ratification of Proclamation of Local Emergency.

Ed Shikada, City Manager reported Staff was coordinating activities with numerous agencies. Information for the public was increased. The number of Coronavirus cases was increasing rapidly, and the County of Santa Clara

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(County) Public Health Department has taken significant action. City facilities were closed. Residents in the six-county Bay Area had been ordered to shelter in place as of midnight March 16, 2020. Staff for essential services were to report to work while Staff for nonessential services were to work remotely. Priorities were to maintain the ability to respond to emergencies, make the community aware of guidance and resources, address the highest-priority community needs and adopt routine business. The Emergency Operations Center (EOC) and the Citizen Corps Council (CCC) had been activated. Staff was participating in County Public Health Department briefings and tracking Centers for Disease Control and Prevention (CDC) advisories.

Ken Dueker, Chief of the Office of Emergency Services advised that the situation was evolving, and the City was following the lead of the County Public Health Department. The CCC was intended to gather stakeholders to respond to and discuss recovery from a community crisis. The CCC contacted senior and skilled nursing facilities and faith communities.

Mr. Shikada noted Staff was establishing a community support call center, and it was expected to be active by March 18, 2020. The County had delegated food distribution to the City of San Jose. The City of San Jose was relying on individual cities to identify persons who might need food. The community support call center was important because residents were able to communicate needs to access the food distribution and other programs, and to obtain information. Staff was planning strategically for a multi-month effort and responding to almost hourly changes. The CCC provided a regular and immediate pipeline for information and communication among key community partners. City messaging urged the community to remain calm and check on neighbors. The City website was a core component of communications for citizens and was able to be enhanced to provide information for businesses.

Mayor Fine needed the citizens to remain calm, disciplined and composed. In addition, citizens needed to follow County, State and Federal guidelines. He asked citizens to remain home, practice increased personal hygiene, help neighbors and check on elderly and ill individuals. Those who felt ill needed to call their doctors' offices. Deliveries and postal service was going to continue. While the shelter in place order was in effect, residents were able to go out for recreational purposes but had to practice social distancing. Staff was activating necessary plans and protocols. He encouraged residents to utilize established communication channels, such as cityofpaloalto.org/coronavirus, sccgov.org/sites/phd, and cdc.gov. He was considering an emergency Ad Hoc Committee to augment Staff. Staff was to contact community-based organizations and faith communities as needed.

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The City of San Jose Food Distribution Program was focusing on seniors, but they hoped to expand the demographic with time. He was working with the City Manager and other officials for local business support. The Council's role in the crisis was to support the professionals. He asked Council Members to serve as liaisons in specific focus areas in an effort to support City Staff.

Vice Mayor DuBois remarked that it was time to ratify the Proclamation of Local Emergency. Mr. Dueker was to lead the City's response to the pandemic. He inquired about informing the public of new dates for cancelled meetings.

Mr. Shikada related that Staff was preparing a list of events that would be cancelled through April 30, 2020.

Vice Mayor DuBois asked if City Staff that were working remotely would continue to do so.

Mr. Shikada replied yes, to the extent possible.

Vice Mayor DuBois inquired about isolation for critical Staff.

Mr. Dueker reported public safety personnel who were involved in training and planning were working remotely. Contingency plans included the possibility of 40 percent or more absenteeism.

Mr. Shikada added that Staff was minimizing internal interactions and working with assigned equipment and vehicles.

Vice Mayor DuBois encouraged Staff to utilize volunteers as appropriate and when appropriate. If the State did not act, the City needed to be prepared to ensure residents that lost their jobs due to the Coronavirus were not evicted, which included small businesses.

Mr. Shikada advised that the State Legislature and the Governor were addressing that type of relief, and Staff was going to monitor their actions.

Vice Mayor DuBois preferred the Council continue to meet and transact business. Council Committees were able to meet if Staff was available to support the Committees. Hopefully, the public was able to participate in future Council meetings, by means of technology.

Council Member Cormack believed the City's primary responsibility was health and safety, but finances and economics were also important topics in the near future. She requested Staff comment on continued operation of the Utilities Department.

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Mr. Shikada indicated electricity, water and gas were essential services provided by the City. The Staffing Plan reflected the nature and importance of continuing utility services.

Council Member Cormack commended Staff for the public communications. She hoped communications could become two-way. She encouraged residents to check on one another via text, email and by phone. Responses to the crisis and City actions varied widely. Public comment via email was just as valid as public comment in person. She inquired whether the Council could assist Staff.

Mr. Shikada commented that serving as ambassadors and the voice of the City for the community was extremely important.

Council Member Kniss asked if Mr. Dueker had been forewarned about the shelter in place order.

Mr. Dueker responded no, but the order was anticipated.

Council Member Kniss asked if Mr. Dueker was responsible for activating the CCC.

Mr. Dueker indicated the City Manager and he decided to activate it.

