



# CITY OF PALO ALTO CITY COUNCIL MINUTES

Special Meeting  
November 18, 2013

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:08 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, Shepherd

Absent:

## CLOSED SESSION

1. A previous closed session has been removed.

## STUDY SESSION

2. Presentation to Council about Library Programs and Activities.

Monique le Conge Ziesenhenné, Library Director, reported Main Library closed in May 2013 and Mitchell Park Library was located at a temporary site. She presented "Read" posters to Council Members. Posters would be located throughout libraries to promote reading.

Karen Kinzel, Palo Alto Art Center, provided definitions for Makerspaces, an emerging trend in both libraries and museums. Teens needed a fun and safe place to actively express themselves with friends. Through a grant from the California State Library and donations, the Library Department and Art Center developed Make X. It premiered at the Palo Alto Art Center, then moved to the City Hall lobby, and would move to different community centers and libraries throughout the region. Staff scheduled teen mentors to train the public in use of equipment in Make X.

Jenny Jordan, Library Youth Services Manager, reported the Summer Reading Program was the Library's largest program. Staff changed the Summer Reading Program to include children, teens, and adults. The number of participants increased again in 2013. Staff focused on the Springboard to Kindergarten Program to reach preschool children. She provided highlights of Library programs for children, teens, and adults.

# MINUTES

Jessica Goodman, Senior Librarian for Information Technology and Collections, indicated the Creating Connections Program brought together teens and seniors for technology learning. Teens taught digital literacy skills to seniors through 20 interactive learning sessions. After the Creating Connections Program ended, teens continued to work one-on-one providing technology tutoring to older adults. The Library's digital collections continued to grow with eBooks, audio books, digital magazines, music, and free museum passes.

Cheryl Lee, Senior Librarian, worked on programs, outreach, and partnerships. Customers determined the programs offered by the Library. The Library partnered with nonprofit agencies, schools, corporations, and businesses within the Palo Alto community. Approximately 500 children and parents attended Story Time weekly at the Library. Story Time was held at different locations in the community once a month. Other programs included baseball, Beer University, parenting skills, back-to-school swaps, and a Halloween costume swap. Staff participated in many outreach events each month.

Ms. Ziesenhenne had plans for the new Mitchell Park Library. Collections would be expanded to include items of local interest and in international languages. The Library Advisory Commission, the Friends of the Palo Alto Library, and the Palo Alto Library Foundation focused closely on the Library.

Council Member Burt was not familiar with many Library services. He asked if the Library was featured periodically on the homepage of the City's website.

Ms. Ziesenhenne indicated Staff regularly issued press releases and utilized Facebook and Pinterest. Staff was working on a market segmentation study and a strategic plan to increase public awareness.

Council Member Burt inquired whether Staff was utilizing communication tools supplied by the Palo Alto Unified School District (PAUSD).

Ms. Ziesenhenne answered yes.

Mayor Scharff noticed that book circulation had decreased slightly. He asked if the use of a temporary library location was responsible for the slight decrease.

Ms. Ziesenhenne was surprised that circulation had not decreased more. Because Main Library closed in May 2013, she expected the circulation figures for the current fiscal year also to decrease. When Main Library and

# MINUTES

Mitchell Park Library reopened, she hoped circulation figures would increase dramatically.

Mayor Scharff inquired about other media.

Ms. Ziesenhenne reported other media included CD ROMs and downloads. Personal computer use also decreased, probably as a result of residents utilizing their own devices.

Mayor Scharff noted DVD circulation was strong, CD circulation decreased slightly, and audio book circulation also increased.

Ms. Ziesenhenne explained that audio books could be downloaded, which increased circulation. Audio books were popular with commuters.

Council Member Kniss inquired about downloading items to a Kindle and the process for downloading items.

Ms. Ziesenhenne indicated Staff or a technology tutor could assist patrons with downloads. Each platform for eBooks had different capabilities and limitations. Instructions could also be found on the Library's website.

Council Member Kniss inquired about limitations for downloading books to an eReader.

Ms. Ziesenhenne reported borrowed items had a due date and would disappear from the eReader on the due date.

Council Member Kniss asked if patrons could download the latest bestsellers.

Ms. Ziesenhenne explained the eBook had to be made available by the publisher and the Library's vendor.

Council Member Kniss reiterated that an eBook could be borrowed for three weeks, and then it would disappear from the eReader.

## AGENDA CHANGES, ADDITIONS, AND DELETIONS

None

## CITY MANAGER COMMENTS

James Keene, City Manager, announced the holiday tree lighting was scheduled for November 30, 2013. Staff was working closely with Neighbors Abroad to provide relief to Palo, Philippines. *Aurora* was successful lighted on November 16, 2013.

# MINUTES

## COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Klein attended the National League of Cities annual meeting in Seattle, Washington, the prior week. The League adopted a policy regarding global warming. Bellevue, Washington, had an extensive outreach program funded primarily by the faith community. Palo Alto needed closer collaboration with its faith community. Seattle's utility was developing algorithms for infrastructure improvements with respect to climate change. The League's finances and membership were improving.

Vice Mayor Shepherd also attended the National League of Cities meeting. She attended sessions about the Smart City Program, the greenest building in the world, LED street lights, smart kiosks, and natural disasters. At the Center for Digital Government award dinner, Palo Alto won first place in the medium city category.

Council Member Kniss stated the competition for Digital City awards was astonishing.

James Keene, City Manager, added that the Center for Digital Government provided a national benchmarking model for cities. Palo Alto won after competing for only two years.

Council Member Kniss encouraged Council Members to attend National League of Cities conferences. The 2014 annual meeting would be held in Austin, Texas.

Mayor Scharff welcomed Boy Scouts. He attended the Santa Clara County Cities Association meeting, where Staff discussed fiber and big data. Council Member Schmid presented information regarding the Council of the Aging, now known as Source Wise. He was elected Secretary and Treasurer of the association. The *Aurora* opening the previous Friday was a fantastic event with a large crowd. He attended the opening of the only northern California American Girl store. Ronna Gonsalves of the City Clerk's Office was leaving the City's employ.

