



CITY COUNCIL ANNUAL RETREAT FINAL MINUTES

Special Meeting
February 1, 2020

The City Council of the City of Palo Alto met on this date at Mitchell Park Community Center, El Palo Alto Room, 3700 Middlefield Road, Palo Alto at 9:09 A.M.

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

Absent:

Mayor Fine reviewed 2019 Priorities and progress made on Affordable Housing and a Business Tax.

Oral Communications

Stephen Levy agreed with Council direction regarding the Business Tax Measure. He suggested the Council consider a low, flat-rate tax on small businesses rather than an exemption for them. The Council needed to direct Staff to study leakage.

Helen Young asked the Council to continue emphasizing gender equality in all phases of its work and to direct the Policy and Services Committee to work on a policy regarding the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Cherrill Spencer noted Staff had not presented an Ordinance endorsing CEDAW to the Policy and Services Committee in the past 16 months. She requested the Council allocate Staff resources to generate a report for such an Ordinance.

Darlene Yaplee appreciated the Council's letter to San Francisco International Airport (SFO) regarding noise monitors. In some instances, the City of Palo Alto had to represent itself and to engage actively in discussions.

Mary-Jo Fremont spoke regarding aircraft noise and emissions and their effects on people.

Mark Shull indicated he was researching and documenting the dramatic shift in airplane traffic over Palo Alto and Palo Alto's lack of a response over the past 25 years.

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Mila Zelkha hoped the Council considered the report of streetlight data as a tool to guide and evaluate Transportation Demand Management (TDM) programs.

Bob Moss believed most Staff Reports did not detail the impacts of commercial and residential development. Living near transit did not mean people were making use of transit. Office development needed to be capped Citywide. The jobs/housing imbalance had not changed in the last 40 years.

David Coale felt the Sustainability and Climate Action Plan (S/CAP) should be reviewed and updated immediately.

Kerry Yarkin suggested the Council send letters to the Norman Y. Mineta San Jose International Airport in addition to SFO. The City needed a different lobbyist.

Jennifer Landesmann requested the City continue the publication of *Palo Alto Matters* formerly authored by Jennifer Hetterly. Hopefully, the City's enhanced communications would complement Council actions to build trust in the community and to engage residents.

Prameela Barthlomeusz noted the Santa Clara County Democratic Party had prioritized CEDAW to ensure all cities in Santa Clara County addressed CEDAW.

Pat Burt remarked that enabling new companies and business support services to survive and thrive in Palo Alto was critical to the continual evolution of companies. The notion that a Business Tax of \$0.20 per square foot was going to drive companies from the City was fiction.

Overview of the Day and Retreat Orientation.

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

Ed Shikada, City Manager reported Staff prepared work plans for each of the Council's 2019 Priorities. 2019 Council Priorities were Grade Separation, Fiscal Sustainability, Climate Change, and Transportation and Traffic.

Meghan Horrigan-Taylor, Chief Communications Officer advised that an online survey opened in December and closed on January 24, 2020. Five hundred four people visited the form, and 347 priority responses and 11 emails were submitted. General themes from survey comments included: create more housing overall and support housing for all income levels; reduce traffic, make

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streets safer, and synchronize traffic signals; make biking easier and safer; address rail grade separations and crossing issues; support climate change, sustainability, and resiliency; focus on fiscal sustainability; implement a plan for Cubberley; reduce airplane noise; and focus on undergrounding utilities.

Council Member Kniss felt 347 responses represented a small percentage of Palo Alto's population. She inquired regarding possible reasons for the small number of responses.

Ms. Horrigan-Taylor noted the number of comments increased from 2018 to 2019. Staff utilized all methods of communication to publicize the survey.

Gail Price, Palo Alto Forward indicated one Council Priority needed to be housing. The lack of sufficient housing supply was urgent. Encouraging new, compact infill housing was going to spur economic growth, reduce monthly household costs and cut greenhouse gas (GHG) emissions.

Stephen Levy referred to a letter from the League of Women Voters suggesting the Council prioritize the production of low and moderate-income housing. He urged the Council to reinstate housing as a Priority.

