The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:01 P.M.

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

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
   Subject: California Department of Labor Standards and Enforcement Complaint Filed by Yuki Matsuura (DLSE Case No. RCI-CM-609984)
   Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) (One Potential Case, as Defendant).

   **MOTION:** Council Member Cormack moved, seconded by Vice Mayor Fine to go into Closed Session.

   **MOTION PASSED:** 7-0

   Council went into Closed Session at 5:03 P.M.

   Council returned from Closed Session at 6:27 P.M.

   Mayor Filseth announced no reportable action from the Closed Session.

   **MOTION:** Vice Mayor Fine moved, seconded by Council Member Cormack to continue Agenda Item Number 2, “Appointment of Three Candidates to the Historic Resources ...” to the next meeting.

   **MOTION PASSED:** 5-0 Kniss, Kou absent
Special Orders of the Day

2. Appointment of Three Candidates to the Historic Resources Board and Four Candidates to the Parks and Recreation Commission for Three-year Terms Ending December 15, 2022; and one Candidate to the Planning and Transportation Commission for a Four-year Term Ending December 15, 2023.

Mayor Filseth adjourned the Special Meeting.

AT THIS TIME COUNCIL CONVENE D A REGULAR MEETING ON MONDAY, DECEMBER 16, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:29 P.M.

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

Library Advisory Commission: Chang, Hagan, Moss, Vice Chair Murphy, Chair Wilson

Absent:

Special Orders of the Day

A. Appointment of Three Candidates to the Historic Resources Board and Four Candidates to the Parks and Recreation Commission for Three-year Terms Ending December 15, 2022; and one Candidate to the Planning and Transportation Commission for a Four-year Term Ending December 15, 2023.

Mayor Filseth announced the Council would vote on candidates and proceed to the Study Session while the City Clerk tallied the votes.

First Round of voting for three positions on the Historic Resources Board with terms ending December 15, 2022.

Voting For: David Bower Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Voting For: Valerie Driscoll Tanaka

Voting For: Christian Pease Cormack, DuBois, Filseth, Fine, Kniss, Kou,

Voting For: Deborah Shepherd Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka
Beth Minor, City Clerk announced that David Bower with seven votes, Deborah Shephard with seven votes, and Christian Pease with six votes were appointed to the Historic Resources Board.

First Round of voting for four positions on the Parks and Recreation Commission with terms ending December 15, 2022.

Voting For: Adrianne Chang
Voting For: Jeff LaMere Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka
Voting For: Ryan McCauley Cormack, Fine, Kniss, Tanaka
Voting For: Jackie Olsen Cormack, DuBois, Filseth, Fine, Kniss, Kou
Voting For: Keith Reckdahl Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka
Voting For: Mark Robinson
Voting For: Curtis Smolar Tanaka
Voting For: Brent Yamashita DuBois, Filseth, Kou

Ms. Minor announced that Jeff LaMere with seven votes, Keith Reckdahl with seven votes, Jackie Olson with six votes, and Ryan McCauley with four votes were appointed to the Parks and Recreation Commission.

First Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2023.

Voting For: Doug Burns
Voting For: Rebecca Eisenberg
Voting For: Angela Evans Kniss
Voting For: Barton Hechtman Cormack, Fine, Tanaka
Voting For: Karl Matzke
Voting For: Randolph Tsien
Voting For: Asher Waldfogel DuBois, Filseth, Kou
Voting For: Christopher Kan
The Council proceeded to Agenda Changes, Additions, and Deletions.


Voting For: Doug Burns
Voting For: Rebecca Eisenberg
Voting For: Angela Evans
Voting For: Barton Hechtman Cormack, Fine, Kniss, Tanaka
Voting For: Karl Matzke
Voting For: Randolph Tsien
Voting For: Asher Waldfogel DuBois, Filseth, Kou
Voting For: Christopher Kan

Ms. Minor announced that Barton Hechtman with four votes was appointed to the Planning and Transportation Commission.

The Council proceeded to the Consent Calendar.

Study Session


Amy Murphy, Library Advisory Commission Vice Chair summarized the role of the Library Advisory Commission (LAC) and shared data regarding usage of the Library and its collections. The cost per visitor at Children’s Library was high because Staff manually processed checkouts and returns; children required more supervision and Staff costs for children's programming at all branches was allocated to Children's Library.

Mayor Filseth noted Children’s Library had the same number of visitors but four times the budget as the Downtown Library.

Council Member Cormack added that a comparison of circulation at the five branches would be interesting.

Ms. Murphy next compared data for the Library with area libraries.

Bob Moss, Library Advisory Commissioner advised that the function of libraries had changed significantly in the past ten years.
become community gathering places and activity centers. In the past year, the Library had offered a writing contest and a short-story dispenser as methods to interact with children.

Poncho Chang, Library Advisory Commissioner reported the Library had hosted a number of community celebrations and digital literacy programs.

Doug Hagan, Library Advisory Commissioner indicated priorities for 2019-2020 included creating a digital space, training Palo Alto Unified School District (PAUSD) teachers to use Library resources, introducing Brainfuse, enhancing summer learning opportunities, converting occasional services to ongoing services and offering technology programs.

Brigham Wilson, Library Advisory Commission Chair related that the LAC wanted to increase its focus on marketing, publicity, outreach, and revenue generation. The LAC had recommended the elimination of fines in June, 2019 and sought the Council's input as to the Commission's purpose.

Ken Horowitz suggested the Downtown Library open on Mondays.

Council Member DuBois requested comment regarding amending the LAC's purpose to focus on community building and cultural events.

Ms. Murphy explained that Staff developed programming, and the time Staff devoted to the LAC had the potential to be spent developing community-building programs.

Council Member DuBois asked how the community could provide input to Staff without LAC meetings.