Council Member Kniss inquired about preparation of Frequently Asked Questions (FAQ).

Council Member Cormack related that the Chief Communications Officer prepared FAQs.

Council Member Kniss shared questions from the community about allowed activities.

Mr. Dueker was going to add information based on the questions to the website. Public safety resources were not going to be expended to ensure residents remained in their homes. The Shelter in Place order allowed residents to visit shops, medical offices and outdoor spaces. Seniors were not quarantined.

Council Member Kniss requested the FAQs include the difference between a quarantine and a lock down.

Council Member Kou noted the Office of Emergency Services (OES) had a Staff of two. She requested Staff create a website with information for small businesses. A small business owner had reported the Small Business

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Administration (SBA) was offering short-term loans with a 9 percent interest rate. She inquired about State laws regarding price gouging.

Council Member Filseth believed the County had issued a directive regarding price gouging.

Council Member Kou understood Staff was speaking with the State about helping small businesses with taxes and wage payments. She inquired about assistance for City employees who were not working. She requested the responsibilities of the State, County, City and private sector, the priorities for essential services, services available for the homeless population, communication channels for Recreational Vehicle (RV) dwellers, information regarding Palo Alto Unified School District's (PAUSD) ability to serve disabled students and distribution of the standard operating procedure (SOP) for a pandemic to Block Preparedness Coordinators (BPC). Perhaps Staff was able to explore a Resolution that encouraged commercial and residential lenders and public utilities to enact a 60 or 90 day moratorium on default payments.

Council Member Filseth noted the difficulties of updating, summarizing and distributing the large amounts of information. He requested to know the responsibility of the CCC.

Mr. Dueker reported the CCC was an advisory body, and its formal title was the Palo Alto/Stanford Citizen Corps Council.

Council Member Filseth asked if the CCC could decide on individual testing for the Coronavirus.

Mr. Dueker explained that the CCC is not an information clearinghouse. Typically, the CCC educated the community and shared information.

Mayor Fine stated the CCC conference call had addressed store closings and concerns about traffic.

Council Member Filseth asked about the CCC sharing its information with the community.

Mr. Dueker added that the CCC had addressed childcare for medical workers. The Community Support Call Center was a means to distribute information about store closings and limited hours.

Council Member Kou clarified that the CCC had shared information regarding medical personnel, childcare for medical personnel and details about security.

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Council Member Tanaka agreed with Council Member Cormack regarding public health and safety. He was working with Staff to facilitate remote participation during Council meetings. The Council needed to prioritize the City's expenses and time. The economic impacts of the pandemic were anticipated to be far-reaching.

Mr. Shikada reported the economic impacts were going to be severe. Hotel occupancy decreased significantly, which affected Transient Occupancy Tax (TOT) revenues; the City implemented a hiring freeze.

Council Member Tanaka asked if the City Manager had an estimate of the decrease in City revenues.

Mr. Shikada answered no, it was too early for projections.

Council Member Tanaka asked Staff to determine the length of time the Budget Stabilization Reserve (BSR) Fund could fund the current level of City services. He thought the Council may want to consider a bond offering to fill the gap. Expenses awaiting Council approval and a Business Tax may need to be reconsidered.

Mayor Fine requested Council Members filter community suggestions for Staff and share information. He inquired about additional resources for the emergency response.

Mr. Dueker expressed concern about unknown and unimaginable incidents.

Robert Jonsen, Police Chief advised that the Police Department was prepared to respond to the pandemic; however, the physical toll on employees was unknown.

Geo Blackshire, Fire Chief reported Fire personnel had transported patients with Coronavirus symptoms, but personnel had utilized protective equipment. Plans were in place to address a low stock of protective equipment.

Council Member Kniss asked if Chief Blackshire was in contact with area fire departments and offering assistance when needed.

Mr. Blackshire replied yes.

MOTION: Mayor Fine moved, seconded by Council Member Kniss, to ratify the Proclamation issued by the Director of Emergency Services (City Manager) of Local Emergency on March 12, 2020 due to the presence and community spread of novel coronavirus (COVID-19) in Santa Clara County.

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Mayor Fine noted the Proclamation expired after 60 days and assumed the Council could ratify an extension or a second Proclamation.

MOTION PASSED: 7-0

Mayor Fine indicated an emergency meeting of the Council could be scheduled if needed.

7. Adoption of two Ordinances Amending Various Sections of Chapter 2.08 (Officers and Departments), Chapter 2.30 (Contracts and Purchasing Procedures); Chapter 10.50 (Residential Preferential Parking Districts), Chapter 10.51 (Crescent Park no Overnight Parking Program); and Title 18 (Zoning) to Reflect Updates to the Organization of Some City Departments and Duties; Clean Up the City's Purchasing Procedures; add a New Exemption From Competitive Solicitation for Some Types of Personnel-related Services Contracts; and Update Enforcement and Hearing Procedures in the Zoning Code.

