



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
November 16, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:03 P.M.

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

Absent:

Agenda Changes, Additions and Deletions

None.

Minutes Approval

1. Approval of Action Minutes for the November 02, 2020 City Council Meeting.

MOTION: Vice Mayor DuBois moved, seconded by Council Member Kou to approve the Action Minutes for the November 02, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

Council Member Kou and Council Member Tanaka registered no votes on Agenda Item Number 7.

Vice Mayor DuBois and Council Member Tanaka registered no votes on Agenda Item Number 3.

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

MOTION: Mayor Fine moved, seconded by Council Member Cormack to approve Agenda Item Numbers 2-7.

2. Approval of Construction Contract Number C20177933 With Automated Solutions Group, Inc. in the Amount of \$313,417 for the Cubberley Building Management Systems Project, Capital Improvement Program Project (CB-19001).

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3. ~~Approval of Contract Number C20175026 With JC Decaux San Francisco, LLC in the Amount of \$1,053,924 for a Five-year Term to Provide the Rental and Servicing of two Automatic Public Toilets; and Approval of a Fiscal Year 2021 Budget Amendment in the General Fund.~~
4. Resolutions for the Santa Clara County Historical Heritage Grant Program: 1) Resolution 9922 Entitled "Resolution of the Council of the City of Palo Alto Authorizing the Application and Receipt of Grant Funds by the Museum of American Heritage (MOAH) for Roof Repair/Replacement at the Williams House (351 Homer Ave);" and 2) Resolution 9923 Entitled "Resolution of the Council of the City of Palo Alto By the City of Palo Alto for the Roth Building (300 Homer Ave) Roof and Frescoes Rehabilitation."
5. Resolution 9924 Entitled "Resolution of the Council of the City of Palo Alto to Establish the Old Palo Alto Residential Preferential Parking (RPP) Program as a Continuing Program."
6. QUASI-JUDICIAL. 2100 El Camino Real/501 Oxford (College Terrace Centre) [20PLN-00247]: Approval of a Proposed Grocery Store Pursuant to PC Ordinance Number 5069. Environmental Assessment: Exempt per California Environmental Quality Act (CEQA) Section 15301 (Existing Facilities). Zoning District: Planned Community (PC-5069).
7. Ordinance 5511 Entitled "Ordinance of the Council of the City of Palo Alto Amending Chapters 9.64 (Regulation of Community Facilities) and 22.04 (Parks and Recreation Building Use and Regulations) of the Palo Alto Municipal Code to Open Foothills Park to the General Public and to Amend or Delete Outdated and Duplicative Code Language (FIRST READING: November 2, 2020 Passed: 5-2 Kou, Tanaka no)."

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

MOTION PASSED FOR AGENDA ITEM NUMBER 3: 5-2 DuBois, Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBER 7: 5-2 Kou, Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBERS 4-6: 7-0

MOTION: Council Member DuBois moved, seconded by Council Member Kou to reconsider Agenda Item Number 3.

MOTION PASSED: 6-1 Fine no

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MOTION: Vice Mayor DuBois moved, seconded by Council Member Kou, third by Council Member Filseth to continue Agenda Item Number 3 to a date uncertain.

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8. Direction on the City of Palo Alto's Race and Equity Work Including: 1) Adoption of a Mission Statement; 2) Direction on Police Data Collection, Alternative Response Resources, Use of Force Reporting, Future Labor Agreement Negotiations; 3) Citywide Workforce Assessment; and 4) Organization of Future Work.

Council took a break at 6:40 P.M. and returned at 6:53 P.M.

MOTION: Vice Mayor DuBois moved, seconded by Mayor Fine that, if the County does not assign a resource to Palo Alto in the next six months, refer to Policy and Services Committee the exploration of the feasibility of a CAHOOTS-type program.

MOTION PASSED: 7-0

MOTION: Council Member Kou moved, seconded by Vice Mayor DuBois to direct Staff to return the Scope of Services to allow the City Council to meet and confer directly with the Independent Police Auditor.

MOTION RESTATED: Council Member Kou moved, seconded by Vice Mayor DuBois to amend the contract to require the Independent Police Auditor (IPA) to meet with the City Council in open session twice a year with each report.