Ms. Murphy clarified that the LAC had not but could work with Staff to develop community-building programs.

Mr. Hagan related that the challenge for the LAC would be connecting to the community. Perhaps the LAC needed to focus on programming more than operations.

Council Member Kniss inquired about the elimination of Library fines and the consequences of eliminating fines.

Mr. Wilson explained that fines acted as barriers to community members using the Library, and the cost of collecting fines was often equal to the amount of the fines.
Mr. Moss added that community members had returned books past due for years once fines were eliminated. Collecting fines was often not cost effective.

Council Member Cormack clarified that the elimination of fines for children's materials was instituted first. The LAC's signature accomplishment was the Library Services Model Analysis and Recommendation. The community shared its comments and suggestions with Library Staff directly. She concurred with sharing the monthly Director's Report with the City Council.

Council Member Tanaka asked about circulation numbers for 2019 compared to prior years.

Council Member Cormack advised that the Director's Report provided such statistical information.

Council Member Tanaka noted circulation had decreased in 2019.

Mr. Wilson clarified that circulation for all branches was consistent at approximately 1.5 million pieces per year.

Council Member Tanaka inquired about the feasibility of reallocating Library funding to support more hours of operation.

Mr. Wilson reported Staff had discontinued the purchase of CDs and shifted funding to digital materials. Staff considered and attempted to meet the community's desires for services.

Council Member Tanaka asked if the LAC had considered changing hours of operation from mornings to evenings in order to accommodate students.

Mr. Wilson indicated the LAC had not but could explore shifting the hours of operation.

Council Member Tanaka hoped the Library would continue to be a community space and provide a safe space for students to work and study.

Council Member Kou noted the Palo Alto Youth Council held Cram Slam at the Library the prior week and provided tutors for students. She asked if the Library was able to provide tutors.

Mr. Moss recalled the LAC's past attempt to work with PAUSD to provide Library services at Gunn High School. Students from nearby schools utilized Mitchell Park Library after school.
Council Member Kou asked if the LAC had considered holding pop-up meetings at branches to solicit public input. Staffing and funding were challenges to increasing the hours of operation. Seniors and adults utilized the Library during school hours.

Vice Mayor Fine inquired regarding the LAC's engagement in developing programming.

Mr. Wilson advised that Library Staff was responsible for and quite capable of planning and executing programming.

Mr. Chang, as a Library volunteer and user, indicated increasing Library access for students, seniors, and new communities was particularly important. Having citizen input in the use and deployment of the Library was essential.

Vice Mayor Fine remarked that community building may be more of an organic topic than a purpose for the LAC. The LAC’s request for input regarding its purpose was unique.

Mr. Moss noted the number of Library volunteers and the number of volunteer hours had been decreasing over the past year or two. The public's main complaint was the Library's hours of operation, but the lack of Staff and volunteers prevented the extension of Library hours.

Mayor Filseth asked the Council's Ad hoc Committee for Boards and Commissions to consider the LAC's request for input.

Council Member Cormack reported the Ad hoc Committee may review all Boards and Commissions and their purposes.

[The Council returned to Special Orders of the Day.]

**NO ACTION TAKEN**

**Agenda Changes, Additions and Deletions**

Mayor Filseth announced City Manager Comments would be heard after the Consent Calendar.

Ed Shikada, City Manager reported a public notice had erroneously stated the meeting would include a discussion of a new Priority Development Area (PDA) and two new Priority Conservation Areas (PCA). The discussion was going to be scheduled for a Council meeting after the first of the year.
Oral Communications

Reid Kleckner expressed concern that the lack of affordable housing would result in empty elementary schools and a stagnant civic life. He requested the Council rededicate itself to producing at least 300 new homes annually.

Kelsey Banes requested the Council reintroduce the Housing Work Plan and preserve multifamily housing.

Nisar Shaikh noted the waiting lists for low-income housing were years long or closed.

Felipe Motta advised that his and his neighbors' leases in multifamily housing had been terminated. Many of his neighbors were on fixed incomes. He encouraged the Council to explore renter protections, especially relocation assistance.

Ted O’Hanlon understood the Council had generally supported a Multifamily Housing Project for 788 San Antonio during a prescreening. The proposed project consisted of 35 studio units, 64 one-bedroom units, and 3 two-bedroom units, 16 of which would be below-market-rate (BMR) units. A current tenant on the site had found a new location and would likely relocate in 2020.

Leland Francois referred to a December 6, 2019 newspaper article about the proposed closure of two Ravenswood schools. In 2020, he was going to launch a campaign for a regional meeting to discuss shared infrastructure.

Herb Borock noted the two Council Members appointed to the Ad hoc Committee for Boards and Commissions were also members of the Finance Committee; and then there were the two Council Members that assumed the responsibility of the Policy and Services Committee, which violated the Municipal Code. The two Council Members formed a majority of the Finance Committee and as members of the Ad hoc Committee, they were going to meet in secret, for which the Brown Act did not provide an exception.

Joe Hirsch commented that Planning and Transportation Commission (PTC) Commissioner Alcheck failed to comply with Government Code requirements for disclosing financial interests in projects before the PTC and for recusing himself from discussion of the projects. He urged the Council to investigate Mr. Alcheck’s actions.

Kristy hoped the Council would act on initiatives for equitable housing for all income levels.
FINAL MINUTES

Alex Nunez appreciated the $4 million contribution to the workforce housing opportunity and hoped the opportunity would be extended to other critical workforces. The Supreme Court's decision in *Martin v. Boise* protected the homeless people.

Karen Marinocovich advocated for Council review of building height limits, incentives, and zoning to allow the creation of more housing.

Minutes Approval


**MOTION:** Mayor Filseth moved, seconded by Council Member Cormack to approve the Action Minutes for the December 2, 2019 Council Meeting.