Mila Zelkha, Manzanita Works announced Manzanita Transit was an employer-led transit cooperative in the mid-Peninsula subregion designed to close gaps in public transportation. She recommended the Council consider public-private sponsorship of public art for bus shelters, benches, and seats and an extension of the subscription for streetlight data.

Jean Wilcox inquired about the possibility of rezoning vacant commercial buildings along East Meadow Circle, East Meadow Drive, and Fabian Way to residential.

Jennifer Landesmann requested the Council Priorities include climate change and airplane noise and emissions.

Penny Ellson believed the Council should consider Priorities in the categories of transportation, housing and land use, and budget and finance, all within a sustainability context. Bicycle boulevard projects had languished for two decades.

Elaine Uang concurred with reinstating housing as a Priority in 2020. Climate change needed to continue as a Priority.

Heidi Owens remarked regarding discrimination against women and the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

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Winter Dellenbach suggested Council Priorities of climate change, transportation and housing. A Housing Priority had to be refined and funded. The City needed truly affordable housing rather than market-rate housing.

Terry Holzemer supported Priorities of a Business Tax and Below-Market-Rate (BMR) housing.

Pat Burt, Citizens for Transportation and Affordable Housing Solutions remarked that a Business Tax was needed to fund transportation and housing Priorities.

David Coale stated climate change should be the overarching Priority for 2020.

Karen Holman concurred with Ms. Dellenbach's comments regarding housing and Mr. Burt's comments regarding a Business Tax. For \$40 million, the City was able to develop a redundant power source.

Suzanne Keehn recommended the Council increase the proposed Business Tax rate. She thought priorities could be airplane noise and water.

Ross Mayfield spoke regarding airplane noise and the Quiet Nights proposal.

Hamilton Hitchings recommended the Council explore rezoning office to housing as part of a housing Priority. A Business Tax was able to fund transportation initiatives, which supported commuters, existing businesses and housing growth.

Sheryl Klein, Palo Alto Housing Board Chair commented that housing was needed for all income ranges. A greater supply of housing was able to reduce sale prices.

Bob Moss indicated the community should think about a local bus system. He supported a Business Tax set at a rate that was competitive with surrounding cities. More focus needed to be placed on sea level rise. The Council needed to eliminate the In-Lieu Housing Fee and require developers to build affordable housing.

Kelsey Banes urged the Council to prioritize housing. More housing was needed for all income levels.

Mary Sylvester agreed that housing solutions needed to be creative, and housing should be considered for all neighborhoods. The Council should rezone land for housing. Business Tax revenues should support BMR housing.

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Karen Porter expressed disappointment with the Council's unwillingness to file a lawsuit against the Federal Aviation Administration (FAA). Aircraft emissions and noise were serious.

Tony Klein encouraged the Council to include housing, transportation and climate change as Priorities for 2020.

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

Council Member Tanaka proposed the Council consider more specific goals so that progress could be measured.

Council Member Filseth noted Council Priorities had been fairly consistent over the past few years. Grade separations would require a large investment from the Council.

Council Member Kniss noted the need for housing, both market-rate and Below Market Rate (BMR) housing. She supported Priorities of housing, transportation including grade separations, bike paths, and the shuttle program, and sustainability of all kinds.

Mayor Fine agreed that specific goals would be helpful. He challenged the Council to think about making the Priorities measurable and attainable. He highlighted accomplishments for the 2019 Priorities. He concurred with the Priorities of housing, mobility and sustainability. Grade separations were possibly a fourth Priority.

Vice Mayor DuBois remarked that the Priorities should be clear and concurred with Priorities of housing, transportation and sustainability. Grade separation needed to be a Priority because of the amount of time they required.

Council Member Cormack supported climate change as a Priority and suggested the Council may want to form a board or commission that focused on climate change, sustainability and the environment. She did not believe selecting a preferred alternative for grade separation by the end of 2020 was feasible. Objectives rather than actions for transportation were acceptable. Fiscal sustainability was a value rather than a Priority. Based on her experiences on the Finance Committee, she did not believe fiscal sustainability should be a Priority for 2020. Housing needed to be a Priority and Cubberley remained a priority.