## ORAL COMMUNICATIONS

Jerry Enderdall believed streets safe for children to bike to school would reduce traffic. He encouraged the Council to consider the bicycle boulevard program independent of the Maybell Project. Bicycle safety was a key issue on Maybell Avenue.

Stephanie Munoz felt the Council would have won the Measure D election if the grant deadline had not come up just after the Council shifted

# MINUTES

Arastradero traffic onto Maybell. Having made an issue of senior housing, the Council should purchase the Maybell property and construct senior housing.

Chuck Jagoda recommended the Council not blame churches for not responding to the pilot car camping program. Churches did not have time to respond.

Wynn Grcich questioned the need for nine Council Members when other cities with larger populations had only five Council Members. She gave the Council evidence that fluoridation was poisonous. The YouTube movie *Thrive* described the government's efforts to reduce the population.

Gary Wesley reported the Santa Clara Valley Transportation Authority (VTA) proposed the use of boarding islands, signal preference, and bus-only lanes for Menlo Park and Mountain View. He believed Palo Alto would have bus-only lanes in the near future.

Timothy Gray advocated for citizen participation regarding the City's budget. Additional City revenues should be used to balance the budget and reduce spending.

Joe Hirsch requested a moratorium on all higher density development in Palo Alto until a comprehensive and competent land use and transportation study was completed. His request was supported by the recent vote on Measure D. The traffic and parking issues were unsustainable and unsupportable.

## MINUTES APPROVAL

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve the Minutes of October 17, 2013.

**MOTION PASSED:** 9-0

## CONSENT CALENDAR

Council Member Holman registered a no vote on Agenda Item Number 7.

Herb Borock reported Staff's response to Council Member Holman's question referred to the developer proceeding at his own risk if he began work after the second reading of the Ordinance. He would have preferred Staff's response to state it was against the law for the developer to begin construction until the effective date of the Ordinance.

Council Member Schmid requested the City Attorney respond to Mr. Borock's comments.

# MINUTES

Molly Stump, City Attorney, reported the effective date of an Ordinance was 31 days after the second reading. Construction should not proceed until that period of time passed. Any construction that did occur prior to the effective date was at the developer's own risk.

James Keene, City Manager, felt the City Attorney responded to Council Member Schmid's question. Staff could not further elucidate the miscommunication. At the current time, Staff did not have a resolution as to the allegations.

Council Member Schmid registered a no vote on Agenda Item Number 7.

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve Agenda Item Numbers 3-15.

3. Approval of the Fourth Amendment to Extend the Lease with Thoits Bros., Inc. at 285 Hamilton Avenue, Suite 100 for a Period of 32 Months and Approval of the First Amendment to Extend the Sublease with Survey Monkey at 285 Hamilton Avenue, Suite 280 for a Period Of 22 Months for Use by the City Development Center.
4. Approval of Amendment No. 2 to Contract # C09127499 with AssetWorks, Inc. in the Amount of \$32,100 for a Total Contract Not to Exceed Amount of \$268,210 for Cloud Hosting Solution and Maintenance for a One Year Term with the Option to Renew Four Additional Years for the City's FleetFocus and FuelFocus Fleet Transaction Management Systems.
5. Approval of a Contract in the Amount of \$693,073 with Naturescapes for Improvements to Eleanor Pardee Park Project PE-12012.
6. Approval of a Contract Amendment with Envisionware, Inc., for an Amount Not to Exceed \$463,000 for the Automatic Materials Handling System at the Main Library, For a Total Contract Not Exceeding \$1,000,000 for the Main and Mitchell Park Libraries.
7. Ordinance 5224 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code to Approve an Amendment to Planned Community (PC-5150) Mixed use Project to Allow Reconstruction of One of Two Historic Eichler Retail Buildings (Building 1), for a 3.58 Acre Site Located at 2080 Channing Avenue (Edgewood Plaza Mixed Use Project)" (First Reading: October 7, 2013; Passed 7-1 Holman no, Scharff absent).

# MINUTES

8. Adoption of Eight Ordinances: (1) Ordinance 5216 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2013 Editions, and Local Amendments and Related Findings;" (2) Ordinance 5217 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2013 Edition, and Local Amendments and Related Findings;" (3) Ordinance 5218 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.06, California Residential Code, 2013 Edition, and Local Amendments and Related Findings;" (4) Ordinance 5219 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2013 Edition, and Local Amendments and Related Findings;" (5) Ordinance 5220 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.14 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.14, California Green Building Standard Code, 2013 Edition, and Local Amendments and Related Findings;" (6) Ordinance 5221 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2013 Edition, and Local Amendments and Related Findings;" (7) Ordinance 5222 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2013 Edition, and Local Amendments and Related Findings;" and (8) Ordinance 5223 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2013 Edition, and Local Amendments and Related Findings" (First Reading: October 21, 2013 PASSED: 8-0 Klein absent).
9. Approval of Amendment No. 1 to the City's Power Purchase Agreement with Ameresco San Joaquin, LLC to Extend the Landfill Gas Electric Generating Facility's Commercial Operation Date to January 31, 2014.
10. Budget Amendment Ordinance 5225 entitled "Ordinance of the Council of the City of Palo Alto In The Amount Of \$125,000 For The First Year Funding Of A \$250,000 Two-Year Agreement For Intensive Case

# MINUTES

Management In Collaboration With The Housing Subsidies From The County Of Santa Clara.”