**MOTION PASSED:** 7-0

[The Council returned to Special Orders of the Day.]

Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 13A.

Council Member Tanaka registered a no vote on Agenda Item Numbers 5 and 9.

Ken Horowitz, addressing Agenda Item Number 12 felt the Purpose Statement was generic and suggested the Council provide direction to the City School Liaison Committee.

Herb Borock, addressing Agenda Item Number 13A urged the Council to remove Agenda Item Number 13A from the Consent Calendar to revise two points.

**MOTION:** Council Member Cormack moved, seconded by Mayor Filseth to approve Agenda Item Numbers 5-13A.

5. Approval of Amendment Number 3 to Contract Number C17166284 With Forsys, Inc. for On-call SAP Project Support Services; and Amendment Number 2 to Contract Number C17166285 With Forsys, Inc. for On-call IT Project Support Services, Each to Extend the Term Through March 31, 2020 With an Optional Extension to June 30, 2020.

6. Approval of Amendment Number 1 to Contract Number S19174467 With Buildingeye to add $179,250 for a Not-to-Exceed Amount of $229,250 and Extend the Contract for Three-years to Provide
Visualization of Data for Building Permits, Planning Entitlements, and Code Enforcement Activities; and Approval of an Exemption from Solicitation.


8. Approval of Contract Number C20174897 With Transmetro for the Operation of the Existing Palo Alto Crosstown Shuttle Service with Total Compensation Not-to-Exceed $1,139,347.50 Over a Three-year Term.

9. Approval of the Following Contract Amendments for the City's Fair Value Commuting Project in Cooperation With the Federal Transit Administration: 1) Amendment Number 2 to Contract Number C19173096 With Prospect Silicon Valley to Extend the Term Through April 30, 2020 and Increase the Contract Limit by $26,000 to an Amount Not-to-Exceed $251,000; 2) Amendment Number 3 to Contract Number S17166237 With Hillary M. Rupert to Extend the Term Through May 31, 2020 and Increase the Contract Limit by $55,000 to an Amount Not-to-Exceed $327,200; and 3) Amendment Number 1 to Contract Number C19173099 With RideAmigos to Extend the Term Through March 31, 2020 and Increase the Contract Limit by $10,500 to an Amount Not-to-Exceed $160,850.

10. Approval of Amendment Number 4 to Contract Number C12142180 Between the City of Palo Alto (on Behalf of the Joint Powers Board) and Midpeninsula Community Media Center, Inc. for Public, Education, and Government (PEG) Access Channel Support Services to Extend the Term to June 30, 2020.


12. Approval of the City/School Liaison Committee Purpose Statement.

13. Approval of Amendment Number 2 to Contract Number C16161182 With Freytag & Associates to Extend the Term of the Agreement to October 31, 2020 with no Additional Cost to the City for Professional Services Related to Airplane Noise Assessment and Mitigation.

13A. Approval of the Letter to Senator Hill and Assemblymember Berman Regarding the FASTER Program Proposal.
MOTION PASSED FOR AGENDA ITEM NUMBERS 5 & 9: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBERS 6-8, 10-13: 7-0

MOTION PASSED FOR AGENDA ITEM NUMBER 13A: 6-1 Kou no

Council Member Kou wanted the Council to reconsider the letter because previous Sales Tax increases had not improved transportation in Palo Alto. The language of the letter needed to be stronger.

Council Member Tanaka noted the amount of the contract amendment in Agenda Item Number 5 was not included in the Staff Report. One of the contract services did not pertain to SAP or services typically offered by the vendor. In regard to Agenda Item Number 9, he had not received a response to his question about the rationale for a four-month extension.

City Manager Comments

Ed Shikada, City Manager reported the Board of Directors for Santa Clara Valley Water District (Valley Water) had unanimously approved the agreement with the Cities of Palo Alto and Mountain View. An upcoming Fair Housing and Community Needs Survey obtained both regional and Palo Alto-specific data that was utilized to formulate goals to increase equal access to housing. Council topics for early 2020 included an Urgency Ordinance regarding accessory dwelling units (ADU), a Safe Parking Pilot Program, a report on the Housing Work Plan and a Study Session about community policing. The community was able to provide its input regarding the Council's 2020 Priorities at cityofpaloalto.org on or before January 31, 2020.

Molly Stump, City Attorney advised that her statement regarding the number of votes needed to adopt the Urgency Ordinance was incorrect during the December 2, 2019 Council meeting. The Council had in fact adopted the Urgency Ordinance on December 2, 2019, and the Urgency Ordinance was effective as of December 2, 2019. Evictions without just cause were not to be enforced between December 2, 2019 and January 1, 2020.

Council took a break at 8:02 P.M. and returned at 8:11 P.M.
Action Items


Jonathan Lait, Planning and Development Services Department Director reported as recently as April, 2019, the Municipal Code had been amended to include new standards. In addition, the Council had adopted a Resolution establishing administrative standards. Since that adoption, the Resolution had been amended to establish a 300 foot setback around public schools and to correct some administrative provisions. The proposed Resolution responded to a portion of the Council's Motion in April, 2019. Additional provisions of the Motion were to be addressed in 2020. He summarized proposed changes to the April, 2019 Resolution. The current administrative regulations required a 300 foot setback from public schools and allowed an exception for facilities to be located within 300 feet of a public school, and Staff proposed extending the setback to 600 feet and establishing a no-exception provision such that wireless facilities were not able to be located less than 300 feet from a school. An exception was required to locate wireless facilities in a residential district. Staff had prepared a set of hierarchies and standards to direct the placement of facilities in residential areas. A suggested 100 foot setback from residential properties effectively banned wireless facilities throughout residential neighborhoods, and such a ban was prohibited by Federal law. Exceptions did not allow for locating a Wireless Communications Facility (WCF) within 300 feet of a public school; within 20 feet of a habitable residential building in a residential zoning district; on wood utility poles within the Residential Zone of Exclusion; and in an alley within a residential zoning district.