Council Member Kou supported transportation and traffic congestion as a Priority. She liked the idea of a citizen's advisory commission reviewing goals and deliverables for traffic congestion and transportation. More services focused in neighborhoods were needed so that residents did not have to drive

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to the services. She hoped the City would hire an economic development director and conduct a Needs Analysis. She supported housing as a Priority if it was BMR housing and she supported a Business Tax.

Mayor Fine agreed that the City needed to focus on economic development, but it may not be a Priority. The Infrastructure Plan was underway but needed management.

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

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

Mayor Fine asked if Staff differentiated between transportation and mobility.

Mr. Shikada indicated Staff did not distinguish between the two and would provide a range of activities that reflected a multimodal perspective.

Mayor Fine explained that mobility concerned the movement of goods, services and people. He noted that sustainability could be climate change. Housing was an overriding issue in the community.

Council Member Kniss stated everyone needed housing. Sustainability covered a multitude of issues. Mobility referred to not only movement around the City but the mechanics of movement.

Vice Mayor DuBois supported the Motion. The Council was well served by Staff categorizing Agenda items as related to Affordable Housing or Market-Rate Housing. He inquired about the government's role in Market-Rate Housing. The Council needed to discuss goals and metrics for housing. Goals for mobility needed to be specific. The City had to lobby the Santa Clara Valley Transportation Authority (VTA) and regional transportation agencies to consider commuting as a priority. The Council needed to develop goals for the shuttle program and reconsider policies for traffic flow. He liked the idea of a citizen commission on sustainability. Secondary priorities he suggested could be transparency, campaign finance limits and fiber to the home.

Council Member Cormack did not believe the average person understood the meaning of sustainability. The Priorities needed to have some definition.

Council Member Filseth felt sustainability was a broad term but acceptable. He hoped a Priority for mobility referenced traffic because the community

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referred to traffic problems. The Council needed to execute on the Comprehensive Plan goal of 300 housing units per year. A Priority for housing needed to focus on housing for low and mid-income workers.

Council Member Tanaka proposed the Council draft one or two metrics for each Priority.

Mayor Fine agreed with developing metrics or brief descriptions for each Priority.

Council Member Tanaka commented that micro units were affordable and were also considered Market-Rate Housing.

Council Member Kou concurred with Council Member Filseth's comments and hoped the Priorities included metrics and deliverables.

Mayor Fine indicated mobility included traffic congestion, but transportation was acceptable. While sustainability was a government term, City Staff and the community understood it. Housing included market-rate and affordable housing. In thinking about affordable housing, *i.e.*, dedicated BMR housing, the Council needed to consider solutions that were scalable and that utilized funding from other entities. The focus within housing was affordable housing. Staff included metrics and goals in the work plans for Council Priorities.

Council Member Filseth stated small units could provide affordable housing. He proposed Part A of the Motion include "with special emphasis on affordability."

Council Member Kniss advised that a discussion of affordable housing may have to include housing for the homeless population in order to obtain outside funding. If affordable housing included subsidized housing, she was able to accept the proposed language.

Mayor Fine concurred with Council Member Kniss' comments.

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

Council Member Tanaka explained that micro units were inherently affordable without government subsidies and could serve different populations.

Mayor Fine suggested unit size pertained to mechanics rather than goals.

Council Member Kniss felt small units were inherent in affordability.

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

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

AMENDMENT FAILED: 2-5 Kou, Tanaka yes

Council Member Filseth stated small units were a mechanism for affordable housing.

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

- A. Housing, with special emphasis on affordability;
- B. Sustainability, in the context of the changing climate; and
- C. Improving mobility for all.

MOTION AS AMENDED PASSED: 7-0

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

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

Ed Shikada, City Manager noted the Policy and Services Committee (P&S) recommended Council review of specific items.

