



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
June 15, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:02 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 5:05 P.M.

Council returned from Closed Session at 6:33 P.M.

Mayor Fine announced no reportable action.

## Minutes Approval

1. Approval of Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

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**MOTION:** Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

**MOTION PASSED:** 7-0

## Consent Calendar

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

Council Member Tanaka registered a no vote on Agenda Item Numbers 3 and 4.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 2-5.

2. Approval of Contract Number C20176877 With Schaaf & Wheeler Consulting Civil Engineers in the Amount of \$789,918 for Design Services for the: 1) Corporation Way System Upgrades and Pump Station, 2) West Bayshore Road Pump Station, and 3) Trunk Line Improvement Projects; Capital Improvement Program Projects (SD-21000, SD-20000, and SD-23000).
3. Approval and Authorization for the City Manager or Designee to Execute the Following Three Utilities Public Benefits Program Contract Amendments: 1) Amendment Number 2 to Ecology Action of Santa Cruz (C15155144A), With no Increase in Compensation and Extending the Term for one Additional Year; 2) Amendment Number 2 to Enovity, Inc. (C15155144B), With no Increase in Compensation and Extending the Term for one Additional Year; and 3) Amendment Number 2 to BASE Energy, Inc. (C15155144C), With no Increase in Compensation and Extending the Term for one Additional Year.
4. Approval of Amendment Number 2 to Contract Number C17165394 With Genuine Parts Company, dba Napa Auto Parts, to Increase the Contract by \$781,013 to an Amount Not-to-Exceed \$3,777,087 and Extend the Term Through July 21, 2021.
5. Approval of Amendment Number 3 to Contract Number C18172676 With Dixon Resources to Extend the Term to June 2021 With no Additional Costs for the Downtown Parking Study.

**MOTION PASSED FOR AGENDA ITEM NUMBER 2:** 6-1 Kou no

**MOTION PASSED FOR AGENDA ITEM NUMBERS 3-4:** 6-1 Tanaka no

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## MOTION PASSED FOR AGENDA ITEM NUMBER 5: 7-0

**MOTION:** Council Member Kou moved, seconded by Vice Mayor DuBois to move Agenda Item Number 10 to follow City Manager's Comments.

**MOTION FAILED:** 2-5 Cormack, Filseth, Fine, Kniss, Tanaka no

### Action Items

6. PUBLIC HEARING: Resolution 9892 Entitled, "Resolution of the Council of the City of Palo Alto Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein."

Public Hearing opened at 7:29 P.M.

Public Hearing closed at 7:32 P.M.

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Kou to adopt the Resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

## MOTION PASSED: 7-0

7. Resolution 9893 Entitled, "Resolution of the Council of the City of Palo Alto Recommendation on the Proposed Fiscal Year (FY) 2020-2021 Community Development Block Grant (CDBG) Funding Allocation; Recommendation That the City Manager or Designee be Authorized to Execute Necessary Documents for the Fiscal Year 2020-2021 CDGB Application; and to Submit the 2020-2021 Action Plan and the 2020-2025 Consolidated Plan to the Department of Housing and Urban Development (HUD) by the Extended Deadline of August 16, 2020."

**MOTION:** Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;

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- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "Direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August." (New Part E)

**MOTION AS AMENDED RESTATED:** Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;
- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020; and
- E. Direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August.

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

- 8. Resolution 9894 Entitled, "Resolution of the Council of the City of Palo Alto Updating the City's Transportation Analysis Methodology Under California Environmental Quality Act (CEQA) to Comply With California Senate Bill 743; and Adoption of a Local Transportation Impact Analysis Policy to Evaluate Level of Service (LOS) and Other Local Roadway Impacts."

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

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence; and
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "Direct Staff to return within 6-9 months with further review of LOS Standards." (New Part C)

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part B, "to rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then the project will be deemed to have significant local impact." (New Part B.a)

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

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence;
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies;
  - i. Rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative

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than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then *the project will be deemed to have significant local impact.*"; and

- C. Direct Staff to return within 6-9 months with further review of LOS Standards.

## **MOTION AS AMENDED PASSED:** 6-1 Kou no

Council took a break at 9:06 P.M. and returned at 9:12 P.M.

- 9. Approval of two Lease Agreements Between Palo Alto Unified School District and the City of Palo Alto for: 1) Cubberley for 54 months, Not-to-Exceed Amount of \$2,733,280 per Year, and 2) Extended Day Care Sites for 24 months, Not-to-Exceed Amount of \$707,676 per Year.

**MOTION:** Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 54 months and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion to state, "...for Cubberley for 30 months..."

**MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 30 months, Not-to-Exceed amount of \$2,733,280 per Year and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

**SUBSTITUTE MOTION:** Council Member Tanaka moved, seconded by Council Member XX to direct Staff to have a more collaborative negotiation with the Palo Alto Unified School District (PAUSD).

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

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

- 10. Review and Provide Initial Input on Options for a Framework and Workplan to Address Systemic Racism.

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Council took a break at 11:24 P.M. and returned at 11:32 P.M.

**MOTION:** Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

- A. Direct the Human Relations Commission to lead the 8 Can't Wait Initiative and to produce a report on the black community's history in Palo Alto;
- B. Expand community engagement to include private and public forums;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Start a community-effort to paint "Black Lives Matter" or a similar message near City Hall;
- E. Direct the Public Art Commission to explore public art honoring diversity; and
- F. Direct Staff to evaluate which current police functions may be served by other public safety models.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part A, "and brown".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, Part A, "within 90 days" and to the Motion, Part B, "within 30 days".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion, Part A from 90 days to 60 days.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to combine Motion, Part D and Part E.

**MOTION AS AMENDED RESTATED:** Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

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- A. Direct the Human Relations Commission to lead the "8 Can't Wait" campaign and to produce a report on the black and brown history and current community in Palo Alto, within 60 days;
- B. Expand community engagement to include private and public forums, within 30 days;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Direct the Public Art Commission to explore public art honoring diversity, and work with our community to paint "Black Lives Matter" or a similar message near City Hall, as soon as possible; and
- E. Direct Staff to evaluate which current police functions may be served by other public safety models.

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

Adjournment: The meeting was adjourned at 1:11 A.M.