Mayor Filseth requested the existing policy for locating facilities in residential areas.

Mr. Lait advised that the existing Ordinance did not preclude the location of facilities in residential districts.

Mayor Filseth asked if an exception was needed to locate facilities in residential districts under the existing Ordinance.

Mr. Lait replied no.

Mayor Filseth inquired regarding the consequences of banning WCFs from residential areas.
Mr. Lait explained that such a ban affected a good portion of the City.

Molly Stump, City Attorney indicated such a rule would be considered a prohibition of wireless services in large parts of the community and would be subject to challenge when adopted or when an application was denied.

Public Hearing opened at 8:24 P.M.

Tina Chow, speaking for Jim Van Horne, Annette Fazzino, Ruthellen Dickinson and Neva Yarkin noted other cities allowed WCFs in residential zones through exceptions. Increasing the setback from residences to 100 feet provided sufficient WCF locations for good network coverage. The proposed setback from public and private schools and daycare centers needed to be 1,500 feet. The minimum distance between WCF locations needed to be 1,500 feet. A robust exceptions process had to accompany the objective standards.

Jeanne Fleming advised that the California Supreme Court had ruled that municipalities could require the siting and appearance of WCFs conform with municipal aesthetic standards. A 20 foot setback from residences was not acceptable.

Jeremy Stroup, Verizon Wireless urged the Council to direct Staff to revise the proposed Resolution so that it complied with State and Federal laws. The Telecommunications Act barred local governments from regulating WCFs due to emission concerns. The City needed to allow less preferred locations if there was no preferred alternative within 200 feet of a feasible location.

Eileen Kim supported the inclusion of policies suggested by State and local Parent Teach Association Councils (PTAC) in the proposed Resolution.

Dan Adams remarked that WCFs generated audible noise. Residential WCFs needed to be required to emit no sound with no exception. Facilities needed to be set back 50 feet from residences.

Jyotsna Wimkar supported a 100 foot setback from residences with no exception and a 150 foot setback from intersections.

John Melnychuk concurred with Ms. Chow’s comments. The locations of radiation-emitting devices needed to be limited.

Melinda McGee hoped someone would map the WCF sites proposed in submitted applications. She expressed concern regarding noise and radiation emitted by WCFs.
Ann Lai concurred with Ms. Chow's comments and requested the Council reconsider the 20 foot setback from residences.

A. M. Blum shared a mock-up of a WCF.

Ann Protter expressed concerns regarding noise, radiation, and aesthetics of WCFs and hoped the Council would consider a 100 foot setback for residences.

Suzanne Keehn supported a 1,500 foot setback from residences because of the radiation emitted by facilities.

Nader Farr preferred a 100 foot setback from residences.

Christian Rosche remarked regarding the health effects of telecommunications facilities and suggested a 1,500 foot setback from residences with no exception.

Kathleen Martin supported a 100 foot setback from residences but preferred a 1,500 foot setback.

Celia Boyle urged the Council to require a 100 foot setback from residences. The Council needed to require the public school setback for private schools and childcare centers.

William Huang agreed with implementing a 100 setback from residences with no exceptions.

Cindy Russell supported a 1,500 setback because of the negative health effects of wireless facilities.

Willy Lai requested the Council consider adopting the provisions of Los Altos' Ordinance.

Bob Moss commented that cell towers were hazardous to human health. The Council was justified in prohibiting cell towers in residential neighborhoods.

Susan Downs remarked regarding studies of the health effects of wireless facilities.

Kip Husty urged the Council to support public health rather than corporate profits.

Chris Selberg suggested the Council extend the setbacks for residences and schools due to concerns about noise and radiation emissions.
Final Minutes

Public Hearing closed at 9:06 P.M.

Council Member DuBois asked if a sunshield was an option.

Mr. Lait indicated the City offered four designs, and the sunshield design was available but required an exception under the proposed Ordinance.

Council Member DuBois asked if Staff planned to change any of the four designs when they returned to the Council with updates to the Ordinance.

Mr. Lait advised that an attorney had suggested a fifth and smaller design, which Staff would review. Staff had no plans to recommend the Council eliminate the sunshade design.

Council Member DuBois asked if a safety sign would be placed on each pole with a facility.

Mr. Lait explained that some safety signage was required and would be incorporated into each design. The signage was the approximate size of a half sheet of paper.

Council Member DuBois requested the rationale for Staff proposing a 20 foot setback.

Mr. Lait explained that the proposed setback was intended to capture two discrete areas, corner properties and buildings that were noncompliant with current setbacks. Based on an analysis of the proximity of wood utility poles and streetlights to residential properties, Staff felt an aesthetic standard would not preclude deployment if a carrier found meeting other provisions infeasible. Staff had explored setbacks of 20 feet, 35 feet, 50 feet, and 100 feet.

Council Member DuBois inquired regarding the handling of conflicts among constraints.

Mr. Lait indicated there was no process for prioritizing exceptions.

Council Member DuBois asked if Staff would propose a process in the next update.

Mr. Lait related that one standard proposed placing nodes further away from residential properties as a guiding criterion. In reviewing applications, Staff prioritized locating nodes outside of residential areas or further away from residential properties and schools.
Council Member DuBois believed Staff and the community had improved the process and protected aesthetics. Letters from telecommunication companies were contradictory. AT&T appeared to have misunderstood the Council's intent in directing facilities to be placed underground.