Molly Stump, City Attorney reported P&S reviewed each Page of the Council Procedures and Protocols Handbook (Handbook) in December, 2019. The redline version of the Handbook reflected revisions that updated the rules as to current practices and legal requirements. The Council was subject to adopt the redline version as an initial update of the Handbook. The Staff Report summarized policy issues for Council discussion.

Karen Holman noted the Handbook was last amended in 2013; therefore, some topics were outmoded. The number of Council Members required to remove an item from the Consent Calendar needed to be two. The dollar amount of items placed on the Consent Calendar had to be limited. The language regarding providing Motions to the City Clerk prior to the meeting needed to be prior to or during the meeting.

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Winter Dellenbach wanted the Handbook to state a length of time for individuals to address the Council during public comments, the role of Council liaisons and a process for removal of members serving on boards and commissions.

Jeff Hoel agreed that two Council Members should be allowed to remove an item from the Consent Calendar. The Council needed to clarify the length of time prior to a Special Meeting for release of the Council Packet and the day of the week for actions to occur if a meeting was not held on Monday.

Mayor Fine requested Staff respond to questions from the public.

Ms. Stump related that the Handbook stated individuals may address the Council for up to three minutes depending on the number of speakers and Agenda Items. The language regarding provision of the Packet was general, despite the heading. There was no legal requirement for materials to be provided 11 days prior to a meeting.

Council Member Kniss noted P&S agreed to all changes in the redline version.

Council Member Cormack requested a ten minute break rather than a five minute break. She requested a definition of a high-dollar-value item.

Ms. Stump explained that the City Manager, department Staff and the Mayor discussed whether an item presented a significant policy issue or was controversial such that it needed to be changed as Action Item on the Agenda. The dollar amount was a factor in that determination.

Council Member Cormack felt the description was a concern. She inquired whether announcements about regional meetings and the like were appropriate.

Ms. Stump answered yes.

Council Member Kou asked if the third sentence of Number 1.3 should state "in the City's, region's and State's jurisdiction."

Ms. Stump related that the language referred to any topic within the City Council's purview, and the Council's purview was sufficiently broad to cover almost any topic.

Council Member Kou requested references to Code sections include links. The section on decorum needed to contain links to Municipal Code Sections 2.04.12 and 2.04.130. Part D on Page 6 needed to cite the State law and provide a link to it. She inquired whether the policy regarding Staff Reports was written.

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Ms. Stump clarified that the policy for the Clerk to provide Staff Reports 11 days prior to the meeting was not written.

Council Member Kou inquired regarding Council Members explaining their no votes on the Consent Calendar.

Ms. Stump reported P&S had suggested the Council discuss the topic.

Council Member Kou asked about the \$25,000 limit for Agenda Items.

Ms. Stump explained that the \$25,000 limit pertained to the City Manager's authority or a tier for competitive solicitation.

Council Member Kou recalled that Part N on Page 13 was deleted from the Handbook that P&S reviewed.

Ms. Stump clarified that the language was contained in the Handbook. The Council was able to delete it.

Council Member Kou inquired whether Rosenberg's Rules should be added to Part U on Page 16.

Ms. Stump indicated Part U could reference Rosenberg's Rules.

Council Member Kou requested the table on Page 20 include the number of Council Members for two-thirds and four-fifths votes.

Ms. Stump agreed to do so.

Council Member Kou asked if "not participating" was a recusal.

Ms. Stump reported she would prepare at some point a guide for how vote counts were affected by absences, super majorities, recusals and abstentions.

Council Member Kou noted "Planned Community" was stricken in some instances.

Ms. Stump advised that all should be stricken. Any quasi-judicial Agenda Item was to follow additional procedural requirements, whether it was listed in the Handbook.

Council Member Kou requested the location of the policy and procedure for responding to customer complaints stated in Part I on Page 33.

Mr. Shikada agreed to investigate the policy.

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Council Member Kou requested a link to the policy. She inquired whether Vice Mayor DuBois and Council Member Cormack would discuss Section 2.4 on Pages 34 and 35.