11. Approval of a Contract With WatchGuard Video in the Amount of \$296,470 and Additional Services of \$8,530 for a Total Not to Exceed \$305,000 for the Upgrade of Police Mobile In-Car Video System, Capital Improvement Program Project TE-11002.
12. Approval of a Contract in the Amount of \$327,535 with MIG, Inc. for the Parks, Trails, Open Space and Recreation Master Plan Project PE-13003.
13. Approval of a Contract with Ghirardelli Associates in the Amount of \$638,599.82 for Construction Management Services for the California Avenue Transit Hub Corridor Streetscape Project.
14. Resolution 9383 entitled “Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Public Nuisance and Setting December 9th, 2013 for a Public Hearing for Objections to Proposed Weed Abatement.”
15. Recommendation from the Council Appointed Officers Committee to Approve Amendment No. 2 to a Consulting Contract with Sherry L. Lund Associates to Increase the Scope of Services and Cost by \$10,000 for a Total Year-Two Cost Not To Exceed \$61,850, to be Funded from the Council Contingency Fund.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 3-6, 8-15: 9-0**

**MOTION PASSED FOR AGENDA ITEM NUMBER 7: 7-2 Holman, Schmid no**

## ACTION ITEMS

16. Public Hearing: City Council Review of a Proposed Mixed-use Development on a 1.6 Acre Site Located at 3159 El Camino Real (between Acacia and Portage Avenues), Adoption of the Environmental Review Document (Initial Study and Mitigated Negative Declaration) and Approval of the Site and Design Review, CUP for Over 5,000 Square Feet of Office and Design Enhancement Exceptions Application (via Record of Land Use Action). The Proposed Four-story, 55-Foot Tall, 74,122 s.f. Development Would Include Retail Space, Office Space, 48 Small Rental Residential Units, Two Zoning Concessions (Increased Floor Area and Reduced Parking Spaces) Under the State

# MINUTES

Density Bonus Law, and Would Replace the Existing 900 s.f. "We Fix Macs" Commercial Building.

Hillary Gitelman, Planning and Community Environment Director, reported the proposed project was consistent with the Comprehensive Plan and with zoning requirements. The proposal involved mixed-use development on a transit corridor in an area zoned for such development. The proposal would implement the Housing Element with respect to creating small residential units. A traffic study concluded that the proposal could contribute to a significant cumulative impact. A mitigation measure was included in the conditions of approval to address that impact. The proposal was first submitted to the City in January 2013 and had been reviewed by both the Planning and Transportation Commission (P&TC) and the Architectural Review Board (ARB). Staff recommended approval of the project.

Russ Reich, Senior Planner, indicated the project was located on 1.6 acres on El Camino Real, bounded by Portage Avenue and Acacia Avenue. An application to merge four parcels was approved. The site was zoned Commercial Service (CS), and the Comprehensive Plan Land Use designation was also CS. The building would have a floor area total of 74,122 square feet. The proposed height of the building would be 55 feet above grade. The ground-floor level would include retail, restaurant, office, and commercial recreation uses. Forty-eight small residential units would be provided on the upper three levels. The proposal was compliant with El Camino Real Guidelines. The building setback along El Camino Real would allow for a minimum effective sidewalk of at least 12 feet. The project included surface and one level of below-grade parking for 216 vehicles. The new parking garage would connect to the existing below-grade garage on Portage Avenue. Three-level car stackers or puzzle lifts would be installed in the new garage. Vehicular access to the site would be provided exclusively on Portage Avenue via two curb cuts. All other existing curb cuts along El Camino Real and Acacia Avenue would be removed to increase pedestrian safety and to add onsite parking. Fifteen surface-level visitor parking spaces were proposed beneath the residential wing of the building. Because the project would provide 10 percent or 5 Below Market Rate (BMR) units, the applicant was entitled under State law to request one concession to the City's zoning requirements. The applicant requested a concession of 4,619 square feet of floor area. This amount was consistent with the draft Density Bonus Ordinance. When providing BMR units, projects were entitled by right to utilize the State's calculation for required parking for residential units. The State's calculation resulted in 31 fewer parking spaces than the City's Parking Ordinance. Otherwise the project was compliant with the City's parking requirements. The BMR units would provide low-income housing for five units within the project for a period of 30 years. The application

# MINUTES

included two Design Enhancement Exceptions (DEE). The height limit for the CS Zone was 50 feet. The applicant proposed a DEE to exceed the 50-foot height limit by 5 feet, for a total height of 55 feet. The additional 5-feet of height would occur only at loft roofs. The Code allowed mechanical roof screens to exceed the 50-foot height limit by 15 feet. Mechanical roof screens were proposed to be 5 feet tall. The exception was requested to improve the design of the project. Visually the additional height benefited the building design by creating a unified roof element and provided residential units with slightly more room. The DEE was not an exception for floor area. The second DEE was an alleviation to the build-to-line requirement. The CS Zone required that 33 percent of the building be built up to the setback on Acacia and Portage Avenues and 50 percent of the frontage on El Camino Real be at the setback line of 0-10 feet to create a 12-foot effective sidewalk width. The length of the building wall along Portage Avenue would be approximately 149 feet. To meet the 33 percent build-to requirement, at least 49 linear feet of the building wall would need to be built to the 5-foot setback requirement. To accommodate the extension of the residential balconies and the accessible ramp to the elevated plaza, the building would be built with a minimum 7-foot 6-inch setback rather than to the required 5-foot setback. This request would result in a greater setback from the street. The CS Zone limited office uses to no more than 5,000 square feet per parcel, but allowed a parcel to exceed the limit through a Conditional Use Permit (CUP). Because the four parcels would be combined into one parcel, a CUP to exceed the 5,000-square-foot limit for office space was included as part of the application. The total amount of office space proposed was 16,118 square feet, only 21.7 percent of the total floor area within the project. The amount of office square footage was similar to the amount of retail floor area and considerably less than the proposed residential floor area. Staff, P&TC, and ARB reviewed the application and recommended the Council approve the project.

Public Hearing opened at 7:55 P.M.

Heather Young, Fergus Garber Young Architects, stated the four parcels being joined were a garage, a surface parking lot, an existing building, and another surface parking lot. The project was mixed-use with a mixture of restaurant and retail, commercial recreation, commercial office, and residential. The second-story spaces facing El Camino Real would be double height. The corner of El Camino Real and Portage Avenue would remain open as an exterior plaza. The fourth floor facade was set back considerably from El Camino Real. Exterior balconies in the residential areas on all sides provided outdoor public space for residential units. Access to existing surface parking would be maintained. Access to below-grade parking would be located at 400 Portage Avenue. The mass of the building was opened up

# MINUTES

with a pedestrian dining arcade and with a pedestrian portal to an interior courtyard. A second small portal was located along Acacia Avenue. The project incorporated the existing building, Equinox Gym. The 48 residential units would consist of studio and one-bedroom units, with a single two-bedroom unit. The project would connect to a new below-grade garage. She explained the operation of triple-stack car stackers.