Council Member Cormack noted the Council would refine the Resolution, and Staff would return with a proposed Ordinance. She requested clarification of the distribution of land uses.

Mr. Lait explained that most residential land uses in Palo Alto were located northeast of Alma. Balancing the carriers' coverage needs with the desire to place facilities outside residential areas was going to be difficult because approximately 70 percent of the City's land area was zoned single-family residential (R-1).

Council Member Cormack asked if average lot size was another factor in the City not adopting requirements imposed by other jurisdictions.

Mr. Lait indicated lot size could be a factor. Carriers were more interested in implementing 5G in Palo Alto than in other jurisdictions.

Council Member Cormack asked if possibly all future applications for WCFs would include requests for exceptions.

Mr. Lait anticipated carriers would attempt to comply with the Resolution before requesting an exception and demonstrating the infeasibility of complying with the standards. Staff expected carriers would need to locate WCFs in residential zones. Any other requests for exceptions were based on service needs.

Council Member Cormack remarked that Staff would return with an exception process.

Mr. Lait clarified that the Council had directed Staff to review the existing exception process.

Council Member Cormack inquired about the measurement of the residential setback.

Mr. Lait reported the setback would be measured as a straight line from the antenna to the building.

Council Member Cormack asked if collocating meant multiple carriers could place facilities on the same pole.

Mr. Lait responded yes, potentially.
Council Member Cormack inquired whether Staff anticipated additional changes as applications were submitted.

Mr. Lait related that additional changes could be dependent on the Council believing regulations were adequate and on appeals of WCF decisions.

Council Member Cormack asked about the notification process.

Mr. Lait advised that notice was posted on the proposed pole/streetlight and mailed to property owners and occupants located within a 600 foot radius of the pole/streetlight. Currently, notices were mailed to schools located within a 600 foot radius of a pole/streetlight, but additional notices were provided during City School Liaison Committee meetings.

Council Member Cormack asked if the Council would consider compliance processes in the near future.

Mr. Lait answered yes.

Council Member Cormack suggested concerned citizens contact Congresswoman Anna Eshoo's office about changing Federal laws.

Council Member Kniss requested Staff’s analyses of the 35, 50, and 100 foot residential setbacks.

Mr. Lait reported approximately 10 percent of wood utility poles would be excluded from WCF sites by a 20 foot setback. Under a 35 foot setback, 70 percent of utility poles were to be excluded. Under a 100 foot setback, approximately 90 percent of utility poles would be excluded.

Council Member Kniss asked if service would be more erratic.

Mr. Lait clarified that the ability to deploy WCFs decreased as the setback increased.

Council Member Kniss asked if this balanced providing wireless service.

Mr. Lait believed the proposed Resolution was Staff’s attempt to respond to Council and community interests and to comply with Federal and State laws.

Council Member Kniss inquired regarding the status of Congresswoman Eshoo's efforts to change Federal laws.

Ms. Stump did not know the status.
Council Member Kou noted the health effects of 4G and 5G facilities located on the same pole were unknown. Language regarding noise and aesthetics needed to be stronger. She hoped the setback for residences could be 600 feet with no exceptions at 300 feet. She inquired regarding Staff’s efforts to emphasize the City preference for underground facilities.

Mr. Lait advised that carriers had not been able to address the noise challenges of underground facilities. Carriers had to demonstrate the inability to place equipment underground.

Council Member Kou felt there was a need for stronger language in the provision for underground facilities, and the burden of proof regarding the infeasibility of underground facilities had to be higher.

Mr. Lait agreed to review the infeasibility aspect of each criterion. Staff's ability to place the burden of proving underground facilities were infeasible on carriers was limited.

Council Member Kou asked if Staff had reviewed the court decision stating a jurisdiction could require proof that the necessary Federal review had occurred and if the City could require proof of a Federal review.

Ms. Stump reported Staff would need to review the court decision. National Environmental Protection Act (NEPA) review generally applied to a Federal project. Typically, WCFs were required to undergo California Environmental Quality Act (CEQA) review, but CEQA provided an exception for wireless installations.

Council Member Kou requested the rationale for not conducting a CEQA review when the court case required a NEPA review.

Ms. Stump explained that the two statutes contained slightly different standards and provisions and had to be reviewed separately as to whether and how they applied to a project.

Council Member Kou asked if the City could require carriers to have general liability insurance.

Mr. Lait indicated Staff would investigate the City's ability to require general liability insurance.

Council Member Kou requested Staff prepare information to submit to Senator Jerry Hill and Assembly Member Marc Berman in the hopes that they would sponsor a bill to study the health effects of 5G deployment.

Ms. Stump reported Staff would respond to direction from the Council.
Ed Shikada, City Manager related that Staff could begin a conversation with the Legislators.

Council Member Kou noted some structural components of buildings were barriers to wireless coverage.

**MOTION:** Council Member Kniss moved, seconded by Council Member DuBois to adopt a Resolution amending the objective standards for Wireless Communication Facilities (WCF) attached to streetlight poles and wood utility poles in the public rights-of-way.

Council Member Kniss asked if Staff was in the process of updating the Wireless Ordinance.

Mr. Lait responded yes.

Council Member Kniss noted amending the requirements for WCFs would continue for some time. Many studies had shown that wireless facilities did and did not cause negative health effects.

Council Member DuBois emphasized the interaction of the guidelines for wireless facilities. The 20 foot setback from residences interacted with the preference for locating WCFs in commercial districts.

Mayor Filseth inquired whether the City could regulate noise emitted by facilities placed on a pole.

Mr. Lait answered yes. Staff was able to explore requiring passive cooling for WCFs as an objective standard.

Ms. Stump recommended the Council direct Staff to explore an objective standard for noise so that Staff could act in a nondiscriminatory manner.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, “direct Staff to consider noise as a potential addition to future revisions of the Ordinance.”