Vice Mayor DuBois clarified that Section 2.4 related to Council Member interaction.

Ms. Stump recalled that the Council's direction to P&S was to omit Section 2.4.

Council Member Kou requested the rationale for Section 4 addressing only P&S.

Ms. Stump did not know. The Council was able to add roles for the Finance Committee and Council Appointed Officers Committee.

Council Member Kou inquired regarding the meaning of eligible activates in out-of-town conferences and meetings.

Ms. Stump suggested the correct word be "activities."

Council Member Kou asked if the travel policy should state lowest fare available.

Monique LeConge Ziesenhenné, Assistant City Manager was going to ensure the Travel Policy aligned with Staff Travel Policies.

Council Member Kou noted incorrect numbering on Page 46 and the lack of information for footnotes.

Ms. Stump indicated the footnotes were not accurate.

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

- A. Approve the initial round of edits to the Council Procedures and Protocols (CPP) Handbook which were intended to make legally required changes, delete obsolete provisions, and update sections to reflect current practices, with the following changes:
 - i. Allow a 10-minute break;
 - ii. Add Links to Government and Municipal Code Sections, Reports, and Supporting Documents;
 - iii. Add reference to Rosenberg's Rules and provide a link;

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- iv. Ensure "Planned Community" is deleted from document;
- v. Review reference to "Policy and Procedure for Responding to Customer Complaints;"
- vi. 7.2. A. change "activates" to "activities;" and
- vii. Section 7.9 is missing.

Council Member Kniss expressed concern that a Council Member would prepare a Motion prior to hearing public comment.

Vice Mayor DuBois felt the Staff Report language on Pages 5 and 6 eliminated the purpose of allowing the public time to respond to Agenda Items.

Ms. Stump explained that the prior language provided an exception to State law requiring information be published on Thursday prior to a Monday meeting. Currently, information provided to the Council and the public with less than 11 days prior to the meeting was the exception.

Vice Mayor DuBois felt an Agenda Item pertaining to large projects or policy considerations should be continued if the Staff Report was not available 11 days prior to the meeting.

Council Member Filseth asked if the language meant a large item for which a Staff Report was not available 11 days prior to the meeting could not be heard.

Ms. Stump recommended the language not reflect that. The City Manager and Mayor were able to decide whether to continue an item prior to the meeting and the Council was able to decide during the meeting.

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

Mayor Fine added that the Council could continue an item during Agenda Changes, Additions and Deletions.

Vice Mayor DuBois supported the proposed changes to remote attendance. He requested comment regarding making Council Members' Expense Reports public. He questioned whether the definition of Special Meeting should be revised.

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Ms. Stump advised that the definition of Special Meeting was provided in State law. A Special Meeting was able to be called with 24 hours' notice, but that had not occurred during her tenure with the City. The language about providing Staff Reports 11 days prior to a meeting was able to be moved to its own section.

Beth Minor, City Clerk clarified that Special Meetings typically followed the Agenda format of a Regular Meeting.

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

Mayor Fine reviewed requested changes and thought the Council may want to follow up regarding Rosenberg Rules and the effects of absences and recusals on vote counts.

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

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

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- ix. Ensure the 11-day reporting requirement would have its own section in the Procedures and Protocols.

MOTION AS AMENDED PASSED: 7-0

Vice Mayor DuBois suggested the Mayor conduct a straw poll regarding potential agreement on items for discussion.

Council Member Cormack advised that she had a suggestion that was not on the list.

Council Member Tanaka did not believe referring the items to P&S would be productive because P&S had recommended Council discussion of the items.

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

Mayor Fine hoped Staff could devise a procedure for posting an Agenda at a remote location. Council Members had not abused the policy.

Council Member Filseth agreed that the proposed policy was reasonable.

Council Member Tanaka felt the limit on telephonic appearances was arbitrary. Participation by conference call was better than an absence.

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

Council Member Tanaka preferred to align noticing requirements for remote locations with State law rather than local policy.