Randy Popp, Architectural Review Board Commissioner, reported the ARB reviewed the proposal for 3159 El Camino Real and addressed a wide spectrum of items. The ARB requested the applicant revise nine items at its first discussion. The applicant provided responses for the ARB's second discussion, and the ARB reviewed the responses and recommended approval of the project.

Robert Moss felt the project was oversized and would negatively impact traffic and parking. Staff's estimate of car trips was low. The Council was not required to grant all concessions requested by the applicant. The project would also negatively affect traffic to and from Fry's Electronics. He wanted 1,100 square of office space eliminated from the project and more onsite parking.

Marilyn Mayo generally opposed the density of the project. Increased density would impact traffic and parking.

Rob Lansfield opposed the project because of the height of the proposed building.

Art Liberman stated the Council should have a comprehensive area-wide traffic study prior to discussing new development projects. Traffic from one development extended well beyond the immediate area of development.

Herb Borock urged the Council to reject the Mitigated Negative Declaration (MND), the application for a CUP, and the DEE. Additional traffic from office space and the lack of guest parking created significant impacts which were not mitigated. Therefore, approval of the MND violated the California Environmental Quality Act (CEQA). Applying the bonus floor area to the office space would have a significant impact on traffic.

Tom Dubois asked the Council to return the project to committee to be considered comprehensively with other development projects in the area. The Ventura neighborhood deserved its own Comprehensive Plan. Traffic impacts to the neighborhood would be significant.

Stephanie Munoz concurred with prior public comment. A density bonus was not appropriate, because residents did not want added density.

# MINUTES

Joseph Hirsch felt the estimate of car trips generated by the project was low. The project would negatively impact traffic and parking. Residents did not desire increased development.

Public Hearing closed at 8:29 P.M.

Mayor Scharff requested Council Members disclose contact with the applicant and receipt of information not in the public record.

Council Member Kniss inquired whether visits to the project site should be disclosed.

Molly Stump, City Attorney, suggested Council Members disclose visits to the site in an abundance of caution.

Council Member Kniss visited the project site, but had not talked with anyone involved with the project.

Council Member Holman visited the site the previous day.

Vice Mayor Shepherd visited the area frequently and was familiar with traffic patterns and other issues. She had not received any information or been in contact with the applicant with regard to the project.

Council Member Berman also visited the area of the site frequently and visited the project site that day.

Mayor Scharff also visited the project site that day.

Council Member Klein visited the project site in the early afternoon and had no contact with the applicant.

Ms. Young thanked the Council for its time and would be available to answer specific questions.

Council Member Klein inquired about users' reaction to puzzle parking.

James Keene, City Manager, indicated users in Berkeley adapted quickly. He did not recall receiving complaints from the public about puzzle parking. There would be a period of adaptation.

Council Member Klein asked if people used them.

Mr. Keene stated people did not park elsewhere to avoid puzzle parking.

# MINUTES

Council Member Klein assumed the justification for granting a CUP was the proposed amount of office space would be less than the amount that could be allowed if the four parcels were developed individually.

Ms. Gitelman concurred. The applicant could have developed the parcels individually and received more office space.

Council Member Klein asked if merging the lots was not required.

Mr. Reich explained the parcels would need to be merged because the building crossed property lines.

Mr. Keene inquired whether the building could have been designed without crossing property lines and with greater density.

Mr. Reich indicated a separate project could have been proposed for each parcel.

Council Member Klein stated four separate buildings would have produced 20,000 square feet of office space; whereas, the proposed building contained approximately 4,000 square feet less.

Mr. Keene reported the default existing entitlement could provide more density related to office use and a less appealing design.

Council Member Klein understood under existing rules mechanical facilities could reach a maximum height of 65 feet. The proposed building reached a height of 55 feet with portions of the fourth floor reaching 55 feet to match the height of the mechanical facilities.

Mr. Reich concurred.

Ms. Gitelman explained that if the Council did not grant the exception, the building would still be 55 feet in height. The exception would allow part of the occupied area to extend to 55 feet in height.

Council Member Klein believed extending the loft units to 55 feet did not increase the allowed square footage. If the Council denied the exception, the applicant could utilize the bonus density to make the building wider.

Mr. Reich concurred.

Mr. Keene asked if the applicant could propose more of a sheer wall façade along El Camino Real under existing zoning.

Mr. Reich answered yes.

# MINUTES

Mr. Keene reported the intent of the design was to step the building back.

Council Member Klein asked if extending the height limit to 55 feet changed the square foot budget.

Mr. Reich responded no.

Council Member Klein did not like the loss of local control under State mandates. He asked if the City was required to obey State mandates.

Cara Silver, Senior Assistant City Attorney, reported that the applicant's proposal to deed restrict 10 percent of units for affordable housing legally entitled the applicant to one concession. The applicant requested a concession of floor area ratio (FAR) bonus. Because Palo Alto did not have a local Ordinance prioritizing concessions at the current time, existing State Density Bonus Law applied to the project and required a concession.

Council Member Klein inquired whether the situation would change if the Council adopted a local Ordinance prioritizing concessions.

Ms. Silver explained that the Regional Housing Mandate Committee recently recommended placing a percentage limitation on the use of an FAR bonus. She was unsure how the limitation would impact this project.

Ms. Gitelman understood the Regional Housing Mandate Committee recommended use of the FAR bonus be limited to residential uses only. If the project was proposed after an Ordinance including that limitation was adopted, the applicant could not seek the additional FAR for commercial square footage without submitting to the process for changing the concession.

Council Member Klein did not believe the density bonus was the only concession. He inquired whether the Council could require parking meet local requirements under the State mandate.

Ms. Silver reported the State Density Bonus Law limited the City's ability to require additional parking if the applicant requested reduced parking.

Council Member Klein asked if the applicant requested reduced parking.

Ms. Silver replied yes.