Mayor Filseth inquired about the public comment that courts had upheld jurisdictions' bans on the installation of WCFs in residential neighborhoods.

Ms. Stump reported Staff had no information on the issue.

Mayor Filseth remarked that Staff had artfully constructed language that encouraged carriers not to locate WCFs in residential neighborhoods without prohibiting installations in residential neighborhoods. The distance of the
setback from residences was an issue for the Council. The crux of the matter was the Council's willingness to provoke a lawsuit.

Council Member Kou proposed that the Resolution include a mandate and an exception for underground facilities.

Council Member Kniss recalled the discussion of the effectiveness of underground facilities and preferred not to include a mandate for underground facilities.

Council Member Kou wanted to place the burden of proving the infeasibility of an underground facility on wireless carriers.

Council Member Tanaka seconded Council Member Kou's proposal.

Council Member Kou supported a strong stance regarding aesthetics and noise.

Mayor Filseth inquired whether underground facilities would be mandated across the City or in residential neighborhoods only.

Council Member Kou responded in residential occupancies.

Council Member Tanaka noted the City's goal was to underground all utilities; therefore, allowing some equipment to be placed on utility poles was not logical.

Mayor Filseth asked if the language could be interpreted as not requiring an exception for locating facilities in a commercial district.

Mr. Lait explained that undergrounding facilities could exacerbate the noise issue because fans would be needed to cool the equipment in the vaults. The language needed to be written to require underground facilities or one of the three designs. The proposed amendment required an exception for a top-mounted design.

Council Member DuBois recalled that underground facilities would be noisier than pole-mounted facilities and proposed directing Staff to study the issue and consider mandating underground facilities in a future amendment to the Ordinance.

Council Member Kniss concurred with Council Member DuBois' proposal.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, “direct Staff to study the
option for underground design to be mandated in residential districts with exceptions, and return to Council with findings.”

Council Member Kou requested the Motion include a requirement for carriers to have general liability insurance in an amount to be determined by Staff.

Council Member DuBois suggested Staff had stated that would be included in a future update.

Mr. Lait agreed that Staff would review the issue in a future update of the Ordinance. The Resolution was intended to address design and placement of WCFs.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “direct Staff to obtain information regarding the State of Oregon’s SB 283 and return to Council for further discussion.”

SUBSTITUTE MOTION: Vice Mayor Fine moved, seconded by Council Member Cormack to adopt a Resolution amending the objective standards for Wireless Communication Facilities (WCF) attached to streetlight poles and wood utility poles in the public rights-of-way.

Council Member Cormack remarked that the Staff Report and the discussion addressed Subparts B and C, and Subpart D was premature.

SUBSTITUTE MOTION FAILED: 2-5 Cormack, Fine yes

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

A. Adopt a Resolution amending the objective standards for Wireless Communication Facilities (WCF) attached to streetlight poles and wood utility poles in the public rights of way;

B. Direct Staff to consider noise as a potential addition to future revisions of the Ordinance;

C. Direct Staff to study the option for underground design to be mandated in residential districts with exceptions, and return to Council with findings; and

D. Direct Staff to obtain information regarding the State of Oregon’s SB 283 and return to Council for further discussion.

MOTION AS AMENDED PASSED: 6-1 Fine no
Mayor Filseth noted the time and the remaining items on the Agenda.

Council Member Kniss proposed the Council continue with the remaining Agenda Items.

Mayor Filseth concurred.

15. PUBLIC HEARING / QUASI-JUDICIAL: 4115 El Camino Real [18PLN-00238]: Approval of a one lot Tentative Map to Divide an Existing 0.36 Acre Parcel into Seven Residential Condominiums, and two Commercial, and two Office Condominiums. Environmental Assessment: Mitigated Negative Declaration Adopted by the Director of Planning and Development Services on January 7, 2019. Zoning District: CN (Neighborhood Commercial).

Sheldon Ah Sing, Planner, reported the Architectural Review Board (ARB) and Planning and Transportation Commission (PTC) had reviewed the project. The site contained 0.36 acre, and the mixed-use project contained seven residential units and two commercial spaces with surface and basement parking. One of the residential units was designated as Below-Market Rate (BMR). A public access easement was to be granted for the public to travel between El Camino Way and El Camino Real between the hours of 7:00 A.M. and 9:00 A.M. The project was consistent with the required findings for a Tentative Map and the California Environmental Quality Act (CEQA) document adopted for the project. Staff recommended approval of the project.

Council Member Cormack disclosed no financial interest in the project.

Council Member DuBois disclosed no financial interest in the project.

Council Member Kniss disclosed no financial interest in the project.

Mayor Filseth disclosed no financial interest in the project.

Vice Mayor Fine disclosed no financial interest in the project.

Council Member Kou disclosed no financial interest in the project.

Council Member Tanaka disclosed no financial interest in the project.

Mayor Filseth noted the project would provide approximately 15 jobs and seven housing units.

Public Hearing opened and closed without public comment at 10:10 P.M.
MOTION: Council Member Cormack moved, seconded by Council Member Kniss to approve the Tentative Map for nine condominium units and adopt the Record of Land Use Action.

Council Member Cormack believed the construction Traffic Plan would be important for the "T" intersection.

Council Member Kniss was delighted to support a project that would provide housing units.

Council Member DuBois expressed some concern about transition zones but could support the findings. He hoped Staff would require electric vehicle (EV) chargers in the project.

Council Member Kou asked if the retail space had decreased in size.

Mr. Ah Sing indicated the size of the retail space had been maintained.

Council Member Kou commented that parking following construction may not be sufficient for residents. She wanted Staff to conduct a review of the use of the mechanical parking. The project was going to increase the jobs/housing imbalance.