Council Member Cormack was not supporting the Substitute Motion. Telephonic participation needed to be discouraged unless and until the telephone system was upgraded. The limit on telephone appearances needed to be retained.

Council Member Kniss felt posting a notice 72 hours in advance at a remote location was onerous.

Ms. Stump reported the 72-hour notice was required legally. A Council Member was not able to participate unless an Agenda had been posted continuously in the remote location for 72 hours prior to a Regular Meeting.

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Council Member Kniss questioned whether the law allowing telephonic participation with 72 hours' notice was appropriate. Council Member participation in meetings was important and notice often could not be posted 72 hours in advance.

Ms. Stump suggested the Council raise the issue with the City's lobbyist.

SUBSTITUTE MOTION FAILED: 2-5 Kniss, Tanaka yes

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

Council Member Tanaka proposed aligning the City's requirements with State requirements.

Ms. Stump reported the State law indicated a local body may allow telephonic participation. There was no maximum and no minimum number of telephonic meetings.

Council Member Tanaka suggested the remaining provisions of Section 2.4.B align with State law.

Mayor Fine explained that the City could impose different requirements.

Ms. Stump advised that the provision for notice to the City Clerk was not contained in State law and was not a higher standard.

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

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

MOTION AS AMENDED PASSED: 6-1 Tanaka no

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

Council Member Filseth assumed the rationale for a Council Member speaking prior to the vote was to persuade other Council Members to vote differently. That sounded like a discussion, which defeated the purpose of a Consent Calendar.

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Mayor Fine concurred with Council Member Filseth's remarks.

MOTION PASSED: 6-1 Tanaka no

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

Vice Mayor DuBois felt the main issue was Council Members trusting one another. Council Members learned that removing items from the Consent Calendar was not productive.

Council Member Kniss indicated she would not support the Motion because the number of items removed from the Consent Calendar would increase.

Council Member Filseth concurred with Council Member Kniss. The Council's capacity to hear Agenda Items was limited, and the City Manager and Mayor were trusted to review items for the Consent Calendar.

Mayor Fine agreed that three Council Members was the correct number. Over the past year, the Council removed few items from the Consent Calendar. The inability to remove an item had not harmed the City.

Council Member Cormack agreed with Council Member Filseth's comments about trust.

MOTION FAILED: 3-4 Cormack, Filseth, Fine and Kniss no

Mayor Fine expressed interest in seeing the range of Consent Calendar Items for the past two years and their dollar amounts.

Vice Mayor DuBois indicated the criteria for Consent Calendar Items were not clearly defined. A dollar amount was not an appropriate criterion.

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

MOTION FAILED DUE TO THE LACK OF A SECOND

Council Member Tanaka reported P&S was not able to reach a consensus in December, 2019 so referring it to P&S was not logical.

MOTION: Council Member Tanaka moved, seconded by Vice Mayor DuBois to direct the Finance Committee to come up with proposed thresholds for

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Council to consider related to Section 2.4.L, Consent Calendar Categories, which determines the eligibility for items to be placed on the Consent Calendar.

Vice Mayor DuBois felt a threshold was appropriate.

Council Member Kou asked if most contracts placed on the Consent Calendar had already been approved in another City process.

Mr. Shikada advised that usually the Council had approved contracts through the budgeting process.

Council Member Kou asked if a change order or contract extension would be presented as an Action Item.

Mr. Shikada indicated it could be placed on the Consent Calendar or as an Action Item.

Ms. Stump clarified that an item the Council had not previously considered in some process should be presented as an Action Item.

Council Member Cormack did not understand the issue because she had reviewed every Consent Calendar Item presented during her time on the Council. A revision was not necessary.

Mayor Fine related that the issue was a political one. The Council preferred not to vote on expensive items without a discussion.

Council Member Kniss expressed concern regarding the public perception of high-dollar Consent Calendar Items and preferred some type of threshold.

Council Member Filseth concurred with Council Member Cormack's comments. He did not perceive a problem with the City Manager's and Mayor's decisions over the past few years. It was possible that the threshold could be too low, and this could increase the number of Action Items.