Council Member Klein inquired whether parking met State requirements and whether State requirements applied rather than local requirements.

# MINUTES

Ms. Silver answered yes. The State requirement did not allow the City to impose additional parking requirements such as guest parking.

Council Member Klein asked if that was clearly stated in State law.

Ms. Silver indicated it was clear the City could not impose additional parking requirements.

Council Member Klein inquired about the Council's discretion with respect to the project.

Ms. Gitelman explained that the Council had no control over FAR and parking because of State requirements. The 55-foot design exception was within the Council's discretion. If the Council did not approve the DEE, the building would remain at 55 feet in height; however, the proposed building would lose some of the proposed architectural features. Another item within Council discretion was the design exception for the setback; however, the Council expressed interest in having greater setbacks along streets.

Council Member Klein inquired whether the Council's denial of the setback exception would allow the building to be closer to the street.

Ms. Gitelman replied yes. The exception allowed the applicant to construct the building farther back from the street.

Council Member Klein asked if the Council had any other areas of discretion.

Ms. Gitelman indicated another area for Council discretion was the CUP for square footage. As Council Member Klein stated, the applicant would be allowed more square footage if it retained the four individual parcels. The Council also had discretion with respect to the MND. Staff prepared a CEQA document based on analysis and asked the Council to accept the document as part of the action.

Council Member Klein inquired whether the applicant could redesign the project such that exceptions were not needed and thus not need Council approval.

Mr. Reich reported a project with more than five dwelling units within a mixed-use project was required to submit to site and design review, which required P&TC and Council review.

Council Member Klein asked if the Council would have any reason to deny the project in such a case.

# MINUTES

Mr. Reich indicated the Council had discretion related to the particulars of the project.

Mr. Keene stated the Council could alter design elements.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to approve the draft Record of Land Use Action approving: (1) A Mitigated Negative Declaration (MND), prepared in accordance with the California Environmental Quality Act (CEQA) and the Mitigation Monitoring Report; (2) The Site and Design Review application for a four story, mixed-use building (67,506 square feet of new floor area added to an existing 6,616 s.f. building) having a floor area ratio (FAR) of 1.06:1 on a 1.6 acre site (74,122 s.f. floor area:69,503 s.f. site area) to provide 48 apartment units, including five Below Market Rate (BMR) units, and office and retail uses, with structured parking facilities (at surface and underground) providing 216 parking spaces (including 11 puzzle lifts for 196 cars); (3) A Density Bonus concession permitting increased floor area for both residential and commercial components of the project in the total amount of 4,619 square feet; (4) A Conditional Use Permit (CUP) to allow 16,118 sq. ft. of office space on one parcel where the limit is 5,000 s.f., recommended by the Planning and Transportation Commission (Commission) on July 10, 2013; and (5) Design Enhancement Exceptions (DEEs) for five feet of additional building height and alleviation of the build to line by two and a half feet for a greater setback, recommended by the Architectural Review Board (ARB) on August 1, 2013.

Council Member Klein explained the project was not a Planned Community (PC) Zone. The City had limited discretion with respect to the project. The applicant was not requesting a change in zoning. Many public speakers seemed to believe the Council had more power than it actually had. The Council had to follow State law. The applicant sought three small exceptions and followed existing zoning requirements.

Council Member Price noted the impact stated in the traffic analysis and the mitigation stated in the MND. She asked who would be responsible for implementing the mitigation.

Aaron Aknin, Planning and Community Environment Assistant Director, reported the applicant would be responsible; however, the City and Caltrans would determine when the intersection was altered.

Council Member Price inquired about funding and timing of the change with respect to the City's Capital Improvement Program (CIP) projects.

# MINUTES

Jaime Rodriguez, Chief Transportation Official, clarified that the mitigation for El Camino Real and Charleston Road was a signal timing modification. Caltrans would make the final decision whether to modify signal timing.

Council Member Price asked if the Council had the ability to require a time period for the modification to be made.

Jim Daiso, Kimley-Horn and Associates, reported the mitigation was a signal timing change, not a capital improvement. The impact was projected to occur in 2025. The Council could request the applicant submit a bond or escrow funds to perform the study and implement a modification of signal timing. The Council could require those actions when the applicant applied for a building permit.

Council Member Price inquired whether Mr. Daiso made the same or other suggestions to other cities.

Mr. Daiso indicated other cities also created accounts for miscellaneous traffic signal improvements wherein funds were placed for later use.

Council Member Price asked if the City utilized a dedicated fund for traffic signal improvements.

Mr. Rodriguez did not recall other projects that submitted funds for future traffic signal modifications. Staff could request Caltrans consider a signal modification. Staff could request the applicant provide funding for signal modification. The cost to retune the signal would be approximately \$2,500 to \$3,500.

Council Member Price understood the project met the basic direction of the Comprehensive Plan. The project was well designed and addressed issues identified in the Housing Element. Residents of very small residential units and BMR units did not all own vehicles or multiple vehicles. The community needed a variety of housing products to address the broad range of housing needs. The setbacks added value to the design of the building. The project supported the El Camino Real Guidelines and basic concepts of the Grand Boulevard.

Council Member Schmid favored the mixed-use project. The DEE was proposed for aesthetic reasons; however, the flat facade at the top was not a design enhancement. The traffic study indicated the project would generate approximately 850 car trips per day with no more than 100 trips during rush hour periods. He asked how the number of trips during peak hours was calculated.

# MINUTES

Mr. Daiso noted a table within the traffic study demonstrated the calculation of car trips, and inquired about Council Member Schmid's source for the number of car trips.

Council Member Schmid indicated Mr. Daiso presented the information to the P&TC.

Mr. Daiso utilized a standard set of research statistics from the Institute of Transportation Engineers (ITE) as a starting point. He could adjust statistics depending upon local conditions. The project would generate approximately 893 trips per day, 89 trips in morning peak hours and 70 trips in the afternoon peak hours for all uses.

Council Member Schmid recalled a few weeks prior the Council discussed a contract for an updated traffic study. The mandate to the contractor stated that ITE standards were unrealistic for a mixed-use downtown environment. However, the traffic study for this mixed-use project within a downtown environment utilized ITE standards. He asked which approach was correct.