Vice Mayor Fine clarified that the Motion proposed approval of a Tentative Map and adoption of the Record of Land Use Action rather than approval of the project. The construction of seven housing units including one BMR unit was good. A comparison of square footage for employees to housing units was not appropriate.

MOTION PASSED: 7-0

16. Approval of a Contract with the OIR Group in the Amount of $75,000 for Independent Police Auditing Services for a Three-year Period.

Ed Shikada, City Manager reported the City had utilized OIR Group for Independent Police Auditor (IPA) services for a number of years. The presentation of the contract for Council review reflected the City's commitment to transparency. The recommended contract did not alter the types of reports or review that had occurred for many years. Under the contract terms, internal personnel matters that did not involve the public were not going to be submitted to the IPA for review. The City Attorney, the Human Resources (HR) Director and the Police Chief recommended handling Police Department internal personnel issues in the same manner as other departments handled personnel issues. Complaints related to officer conduct and involving the public were to be reviewed, whether the
complaints were initiated by the public or Police personnel. In the City of San Jose, complaints initiated by Police personnel were not subject to IPA review. He proposed working with the Police Chief to establish a report that provided a high-level summary of any personnel-related investigation not covered in the IPA's Report and to enhance public awareness of the process for filing a complaint.

Herb Borock remarked that the Staff Report did not indicate whether the contract was subject to competitive bids or exempt from competitive solicitation requirements.

LaDoris Cordell requested the Council delay their vote on the contract because the contract language regarding complaints and internal personnel matters was vague and needed to be clarified.

Karen Holman requested the Council not limit personnel matters to the purview of the HR Department because both the Police Department and the HR Department reported to the City Manager.

Winter Dellenbach indicated the Staff Report emphasized officer privacy rather than accountability. Complaints initiated by Police Officers needed to be handled by Internal Affairs and overseen by the IPA. The wording and definitions in the contract had to be revised.

Vice Mayor Fine requested clarification of the regulations for soliciting bids.

Molly Stump, City Attorney advised that in 2014 the City held a competitive bid process and received bids from three firms. An evaluation panel selected OIR Group as the most qualified firm to provide the desired services. At the end of the proposed three-year contract, Staff planned to conduct another competitive bid process.

Vice Mayor Fine asked if any other department was reviewed by an external auditor.

Ms. Stump replied no.

Vice Mayor Fine understood the Police Department was subject to external audit because it had exceptional powers.

Ms. Stump concurred. Police Officers were able to deprive residents of their freedom of movement at times and utilize force when necessary.

Vice Mayor Fine asked if the Council was required to provide an external audit of Police activities.
Ms. Stump answered no. The Council had chosen to exceed legal requirements.

Council Member Cormack requested the date of the last IPA Report provided to the Council.

Ms. Stump indicated reports for 2018 were due.

Robert Jonsen, Police Chief advised that the last report, covering the second half of 2017, was released in October, 2018.

Council Member Cormack inquired whether the IPA was initiated at the same time as the Police Department was authorized to utilize Tasers.

Ms. Stump did not know if the two were initiated at approximately the same time. The IPA reviewed each Taser deployment regardless of complaint or concern.

Council Member Cormack requested Staff review the supplemental recommendations.

Mr. Shikada reiterated that Staff would prepare a summary of any investigation deemed a personnel matter and not subject to IPA review.

Council Member Cormack asked if a specific incident mentioned by a member of the public would be the subject of a summary.

Mr. Shikada responded yes. In addition, Staff was going to prepare statistical information regarding inquiries that were not necessarily going to become formal complaints.

Mayor Filseth understood all matters were reviewed by management and the HR Department while some matters were also reviewed by the IPA. Matters reviewed by the IPA were made public, but not all matters reviewed by management and the HR Department were made public.

Mr. Shikada clarified that the IPA reports contained detailed narratives of incidents. Staff were going to provide summary information for incidents not reviewed by the IPA.

Council Member DuBois asked if the contract was time sensitive.

Mr. Shikada reported the IPA would cease or delay its reviews until the Council acted on the proposed contract.
Council Member DuBois inquired regarding the reasons for the delay in the IPA providing reports.

Mr. Shikada suggested the delay could be caused by the IPA and Police personnel discussing the IPA's reports.

Mr. Jonsen explained that the IPA collected Police Department reports of incidents for six months and then began their analysis of the incidents. The length of an IPA review was determined by the IPA. The Police Department then reviewed the IPA's Draft Report prior to the IPA submitting its final report to the City Attorney's and the City Manager's Offices. The current delay in reporting likely resulted from a discussion of whether the IPA was working within its scope of authority.

Ms. Stump added that the City Attorney's Office reviewed the IPA's reports to ensure the IPA complied with State privacy protections for Peace Officers. The City Attorney’s Office had on occasion raised concerns that a report could violate the privacy protections, and the IPA had revised their reports.

Council Member DuBois noted the contract referred to the City Attorney's Office and the Police Department reviewing the IPA's reports within two weeks.

Ms. Stump indicated Staff reviews could occur within two weeks if Staff had no concerns about the reports. The timeframes contained in the scope of work were not consistent with the length of time the IPA required to produce reports.

Council Member DuBois inquired whether the IPA rather than Staff was responsible for the delay in reports being provided to the Council.

Ms. Stump answered yes. The IPA required some time to collect six months of reports, to review the incidents, and to prepare its Draft Report for Staff review. Following Staff review, the City Clerk attached the IPA's Report to an Informational Report to the Council and the public.

Council Member DuBois asked if incidents investigated by Internal Affairs would be included in the IPA's Report.

Mr. Jonsen replied that's correct. All citizen complaints, administrative investigations, and use of Tasers were reviewed by the IPA.

