The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:08 P.M.

Present: Cormack, DuBois, Filseth, Fine; Kniss arrived at 6:10 P.M., Kou, Tanaka

Participating remotely: DuBois participating from 4-1 Kamikotoen 3-chome Nishinomiya, Hyogo, 662-1813, Japan

Absent:

Study Session

1. Study Session With the City's State Lobbyist Related to the 2019 Legislative Session.

At this time Council heard the Consent Calendar.

Consent Calendar

MOTION: Vice Mayor Fine moved, seconded by Mayor Filseth to approve Agenda Item Numbers 3-5.

3. Approval of Amendment Number 2 to Contract Number S16163051 With Grassroots Ecology to Increase the Contract by $13,440 for a Total Amount Not-to-Exceed $26,400, to Increase Services and Extend the Term for San Francisquito Creek Pump Station Riparian Mitigation Maintenance and Monitoring.

4. Review of the Fiscal Year (FY) 2019 Mid-year Budget Status and Approval of Budget Amendments in Various Funds.

ACTION MINUTES

MOTION PASSED: 7-0

At this time Council heard Minutes Approval.

Minutes Approval

2. Approval of Action Minutes for the January 22, 2019 Council Meeting.

MOTION: Mayor Filseth moved, seconded by Vice Mayor Fine to approve the Action Minutes for the January 22, 2019 Council Meeting.

MOTION PASSED: 7-0

Council Member Tanaka left the meeting at 6:30 P.M.

Action Items

6. Provide Direction to Staff on a Letter to the Santa Clara County Planning Department Regarding Requested Terms for Inclusion in a Possible Development Agreement Between the County and Stanford University Related to the General Use Permit Application.

MOTION: Mayor Filseth moved, seconded by Council Member Kniss to direct Staff to prepare a letter, signed by the Mayor, to the County Board of Supervisors that reflects Council’s direction regarding Stanford University’s General Use Permit Application, addressing the following topics:

A. Downtown Area Plan, including the Transit Center;
B. Fair-Share Implementation of Area Plan;
C. Fair-Share Grade Separation at Charleston;
D. Contribution to the City’s Affordable Housing Fund;
E. Long Term Preservation of the Foothills; and
F. Upstream Flood Water Detention.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “issues of Residential Preferential Parking (RPP) districts, existing grade separated rail crossings, and potentially expanding the no-net new trips project.” (New Part G)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “mitigation of housing
development impacts within the Academic Growth Boundary (AGB) and roadway impacts.” (New Part H)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “continue the requirement that Santa Clara County affordable housing funds be used within six miles of the AGB.” (New Part I)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “contribute to the on-going maintenance of the College Terrace Library and four parks located in the College Terrace neighborhood.” (New Part J)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “request the opportunity to replace the City’s shuttle service with enhanced Marguerite shuttle service.” (New Part K)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “request an easement to connect Bol Park Path via Hanover Street between California Avenue and Page Mill Road and a $250,000 contribution towards signal modification and other physical improvements for the pathway.” (New Part L)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part G, “and two existing train stations” after “existing grade separated rail crossings.”

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “consider funding for the City’s Bike and Pedestrian Transportation Plan and crossing guards for areas directly impacted by Stanford University traffic and used frequently by Stanford Affiliates and their families.” (New Part M)

INTEGRATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part M, “including exploring pathway options connecting Stanford Research Park to Bol Park and a pathway behind Creekside Inn along Chimalus Drive” after “Transportation Plan.”

AMENDMENT: Council Member Kou moved, seconded by Council Member XX to add to the Motion, “request the Santa Clara County Historic Board review historic buildings on the campus to see if they have historic value.”

AMENDMENT FAILED DUE TO THE LACK OF A SECOND
INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “ensure the Tri-Party protocol (City of Palo Alto, Santa Clara County, and Leland Stanford Junior University) is updated.” (New Part N)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “contribute to the on-going maintenance of Peers Park.” (New Part O)

AMENDMENT: Council Member DuBois moved, seconded by Council Member Kou to add to the Motion, “return to Council with an Action Item to review a draft letter including mitigations for all impacts.”