Mr. Rodriguez explained that the use of standards depended upon the type of project under evaluation.

Council Member Schmid clarified that this project was mixed-use in a downtown environment.

Mr. Rodriguez reported Staff began with ITE trip generation and considered resulting trip generation rates. At times, Staff would request the developer perform a comparative analysis with another location if rates were not consistent with ITE rates or if insufficient supporting data was provided. For this project, the various uses within the project had a substantial amount of supporting projects to validate use of ITE rates.

Council Member Schmid referenced the MND regarding information sources for potential impacts. He asked if Staff could supply the detailed tables, both those accepted and not accepted.

Mr. Daiso agreed that oftentimes ITE rates were not appropriate for urban land use. His estimates were 40 percent higher than ITE rates.

Council Member Schmid inquired about the method for counting traffic at intersections and the time period when counts were performed.

Mr. Daiso noted the impact would occur in 2025. He began with traffic counts obtained on typical Tuesdays through Thursdays and compared those counts with historical counts.

# MINUTES

Council Member Schmid requested the specific dates the counts were made.

Mr. Daiso explained a growth factor of 1.1 percent per annum was applied to the counts. He divided the total incremental change in growth over existing conditions by the number of years to reach an average annual rate of growth. The average annual rate of growth was then applied to traffic counts. Traffic counts were conducted November 7, 2012 between 7:00 A.M. and 9:00 A.M. and between 4:00 P.M. and 6:00 P.M.

Council Member Schmid stated a number of nearby development projects were not online in November 2012, when the traffic counts were conducted. Cumulative impacts of the various development projects were significant. He inquired about the method for determining the actual growth of traffic within the City.

Ms. Gitelman reported that the CEQA statutes and guidelines provided two methods to approach the question of cumulative impacts. Cumulative impacts could be analyzed by reviewing a list of projects or through a projections-based approach. The Santa Clara Valley Transportation Authority (VTA) model used the projections-based approach. The question should be whether the projections included in the model were sufficient to capture cumulative impacts. Obviously VTA believed that approach was appropriate for the area.

Council Member Schmid asked if the Council had discretion to determine the approach used in traffic studies.

Ms. Gitelman was aware that the City wanted better information and invested in an updated model that utilized different projections. The current project had been in review since January 2013. Staff utilized the best tool available at the time, the projections-based approach.

Council Member Schmid inquired whether Staff was retaining annual traffic counts at key intersections to build a historical base.

Ms. Gitelman indicated Staff was retaining counts; however, she did not know when they began.

Council Member Schmid stated El Camino Real happened to be a key east-west corridor for traffic and schools. The intersection of El Camino Real and Charleston Road was critical to four schools. He asked which direction of traffic would receive an extended red light if the timing for a right turn was extended.

# MINUTES

Mr. Rodriguez reported the specific recommendation was to increase the cycle length. In this case the green light would be extended on Charleston Road.

Council Member Schmid asked if 4 seconds would allow one car to clear the intersection.

Mr. Rodriguez reported 7-8 seconds were allowed for the first movement and 4 seconds for every vehicle thereafter.

Council Member Schmid noted a traffic guard at the intersection could stop traffic for children to cross the street. The true cost of the mitigation would be the change to traffic. There were too many questions regarding the MND for him to support the Motion.

Council Member Kniss felt the Zoning Compliance Table in Attachment C summed up the kinds of decisions the Council was making. The zoning for the project had been in place since the 1950s. The description of the project as being in a downtown area was not correct in her opinion. The architect for the project met the Council's interest in having setbacks to encourage vitality. The explanation for allowing the project to exceed the height limit was sufficient. The increase in FAR was small.

Council Member Holman asked why there were no impacts noted for the intersection with Page Mill Road.

Mr. Daiso explained that the type of intersection and the number of phases for the intersection were factors. In some instances, a small increase in traffic would generate a large amount of delay at an intersection. In other instances, a large increase in traffic would generate a small amount of delay. There was not a simple answer to Council Member Holman's question because of the several factors that affected the intersection.

Council Member Holman proposed that the small increase in traffic would not have a significant impact, as defined by CEQA, to the already congested intersection.

Mr. Daiso followed standards of significance. Everyone agreed to utilize the Congestion Management Program significant thresholds. For the intersection at Page Mill Road, the impact had to reach an explicit set of criteria.

Council Member Holman liked the mix of uses, the retention and reuse of the Equinox building, the amount of open space, and the upper-story setbacks. She was challenged by the black-and-white elevations provided in the packet. She could not make findings with respect to transition and

# MINUTES

compatibility with existing development and to adverse effects to type and intensity of planned uses in the area. She inquired whether double-height retail and office spaces in commercial zones were counted twice towards FAR.

Mr. Aknin indicated they were counted only once.

Council Member Holman asked if the added mass did not count towards FAR.

Mr. Aknin replied yes. The double counting applied only in single-family neighborhoods.

Mr. Reich reported that the single-family limitation was utilized to control the bulk and mass of the structure. In commercial development, the FAR limitation was utilized to limit the intensity of use.

Council Member Holman inquired whether the square footage of the loft units would be different if they did not pop up.

Ms. Young stated the units would be smaller.

Council Member Holman referenced the DEE definition in the Code.

Ms. Young explained that the floor area did not increase because of the height increase. The area was already allowed as part of the project.

Council Member Holman requested clarification.

Ms. Young indicated the extended height of 5 feet allowed the building to be set back further from El Camino Real and not as wide in other places. The building mass was made smaller by moving the floor area behind the roof screens.

Ms. Gitelman explained that the proposed design pushed the FAR to the level of the roof screening. If the floor area was not placed behind the roof screens, it would be placed elsewhere.

Council Member Holman did not believe it was an appropriate use of a DEE. Some of the street-facing elements were not pedestrian scale. Access to the courtyard was not inviting. She inquired about the status of the California Avenue Concept Plan and of the traffic model.