Molly Stump, City Attorney reported the proposed amendments were primarily administrative and implemented the Council's changes to the City's organizational structure. Under the proposed amendments, the Office of Transportation was created; the Department of Development Services and the Department of Planning and Community Environment were merged into the Department of Planning and Development Services; department descriptions were updated; and an exemption from competitive solicitation was added. The Planning and Transportation Commission (PTC) reviewed and recommended the Council approve the proposed amendments to the Zoning Code.

Vice Mayor DuBois recalled previous Council discussion that their focus was not 100 percent cost recovery. The appeal and Hearing Fee had increased from \$280 in 2016 to \$595 in 2020, but the increase did not seem to keep up with inflation.

Council Member Cormack asked if all the professional service contracts listed in Section T would be subject to competitive solicitation.

Ms. Stump advised that the competitive process depended on the size of the contract. The City's procurement program did not require competitive solicitation for small contracts, it required an informal process for medium contracts and competitive solicitation for large contracts. The Municipal Code did not contain exemptions for contracts.

Council Member Cormack asked if over the past year large contracts had been subject to competitive solicitation.

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Rumi Portillo, Director of Human Resources explained that an immediate need for a Workplace Safety Consulting Service, or a recruitment service resulted in the use of the Sole Source Process.

Council Member Cormack inquired whether many of the professional services contracts involved specialized expertise.

Ms. Portillo answered yes.

Council Member Tanaka felt recruitment services should be a competitive bid.

Ms. Portillo advised that the City utilized recruitment firms familiar with the government sector. For a number of years, there had been a shortage of knowledgeable and experienced recruiters. A lengthy contract process deterred the best firms from working with the City. Many times, the City was in urgent circumstances to begin recruitments. The City competed for recruitment services with cities that did not have lengthy contract processes.

Council Member Tanaka asked if recruitment would be competitive in light of the current economy.

Ms. Portillo clarified that specialized recruiters were needed to handle recruitments for management and utility positions.

Ed Shikada, City Manager added that a majority of recruitments were handled by City Staff. The Code Amendment needed to apply to a range of economic cycles.

MOTION: Mayor Fine moved, seconded by Vice Mayor DuBois to:

- A. Adopt the proposed ordinance to update various sections of Chapter 2.08 (Officers and Departments), Chapter 2.30 (Contracts and Purchasing Procedures), Chapter 10.50 (Residential Preferential Parking Districts), and Chapter 10.51 (Crescent Park No Overnight Parking Program) to reflect updates to the organization of some City departments and duties, clean up the City's purchasing procedures, and add a new exemption from competitive solicitation for some types of personnel-related professional services contracts; and
- B. Adopt the proposed ordinance to update five sections of Title 18 (Zoning) related to enforcement, hearing procedures, and to reflect the new name of the Planning and Development Services Department. The Planning and Transportation Commission recommends that the City Council adopt this ordinance.

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MOTION PASSED: 7-0

8. ~~Acceptance of the GreenWaste of Palo Alto Environmental Report; Authorization to Negotiate and Execute an Amendment to GreenWaste Contract Number C09124501 to Increase Compensation by up to \$950,000 to Process Mixed Paper Within the United States; and Approval of a Budget Amendment in the Refuse Fund (ITEM CONTINUED TO MARCH 23, 2020).~~

Council Member Questions, Comments and Announcements

Council Member Kniss asked if there was a Study Session scheduled the following week.

Ed Shikada, City Manager replied yes.

Mayor Fine indicated the Vice Mayor, City Manager and he would reevaluate Agendas for the next few weeks.

Council Member Kniss asked if the Council should reconsider a Business Tax prior to the Study Session.

Mr. Shikada was going to consult with the Mayor.

Council Member Kniss asked if the March, 2020 meetings would be needed.

Mr. Shikada suggested many Agenda Items could be postponed, but Staff was working on facilities to allow public engagement in Council meetings.

Council Member Kniss asked if Council Members should plan for Council meetings to be held.

Mayor Fine answered yes.

Council Member Kou reported Supervisor Simitian held productive meetings about Safe Parking the prior week in Palo Alto.

Council Member Tanaka indicated Council Member Kniss and he attended the National League of Cities conference in Washington, D.C., and learned about a Pilot Program regarding Airplane Noise could be implemented at San Francisco International Airport (SFO).

Closed Session

2. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
Subject: Threatened Litigation Over February 4, 2019

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Conditional Approvals and Denials of Crown Castle Cluster 2
[17PLN-00433] Small Cell Nodes
Authority: Government Code Section 54956.9(d)(2)
One Potential Case, as Defendant.

MOTION: Council Member Cormack moved, seconded by Mayor Fine to go into Closed Session.

MOTION PASSED: 7-0

Council went into Closed Session at 8:30 P.M.

Council returned from Closed Session at 9:08 P.M.

Mayor Fine announced no reportable action.

Adjournment: The meeting was adjourned at 9:08 P.M.