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “support Palo Alto Unified School District’s (PAUSD) concerns regarding full mitigations for all generated impacts.” (New Part P)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “expanding the list of impacted intersections.” (New Part Q)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part C, “Separation at Charleston” with “Separations.”

MOTION AS AMENDED RESTATED: Mayor Filseth moved, seconded by Council Member Kniss to direct Staff to prepare a letter, signed by the Mayor, to the County Board of Supervisors that reflects Council’s direction regarding Stanford University’s General Use Permit Application, addressing the following topics:

A. Downtown Area Plan, including the Transit Center;
B. Fair-Share Implementation of Area Plan;
C. Fair-Share Grade Separations;
D. Contribution to the City’s Affordable Housing Fund;
E. Long Term Preservation of the Foothills;
F. Upstream Flood Water Detention;
G. Issues of Residential Preferential Parking (RPP) districts, existing grade separated rail crossings and two existing train stations, and potentially expanding the no-net new trips project;

H. Mitigation of housing development impacts within the Academic Growth Boundary (AGB) and roadway impacts;

I. Continue the requirement that Santa Clara County affordable housing funds be used within six miles of the AGB;

J. Contribute to the on-going maintenance of the College Terrace Library and four parks located in the College Terrace neighborhood;

K. Request the opportunity to replace the City’s shuttle service with enhanced Marguerite shuttle service;

L. Request an easement to connect Bol Park Path via Hanover Street between California Avenue and Page Mill Road and a $250,000 contribution towards signal modification and other physical improvements for the pathway;

M. Consider funding for the City’s Bike and Pedestrian Transportation Plan including exploring pathway options connecting Stanford Research Park to Bol Park and a pathway behind Creekside Inn along Chimalus Drive and crossing guards for areas directly impacted by Stanford University traffic and used frequently by Stanford Affiliates and their families;

N. Ensure the Tri-Party protocol (City of Palo Alto, Santa Clara County, and Leland Stanford Junior University) is updated;

O. Contribute to the on-going maintenance of Peers Park;

P. Support Palo Alto Unified School District’s (PAUSD) concerns regarding full mitigations for all generated impacts; and

Q. Expanding the list of impacted intersections.

**MOTION AS AMENDED PASSED:** 6-0 Tanaka absent

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou to direct Staff to return to Council with an Action item to review a draft of letter that includes a list of all impacts of the General Use Permit on Palo Alto and City Services, incorporating feedback from Council with the goal of fully mitigating all impacts.”
MOTION FAILED: 3-3 DuBois, Kniss, Kou yes, Tanaka absent

Council took a break from 8:12 P.M. to 8:22 P.M.

Council Member Tanaka returned to the meeting at 8:22 P.M.

7. PUBLIC HEARING / QUASI-JUDICIAL: Consideration of Appeals of the Planning and Community Environment Director’s Decisions on Seven Crown Castle Tier 3 Wireless Communication Facilities (WCF) Small Cell Nodes (Cluster 2, University South, File 17PLN-00433) to Conditionally Approve Five Nodes and Deny two Nodes; Appealed by Crown Castle and United Neighbors. The Seven Appealed Tier 3 WCF Permits are in the Public Right of Way Utilizing six Replacement Streetlights and one new Pole Adjacent to the Public Facilities Zone: City Hall Police Station, 275 Forest; Commercial Downtown CD-C (P) Zone: 345 Forest; Residential Transition (SOFA) RT-35 Zone: 248 Homer, 190 Channing; and the DHS (SOFA) Zone: 385 Homer, 905 Waverley (Formerly 400 Channing), 845 Ramona. Environmental Assessment: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15303 and Public Resources Code 21080.

Public Hearing opened at 8:40 P.M.

Public Hearing closed at 9:27 P.M.

MOTION: Council Member Kniss moved, seconded by Mayor Filseth to uphold the January 4, 2019 decisions made by the Director of Planning and Community Environment, by approving a Record of Land Use Action for:

A. Conditional approval of five Wireless Communication Facilities (WCF) nodes on these replacement streetlights:
   
   i. Node 25, CPAU Streetlight # 23 (near 275 Forest Avenue);
   
   ii. Node 27, CPAU Streetlight # 82 (near 248 Homer Avenue);
   
   iii. Node 29, CPAU Streetlight # 76 (near 385 Homer Avenue);
   
   iv. Node 30, CPAU Streetlight # 86 (near 845 Ramona Street);
   
   v. Node 31, CPAU Streetlight # 16 (near 190 Channing Avenue);

B. Denial of two WCF nodes on:
   
   i. One replacement streetlight, Node 26, CPAU Streetlight # 32 (near 345 Forest Avenue); and
ii. One new pole structure, Node 28 (near 905 Waverley Street (also known as 400 Channing Avenue)).

