



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
September 28, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:04 P.M.

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

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
Subject: Threatened Litigation by San Jose/Silicon Valley NAACP et al
Regarding Non-resident Access to Foothills Preserve
Authority: Potential Exposure to Litigation Under Government Code
Section 54956.9(d)(2) and (e)(5)
One Potential Case, as Defendant.

Molly Stump, City Attorney, announced the title for Agenda Item Number 1 should read: "CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Subject: Gasque v. City of Palo Alto, Santa Clara County Superior Court,
Case No. 20CV370681 Authority: Government Code Section 54956.9(d)(1)".

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 5:06 P.M.

Council returned from Closed Session at 7:24 P.M.

Mayor Fine announced that Council will return to the Closed Session at the end of the meeting.

Study Session

2. Update on City of Palo Alto's Race and Equity Work and Discussion of Next Steps.

NO ACTION TAKEN

ACTION MINUTES

Minutes Approval

3. Approval of Action Minutes for the September 14, 2020 City Council Meeting.

MOTION: Mayor Fine, seconded by Council Member Cormack to approve the Action Minutes for the September 14, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 6.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to approve Agenda Item Numbers 4-9.

4. Approval of Contract Number C21177400 With BKF Engineers for a Maximum Not-to-Exceed Amount of \$329,689 for Design and Construction Support Services Related to Churchill Avenue and Alma Street Railroad Crossing Safety Improvements, Capital Improvement Project (PL-20000).
5. Resolution 9916 entitled "Resolution of the Council of the City of Palo Alto Approving and Attesting to the Veracity of the City's 2019 Annual Power Source Disclosure and Power Content Label Reports".
6. Approval of Amendment Number 2 to Contract Number S20178094 With Management Partners, Inc., to Extend the Term Through March 31, 2021 and Increase Compensation by \$85,000 for Procurement Advising Services for a new Not-to-Exceed Amount of \$170,000.
7. Designation of the Voting Delegate for the League of California Cities Annual 2020 Conference, to be Held Virtually October 7-9, 2020; and Approval of Staff's Recommendation to abstain on the League Resolution.
8. Authorization to Amend the Existing Agreement for Litigation Defense Services With the Law Firm of Jarvis Fay & Gibson (Contract S17168652) to Increase the Contract Amount by an Additional \$15,000 for a Total Not-to-Exceed Amount of \$130,000.
9. Interim Ordinance 5505 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapters 18.28 (Special Purpose PF, OS and AC Districts) and 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Adopt Temporary

ACTION MINUTES

Regulations Relating to Safe Parking in PF Districts" (FIRST READING: September 14, 2020 PASSED 7-0).

MOTION PASSED FOR AGENDA ITEM NUMBER 6: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBERS 4-5, 8-9: 7-0

Council took a break at 9:01 P.M. and returned at 9:08 P.M.

Action Items

10. Status Report and Direction Regarding Continued Participation in the San Mateo County Tourism Business Improvement District (TBID) or Adoption of Resolution 9917 to Withdraw Participation entitled, "Resolution of the Council of the City of Palo Alto to Withdraw the City of Palo Alto from the Boundaries of the San Mateo County Tourism Business Improvement District".

MOTION: Council Member Tanaka moved, seconded by Council Member Filseth to Adopt the Resolution and direct Staff to transmit the Resolution to the City of Burlingame with a request to take all steps necessary to implement withdrawal from the San Mateo County Tourism Business Improvement District effective January 2021; and to Authorize the City Manager to negotiate and pay necessary and reasonable administrative costs of the City of Burlingame to effectuate the request.

MOTION PASSED: 7-0

11. Approval of a Contract With Baker Tilly US, LLP for Internal Auditor Services in an Amount Not-to-Exceed \$1,300,000 for a Term Commencing October 1, 2020 through June 30, 2022, Including Approval of Four Initial Task Orders; Resolution 9918 entitled, "Resolution of the City Council of the City of Palo Alto Appointing Kyle O'Rourke, Senior Consulting Manager with Baker Tilly US, LLP, as the Palo Alto City Auditor"; and Amendment of the Table of Organization to Eliminate 4.0 Positions in Various Funds.

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

- A. Approve and authorize the Mayor or his/her designee to execute the attached professional services contract with Baker Tilly US, LLP for internal auditing services in an amount not to exceed \$1,300,000 for a term commencing October 1, 2020 through June 30, 2022, including approval of four initial task orders detailing initial work commencing on October 1, 2020;

ACTION MINUTES

- B. Adopt a resolution appointing Kyle O'Rourke of Baker Tilly US, LLP, Certified Internal Auditor (CIA), as Palo Alto's City Auditor; and
- C. Amend the Table of Organization to Eliminate 4.0 positions, 1.0 City Auditor position in the General Fund, and 3.0 Senior Performance Auditor positions (2.0 from the General Fund and 1.0 from the Utilities' Enterprise Funds).

MOTION PASSED: 7-0

Closed Session

- 1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION; Subject: Threatened Litigation by San Jose/Silicon Valley NAACP et al Regarding Non-resident Access to Foothills Preserve; Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) and (e)(5); One Potential Case, as Defendant.)

Council returned to the Closed Session at 10:22 P.M.

Adjournment: The meeting was adjourned from the Closed Session at 11:36 P.M.