MOTION PASSED: 7-0

MOTION: Vice Mayor DuBois moved, seconded by Council Member Kou to refer to the Policy and Services Committee consideration of the Independent Police Auditor (IPA) oversight of internal complaints regarding misconduct related to harassment, discrimination, or retaliation resulting in city investigation of uniformed officers.

MOTION PASSED: 6-1 Fine no

MOTION: Vice Mayor DuBois moved, seconded by Council Member Cormack to direct Staff to work with IT to streamline publishing police policy updates to the City website on a quarterly basis.

MOTION PASSED: 7-0

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MOTION: Council Member Cormack moved, seconded by Council Member XX to direct the Police Department to include in the Annual Police Report a report on Duties to Report.

MOTION WITHDRAWN BY THE MAKER

MOTION AS AMENDED: Mayor Fine moved, seconded by Council Member Kniss to approve the following actions on a variety of issues:

- A. Adoption of the mission statement as a guiding statement of the City's commitment to make equity a foundational principle in the City's operational work;
- B. Direct Staff to expedite implementation of the new police records management system with quarterly reports to Council, and to return with the necessary agreements for the records management system allowing for Racial and Identity Profiling Act (RIPA) implementation;
- C. Starting after the full implementation of the RMS and the first data collection period, direct Staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports;
- D. Direct Staff to work with Santa Clara County on implementation of participation in the Santa Clara County Psychiatric Emergency Response Team (PERT) program and the Mobile Crisis Response Teams (MCRT) program and to return to the City Council with any necessary agreements for program participation;
- E. Direct Staff to develop/update a policy on the timing of records release related to investigations that qualify for public disclosure under SB 1421 and AB 748;
- F. Direct Staff to amend and expand the current Independent Police Auditor's (IPA) scope of services to include all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or a firearm is used, and all cases where the subject's injuries necessitate any treatment beyond minor medical treatment in the field;
- G. Direct Staff to maintain an every six (6) months schedule for IPA reports to City Council containing reviews ready at the time of the report; and for the IPA to provide an audit workplan to the City Council for approval;
- H. Direct Staff to include use of force information to the regular Supplemental Report submitted to the City Council as a cover memorandum to each IPA report;

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- I. Refer the police reform legislative priority thoughts and input to the Policy and Services Committee who will be discussing the City's legislative priorities in December 2020;
- J. Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas;
- K. Direct Staff to return in the fall of 2021 with parameters, proposals, and strategies prior to engaging in Palo Alto Peace Officers' Association negotiations;
- L. Direct Staff, in coordination with the City's overall diversity and inclusion efforts, to conduct a workforce demographic assessment as baseline information and to pursue an employee assessment to measure City workforce culture;
- M. Policy and Services CEDAW recommendation: Direct Staff to proceed with a community summit on gender equity issues and next steps in Palo Alto;
- N. If the County does not assign a resource to Palo Alto in the next six months, refer to Policy and Services Committee the exploration of the feasibility of a CAHOOTS-type program;
- O. Amend the contract to require the Independent Police Auditor (IPA) to meet with the City Council in open session twice a year with each report;
- P. Refer to the Policy and Services Committee consideration of the Independent Police Auditor (IPA) oversight of internal complaints regarding misconduct related to harassment, discrimination, or retaliation resulting in city investigation of uniformed officers.
- Q. Direct Staff to work with IT to streamline publishing police policy updates to the City website on a quarterly basis.

MOTION AS AMENDED PASSED: 7-0

Council took a break at 8:37 P.M. and returned at 8:46 P.M.

- 9. PUBLIC HEARING / QUASI-JUDICIAL / LEGISLATIVE. 788 San Antonio Road [19PLN-00079]: The City Council Will Consider: 1) Adoption of a Resolution 9925 Entitled "Resolution of the Council of the City of Palo Certifying a Final Environmental Impact Report (EIR), Making California Environmental Quality Act (CEQA) Findings Including a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and

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Reporting Plan;" 2) Adoption of a Resolution 9926 Entitled "Resolution of the Council of the City of Palo Alto Amending the Comprehensive Plan;" 3) Adoption of a Zoning Ordinance: a) Expanding the Housing Incentive Program to San Antonio Road, and b) Amending Definition of Gross Floor Area and Amending Retail Preservation for Housing; 4) Approval of a Tentative Map for a Condominium Subdivision; 5) Approval of a Variance to a Special Setback; and 6) Approval of Major Architectural Review for 102 Dwelling Units, a 1,800 Square Foot Commercial Space and two Basement Levels of Parking (Continued From November 9, 2020).