Council Member Tanaka noted the recent polling results regarding the public perception of fiscal waste. With the Council considering a Business Tax, the public needed to have confidence in the City's use of funds.

Vice Mayor DuBois believed there had been issues in the past. The Council needed to balance oversight, efficiency and public trust.

Council Member Filseth suggested imposing a soft spending cap through Council discussion of items was not an efficient use of Council time.

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

Council Member Kniss remarked that beginning with a Motion was expedient and would not prohibit a robust discussion.

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

Council Member Filseth believed the range of complex issues presented to the Council sometimes required extensive questioning. The Mayor was able to implement this procedure at his or her discretion. Mandating the procedure was overly restrictive.

Mayor Fine agreed with Council Member Filseth.

Council Member Cormack added that public comment was an important component of Council discussion and sometimes provided information that shaped Motions. Council Members were more efficient by limiting themselves to questions prior to public comment.

Council Member Kou indicated beginning with a Motion limited discussion points. The Council needed to consider public comments prior to offering a Motion.

MOTION FAILED: 2-5 Kniss, Tanaka yes

Mayor Fine explained the One Hour Rule.

Ms. Stump clarified that if a Council Member inquiry required more than an hour of Staff work, it needed to be presented to the Council as a discussion of direction to Staff.

Mr. Shikada added that the relevance of the issue varied widely among Council Members. Having a boundary provided value in leveling expectations from individual Council Members.

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

Council Member Filseth advised that directing Staff resources in a significant way was the jurisdiction of the Council rather than an individual Council Member.

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Mayor Fine requested clarification of one hour per item, one hour per question, or one hour per week.

Ms. Stump indicated one topic. A Council Member rarely had more than a handful of topics pending with Staff at any one time.

Mayor Fine asked if the current rule was effective.

Ms. Stump related that the rule was working well.

MOTION PASSED: 7-0

Council Member Tanaka noted the inability to submit questions by the deadline when an Agenda had not yet been published.

Mr. Shikada reported Staff had accommodated Council questions when there was a holiday or a late Packet.

Mayor Fine indicated Council should submit their questions if the Packet or an Agenda Item was provided after the deadline. Staff was able to respond if at all possible.

Mr. Shikada added that he would communicate the flexibility.

Council Member Kniss suggested referral of the Policy for Travel and Miscellaneous Expense Reimbursement to the Finance Committee to be woven into the Budget for the current Fiscal Year (FY). Currently, \$25,000 had been allocated for Council travel, but there was no policy. Some cities allocated a dollar amount to each Council Member.

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

Council Member Tanaka believed allocating funds to each Council Member would provide them with flexibility and equity and would be similar to surrounding cities' policies.

Council Member Filseth recalled Council Member Tanaka's earlier comment regarding public perception of fiscal waste.

SUBSTITUTE MOTION: Council Member Filseth moved, seconded by Council Member Cormack to refer to the Policy and Services Committee for review and discussion Council Procedures and Protocols, Section 7, City Council and

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Boards and Commissions Policy for Travel and Miscellaneous Expense Reimbursement.

Council Member Cormack noted the small amount of budgeted funds. Perhaps the new P&S was able to reach consensus.

Vice Mayor DuBois had not observed an issue in the past. The current policy allowed flexibility for some Council Members to travel more than others.

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

Mayor Fine had not heard of a Council Member being denied funds because other Council Members had utilized the budgeted amount. The Mayor's authorization of travel applied to out-of-State travel only.

Council Member Kniss preferred the policy include some guidelines. She thought the Finance Committee should review the policy to determine its impact on the City Budget.

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

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

SUBSTITUTE MOTION AS AMENDED PASSED: 7-0

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

MOTION FAILED DUE TO THE LACK OF A SECOND

Mayor Fine encouraged Council Members to be aware of their use of electronic devices during Council meetings.

Council Member Kou advised that she monitored her electronic device during meetings for communications from ill family members.

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Council Member Cormack indicated the City of Los Altos provided an exception for that purpose.

Council Member Tanaka felt all expense reports should be public documents.

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