SUBSTITUTE MOTION: Council Member Kou moved, seconded by Council Member XX to:

A. Deny the record of Land Use Action;
B. Enact a moratorium on approval of installation of Wireless Communication Facilities (WCF) until lawsuits and legislation (H.R. 530 Eshoo) are finalized; and
C. Join the cities of Burlingame, San Bruno, San Francisco, and San Jose in their lawsuit against the recent Federal Communications Commission (FCC) Order.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Kou moved, seconded by Council Member DuBois to add to the Motion, “add a Condition of Approval, ‘if litigation against the FCC Order succeeds, or Congresswoman Anna Eshoo’s legislation passes, all above ground approved Nodes would be located below ground.’”

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Amendment, “but not permitted” after “ground approved” and “in alignment with the City’s existing agreements, to the extent feasible.”

AMENDMENT AS AMENDED RESTATED: Council Member Kou moved, seconded by Council Member DuBois to add to the Motion, “add a Condition of Approval, that nodes would be located below ground, if litigation against the FCC Order succeeds, or Congresswoman Anna Eshoo’s legislation passes, and nodes are not yet permitted; or upon replacement or reconstruction to the extent allowed by the City’s existing agreements and to the extent feasible.”

AMENDMENT AS AMENDED PASSED: 4-3 Cormack, Fine, Kniss no

MOTION AS AMENDED RESTATE: Council Member Kniss moved, seconded by Mayor Filseth to uphold the January 4, 2019 decisions made by the Director of Planning and Community Environment, by approving a Record of Land Use Action for:

A. Conditional approval of five Wireless Communication Facilities (WCF) nodes on these replacement streetlights:
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i. Node 25, CPAU Streetlight # 23 (near 275 Forest Avenue);
ii. Node 27, CPAU Streetlight # 82 (near 248 Homer Avenue);
iii. Node 29, CPAU Streetlight # 76 (near 385 Homer Avenue);
iv. Node 30, CPAU Streetlight # 86 (near 845 Ramona Street);
v. Node 31, CPAU Streetlight # 16 (near 190 Channing Avenue);

B. Denial of two WCF nodes on:
   i. One replacement streetlight, Node 26, CPAU Streetlight # 32
      (near 345 Forest Avenue);
   ii. One new pole structure, Node 28 (near 905 Waverley Street
       (also known as 400 Channing Avenue));

C. Add a Condition, that nodes would be located below ground, if
   litigation against the FCC Order succeeds, or Congresswoman Anna
   Eshoo’s legislation passes, and nodes are not yet permitted; or upon
   replacement or reconstruction to the extent allowed by the City’s
   existing agreements and to the extent feasible.

SUBSTITUTE MOTION: Council Member DuBois moved, seconded by
Council Member Kou to request to extend tolling on the Shot Clock to
explore locating Nodes 25, 27, and 29 on City Hall, with approval of Nodes
30 and 31, and denials of Nodes 26 and 28.

SUBSTITUTE MOTION WITHDRAWN BY THE MAKER

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

Council Member DuBois left the meeting at 10:45 P.M.

8. Resolution 9817 Entitled, “Resolution of the Council of the City of
   Palo Alto Scheduling the City Council Summer Break and Winter
   Closure for 2019.”

MOTION: Council Member Kniss moved, seconded by Council Member
Cormack to adopt a Resolution scheduling the City Council 2019 Summer
Break from Tuesday, June 25, 2019 to Sunday, August 4, 2019, and Winter
Closure from Tuesday, December 17, 2019 to Sunday, January 5, 2020.

MOTION PASSED: 6-0 DuBois absent
State/Federal Legislation Update/Action

None.

Adjournment:  The meeting was adjourned at 10:48 P.M.