Mr. Aknin reported the California Avenue Concept Plan would be presented to the P&TC for review on November 20, 2013. If the P&TC made a recommendation, then the California Avenue Concept Plan would be presented to the Council in early 2014.

# MINUTES

Ms. Gitelman indicated Staff was working with the consultants on the model. Staff planned to present an overview of traffic analysis methodology to the P&TC in December 2013.

Council Member Holman noted the roofline at the top of the fourth floor and at the screen was one continuous line along El Camino Real. That would make the building appear as one big mass. She requested future clarification with respect to allowing maximum concessions for proposed projects. The MND seemed to indicate that only the applicant would conduct an evaluation and implementation of the signal timing change. She inquired whether the language was standard.

Ms. Gitelman reported City Staff would review the applicant's analysis, and language to that effect could be added to the Mitigation Monitoring and Reporting Program. However, Staff understood the meaning of the language.

Council Member Holman inquired about Mr. Daiso's suggestion for obtaining funds from the applicant for the mitigation.

Ms. Gitelman felt Mr. Daiso's suggestion was an option. The Mitigation Monitoring and Reporting Plan included an item which stated the property owner/developer would submit an evaluation for review by the City and Caltrans.

Council Member Holman inquired about including a means to ensure funding was supplied.

Ms. Gitelman had not seen signal timing changes incorporated as a mitigation, because that was an action taken as needed. Staff could determine a method to collect the nominal fee for future adjustments and apply it to signal optimization if the Council wished.

Council Member Holman requested language to incorporate that change into the Motion.

Ms. Gitelman would provide suggested language.

Council Member Holman would not support the Motion.

Council Member Berman inquired whether parking requirements in the State Density Bonus Law included guest parking and disability parking.

Ms. Silver believed that was correct.

# MINUTES

Council Member Berman wanted to know how the Council could require the project to provide the 16 parking spaces for guest parking.

Ms. Silver reported the Council could not require those parking spaces.

Council Member Berman felt the lack of guest parking was a negative impact. He was frustrated by State law superseding City parking Ordinances. He requested future projects provide different perspectives of buildings in order to illustrate the height of the building. Denial of the extension to the building height would be politically expedient; however, the building would be wider or closer to the street if the Council denied the extension. He inquired about the height of the We Fix Macs building.

Ms. Young believed the height was approximately 35 feet.

Council Member Berman stated the proposed building was an improvement over the existing buildings. He asked about proposed treatment of the existing sidewalk trees.

Ms. Young reported the City Arborist requested the applicant increase the trees' exposure to the sky. The landscape architect proposed planting a hardy groundcover around the trees.

Council Member Berman agreed with planting a groundcover that pedestrians could walk on.

Vice Mayor Shepherd recalled that the building height would remain at 55 feet, and the building would be constructed to the sidewalk if the Council denied the request for extending the height. She inquired whether the Council had discretion to disallow the applicant from adding 15 feet to the building height for roof screens.

Ms. Gitelman understood the project was entitled to 15 feet for roof screens.

Vice Mayor Shepherd asked if the 15 feet was in addition to the building height of 50 feet.

Ms. Gitelman responded yes. The applicant proposed 5 feet rather than 15 feet and requested building square footage be allowed in that additional 5 feet.

Vice Mayor Shepherd believed the project was designed in response to community concerns. The BMR units would revert to market units at the end of 30 years. She inquired whether the Council could secure the BMR units in perpetuity through a PC Zone or other means.

# MINUTES

Ms. Gitelman reported the 30-year period was required by the Density Bonus Law. Some type of development agreement or a PC Zone could be used to extend the term of the BMR units. In addition, the City could fund a portion of the units in exchange for some type of requirement. The applicant did not propose any of those options; therefore, the 30-year period would be effective.

Vice Mayor Shepherd inquired whether the Council had discretion to utilize a different traffic model. Menlo Park and San Mateo County utilized different models from the City.

Ms. Gitelman indicated the City's obligation was to utilize the best available tool. The City was preparing its own model which would have to be compatible with the VTA model.

Vice Mayor Shepherd agreed with Council Member Berman's comments regarding parking; however, she could not deny the project as it complied with State parking requirements. The few requested exceptions did not appear to be egregious. Returning the project for revisions would not result in a better project.

Council Member Burt felt the increased height enhanced the design and did not increase the FAR. Given the requirements of a CS Zone, this project was one of the best designed projects. Smaller residential units provided the least impact to the community and complied with State housing mandates. He expressed concern regarding cumulative traffic impacts. CS Zoning should be modified with respect to the size of projects along El Camino Real.

Mayor Scharff believed the Council needed to amend the Municipal Code to eliminate the mandate for projects to be built to the line.

**MOTION PASSED:** 7-2 Holman, Schmid no

17. Public Hearing: Request For Council's Direction On Whether to Apply The Edgewood Plaza PC \$94,200 Public Benefit Payment to the Construction of a Sidewalk, Historic Preservation of a Public Building, or Another Council Directed Purpose.

Council Member Holman recused herself from Agenda Item Number 17 because she previously worked for and still volunteered with the Palo Alto History Museum.

Elena Lee, Senior Planner, requested Council direction regarding application of the Edgewood public benefit penalty to one of three projects: future rehabilitation of a historic public building, construction of a sidewalk along

# MINUTES

West Bayshore Road, or another Council-directed priority. The penalty was one of five public benefits given to the City in exchange for a Planned Community (PC) Ordinance Amendment. Under the first option, potential projects could include the University Avenue Transit Depot, the Lucie Stern Community Center, or the Roth Building. If the City purchased the Post Office, then it could be a potential project. Under the second option, the sidewalk would extend along West Bayshore Road from Channing Avenue to the border with East Palo Alto. The Bike and Pedestrian Transportation Plan indicated the need for this sidewalk. The cost of a sidewalk would be approximately \$62,000 for design and approximately \$411,000 for construction. Staff mailed surveys to Edgewood Drive residents where the sidewalk would be constructed. Of the six responses received, three approved if impacts were mitigated and three disapproved. A petition from Palo Alto and East Palo Alto residents requested construction of a sidewalk and bike lane. Other correspondence requested improvements for bike riders along with construction of a sidewalk, requested funds be allocated to rehabilitation of a historic resource, and supported construction of a sidewalk.