Public Hearing opened at 9:23 P.M

Public Hearing closed at 10:20 P.M.

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

- A. Adopt a Resolution certifying the Final Environmental Impact Report, adopting California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program;
- B. Approve the 788 San Antonio Road project, construction hours, and the addition of a historical plaque;
- C. Adopt a Record of Land Use Action approving the requests for a Tentative Map, Variance and Architectural Review based on findings and subject to the conditions of approval;
- D. And to the extent necessary for the project:
 - a. Adopt a Resolution amending Comprehensive Plan Land Use Element Program L2.4.1;
 - b. Introduce an Ordinance approving text amendments to the Palo Alto Municipal Code Title 18

MOTION PASSED: 7-0

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return with the parameters for a San Antonio Corridor transportation study. (New Part B)

AMENDMENT: Vice Mayor DuBois moved, seconded by Council Member Filseth to only allow the retail preservation waiver in the CS Zone on San Antonio Road for high-density residential.

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AMENDMENT FAILED: 3-4 DuBois, Filseth, Kou yes

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to direct Staff to explore striking the restriction on underground parking.

AMENDMENT WITHDRAWN BY THE MAKER

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

- A. In order to extend the Housing Incentive Program (HIP) to the two-block area as defined in the administrative record:
 - i. Adopt a Resolution amending Comprehensive Plan Land Use Element Program L2.4.1;
 - ii. Introduce an Ordinance approving text amendments to the Palo Alto Municipal Code Title 18; and
- B. Direct Staff to return with the parameters for a San Antonio Corridor transportation study

MOTION AS AMENDED PASSED: 4-3 DuBois, Filseth, Kou no

Council took a break at 12:38 A.M. and returned at 12:44 A.M.

10. Update and Discussion on the Regional Housing Needs Allocation (RHNA) Process and Direction to Staff Regarding the City's Response to the Proposed RHNA Methodology, Including Preparation of a Formal Comment Letter (CONTINUED FROM NOVEMBER 9, 2020).

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

- A. Discuss and provide direction to Staff as appropriate on the Regional Housing Needs Allocation (RHNA) process;
- B. Direct Staff to submit a comment letter to the Association of Bay Area Governments (ABAG) Regional Planning Committee on the proposed 6th Cycle RHNA methodology;
- C. Discuss possible City Council Member engagement with other elected officials or representatives regarding the RHNA process to further advance the City's interests; and

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- D. Provide initial direction to staff on preparation for a possible appeal of the RHNA methodology to the state Housing and Community Development department in Summer next year.

AMENDMENT: Council Member Kniss moved, seconded by Mayor Fine to remove references to the Embarcadero Institute from the comment letter. (New Part E)

AMENDMENT PASSED: 4-3 DuBois, Filseth, Kou no

AMENDMENT: Council Member Kou moved, seconded by Council Member XX to incorporate a reference and footnote to the Freddie Mac report in the comment letter.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION AS AMENDED: Council Member Filseth moved, seconded by Vice Mayor DuBois to:

- A. Discuss and provide direction to Staff as appropriate on the Regional Housing Needs Allocation (RHNA) process;
- B. Direct Staff to submit a comment letter to the Association of Bay Area Governments (ABAG) Regional Planning Committee on the proposed 6th Cycle RHNA methodology;
- C. Discuss possible City Council Member engagement with other elected officials or representatives regarding the RHNA process to further advance the City's interests;
- D. Provide initial direction to staff on preparation for a possible appeal of the RHNA methodology to the state Housing and Community Development department in Summer next year; and
- E. Remove references to the Embarcadero Institute from the comment letter.

MOTION AS AMENDED PASSED: 6-1 Fine no

Adjournment: The meeting was adjourned at 1:44 A.M.