Public Hearing opened at 10:24 P.M.

Trish Mulvay supported construction of a sidewalk along with bicycle, pedestrian, and parking options. The petition was provided by East Palo Alto residents and not the City of East Palo Alto. An asphalt surface could be constructed to allow pedestrian and bicycle usage during the day and overnight parking. If the Council chose to allocate the money to rehabilitation of a historic resource, she hoped funds would be utilized for the Lucie Stern Community Center.

Horst Haussecker reported the noise from speeding traffic along West Bayshore Road exceeded noise from the freeway. Trees in the construction area were utilized as a sound barrier for neighbors. Overnight parking created additional noise and trash and blocked access to gates. A lower speed limit and parking restrictions along West Bayshore Road were needed rather than a sidewalk.

Public Hearing closed at 10:31 P.M.

**MOTION:** Council Member Schmid moved, seconded by Council Member Kniss to approve Staff's recommendation to apply the penalty paid for the Edgewood Plaza PC Amendment for the historic preservation of a public building.

Mayor Scharff clarified that the Motion did not name a specific building.

# MINUTES

Council Member Schmid believed construction of a sidewalk should be included in infrastructure improvements. For the amount of money available, rehabilitation of a building near Edgewood Plaza was logical.

Council Member Kniss felt funds should be allocated to rehabilitation of a historic building, because the penalty was assessed for demolition of a historic building.

Council Member Burt noted the amount of funds would not fully fund construction of a sidewalk, and inquired about Staff's vision for funding construction of a sidewalk.

James Keene, City Manager, reported additional funding could be provided through Capital Improvement Program (CIP) funding. Staff could follow up with the City of East Palo Alto regarding design and a potential contribution toward funding. If the Council allocated the funds to construction of a sidewalk, it would signal the Council's interest in the project.

Council Member Burt recalled Council discussion regarding the Edgewood Plaza project. Construction of a sidewalk would be an additional step for Edgewood Plaza becoming a better community amenity.

**SUBSTITUTE MOTION:** Council Member Burt moved, seconded by Vice Mayor Shepherd to apply penalty paid for the Edgewood Plaza PC Amendment toward the design of the sidewalk project along West Bayshore Road.

Council Member Burt felt the funds should be directed toward the project that provided the funds.

Vice Mayor Shepherd understood the connection between the penalty and rehabilitation of a historic resource. Yet, the amount of funding would not provide a substantial amount of rehabilitation. The amount of funds would provide design of a sidewalk and allow community engagement. Until the City had a developed preservation fund, she preferred the penalty amount be utilized in the community.

Council Member Price concurred with the logic of constructing a sidewalk adjacent to Edgewood Plaza. She anticipated discussion of a historic rehabilitation or restoration fund.

Council Member Klein expressed concern that the Motion would lead to another discussion of which building the funds should be applied to. He would support applying funds to the Lucie Stern Community Center. Applying funds to study the potential of a sidewalk was not logical. More

# MINUTES

work was needed to engage the community and to determine the problems of constructing a sidewalk.

**SUBSTITUTE MOTION FAILED:** 3-5-1 Burt, Price, Shepherd yes, Holman recused

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the verbiage in the Motion from "the historic preservation of a public building" to "historic preservation at Lucie Stern as set for in paragraph two on page 797 in the Staff Report: "The Lucie Stern Community Center located at 1305 Middlefield Road. The community center was designed noted Palo Alto architect Birge Clark and is designated as a Category 1 resource on the City's historic inventory. There are two potential projects that could benefit from this funding. The two projects consist of restoration and rehabilitation of the existing brick pavers located onsite and/or upgrading of the existing single-pane glass with custom fabricated double-insulated panes. The paver project would consist of repairing of about 1,000 lineal feet of the original pathways. The bricks would be moved temporary to allow leveling of the sub-base with gravel and removal of protruding tree roots and rocks. Broken or unsafe bricks would be replaced with new matching bricks. The window project would allow better sound control and insulation for the facility while allowing the appearance of the historic building to be retained."

Council Member Berman concurred with Council Member Klein's comments.

**MOTION PASSED:** 7-1-1 Burt no, Holman recused

Council Member Burt suggested Agenda Item Number 18 be continued to a future meeting because of the late hour.

Mayor Scharff announced the Council would discuss Agenda Item Number 18 at this time.

18. Colleague's Memo from Mayor Scharff, Vice Mayor Shepherd, Council Member Holman and Council Member Price, Regarding Expanding Smoking Ban in Downtown and California Avenue Business Districts.

Mayor Scharff reported the Colleague's Memo recommended a comprehensive approach to the smoking ban, outreach to businesses and citizens, and review by the Policy and Services Committee.

Trish Mulvay supported the Colleague's Memo. Cigarette butts were a significant trash problem. Consideration should be given to providing areas for smokers and providing containers for cigarette butts.

# MINUTES

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to direct Staff to: 1) proceed to the Policy & Services Committee for policy discussion and recommendation to the full Council to expand the City's outdoor smoking ban in the Downtown and California Avenue Business Districts; 2) conduct outreach to downtown and California Avenue residents, businesses and property owners for input on expanding the City's current ban on outdoor smoking in certain areas, including California Ave and University Ave and possibly other streets in the downtown cores; and 3) benchmark other jurisdictions' outdoor smoking ban ordinances in downtown cores.

Council Member Holman noted the health concerns of smoking and second-hand smoke.

Council Member Price concurred with previous comments.

Council Member Schmid agreed that smoking was unhealthy; however, he knew of no medical study that indicated walking down a street with someone smoking led to lung cancer or respiratory disease. He suggested the Policy and Services Committee review literature to determine whether smoking on a sidewalk impacted health. Otherwise the role of local government was toleration and acceptance of things the community did not necessarily like.

Council Member Burt wanted to be cautious regarding legislating against things that annoyed him. A health risk was different from a personal preference.

**MOTION PASSED:** 8-1 Schmid no

ADJOURNMENT: The meeting was adjourned at 10:52 P.M.