Mr. Shikada clarified administrative investigations as including department-initiated reviews.
Council Member DuBois inquired whether incidents such as a Police Officer suspected of committing a crime or an internal altercation would be reviewed by Internal Affairs.

Mr. Jonsen advised that a Police Officer suspected of a crime would be reviewed by the IPA after an internal review. An incident of excessive force between two Police Officers required a review by the HR Department, but Staff provided a summary of the incident under the City Manager's proposal. Some months after his employment with the City in 2018, he learned that some incidents were reviewed by the HR Department only and consequently discussed with OIR Group, creating a summary of the incidents for the Council and public.

Council Member DuBois believed the issues were the definition of a personnel matter and whether standards should be higher for Police Officers than for other City employees. He expressed concern that the IPA's reports were taking longer and longer to reach the Council. Police Officers needed to be held to higher standards because they had greater authority than other City employees. He questioned whether minor and confidential personnel matters could be separated from more serious matters, such as dishonesty, sexual harassment, excessive force and actions against protected classes.

Mr. Shikada clarified that IPA reports had been provided to the Council nine or ten months following the close of the reporting period since 2010. The internal investigation had to be completed prior to the IPA conducting its review.

Council Member Tanaka requested the rationale for not conducting a competitive bid process at the end of each contract term.

Ms. Stump explained that the number of well-qualified firms and individuals was very small. In 2014, the City conducted thorough interviews and evaluations of the three bidders. If the Council was interested in a competitive bid process at the current time, she recommended the Council approve a contract term of less than three years for OIR Group so that IPA services could continue until a new vendor was selected.

Council Member Tanaka commented that Staff had not provided a good reason for not conducting a competitive bid process. He inquired as to the quality of OIR Group's performance as IPA.

Ms. Stump suggested the Council determine the quality of OIR Group's performance. OIR Group was well qualified and provided a high level of service for the amount it charged the City.
Mr. Shikada added that selection of a vendor was not be based on the bid amount alone.

Council Member Tanaka did not know whether another vendor could provide better services because there had not been a competitive bid process. The Council had no IPA reports from other vendors to judge the quality of services provided. He requested the City Manager's opinion of the services provided based on the City Manager's work with other firms.

Mr. Shikada reported his experience at the City of San Jose involved an in-house IPA, and he was not involved with the City's 2014 selection of an IPA. A procurement process possibly required six months to complete.

Council Member Tanaka asked if Staff proposed changing the scope of services drastically in the proposed contract.

Mr. Shikada indicated the scope of services was subject to Council direction.

Council Member Tanaka asked if utilizing an external IPA was common among cities.

Ms. Stump advised that use of an IPA, whether in-house or external, was very unusual for cities the size of Palo Alto.

Mr. Jonsen added that Palo Alto was the only agency of its size in the region that employed an IPA. Most agencies documented complaints and uses of force, but they rarely submitted them to external review.

Council Member Tanaka concurred with the City utilizing an external IPA, but he had no idea if the current IPA was providing quality services. Some members of the community felt City services were not provided uniformly across the City.

Mayor Filseth noted the provision of City services was not an agendized topic.

Mr. Shikada explained that the scope of work for the IPA did not include a review of the Police Department's level of service.

Council Member Kou requested clarification of the Staff recommendation.

Mr. Shikada indicated the matter before the Council was approval of a contract with OIR Group for IPA services. He said the Council may wish to direct Staff to prepare a summary of any investigation not reviewed by the IPA, to enhance public awareness of the process for submitting informal
complaints, and to track data regarding inquiries that did not result in formal complaints.

Council Member Kou requested clarification of inquiries.

Mr. Shikada related that an inquiry or informal complaint would be submitted to the Police Department, which investigated the inquiry and determined whether it became a formal complaint that was submitted to the IPA.

Council Member Kou requested a timeframe for Staff to present its supplemental reporting.

Mr. Shikada stated Staff would report to the Council no later than the Study Session planned for mid-February.

Council Member Kou inquired whether the supplemental reporting would address public concerns.

Mr. Shikada felt it would provide additional transparency.

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

A. Approve and authorize the City Clerk to execute a contract with the OIR Group in the amount of $75,000 for independent police auditing services for a three-year period; and

B. Direct the City Manager to work with Police Chief on supplemental reporting by February 2020 on personnel matters not reviewed by contractor and enhanced public awareness and clarity on how complaints can be made and are handled.

Vice Mayor Fine remarked that the Police Department was held to higher standards because of its exceptional powers and responsibilities. Utilizing an IPA was logical. Some incidents needed to be handled through the HR Department, but they should be surfaced to the public. He encouraged Staff to increase public awareness as well as Police personnel's awareness of the complaint process.

Council Member Kniss concurred with Vice Mayor Fine's comments.

Mayor Filseth remarked that the Motion simply extended the existing contract with no change in terms and did not include any policy changes. The discussion had included potential policy changes for IPA review of some internal matters. He asked if Staff could develop a new policy, should the Council choose to delay action on the contract, until mid-January.
Mr. Shikada clarified that if the Council did not approve the contract, OIR Group would cease providing IPA services. The proposed supplemental reporting was not a policy change but additional reporting that was to be prepared in parallel with IPA reports.

Mayor Filseth inquired regarding a process for identifying matters that would be investigated by the HR Department or the IPA.

Mr. Shikada stated Staff would not prepare a list of matters that each would investigate. Any complaint that was not reviewed by the IPA would be disclosed. Matters that occurred in any City department would not be reviewed by the IPA but would be summarized in supplemental reporting.

Ms. Stump discouraged Staff and the Council from attempting to compile a list of matters that could be investigated. A description of matters should be as broad as possible. A complaint of a City employee watching non-work-related videos during the workday could be described in supplemental reporting as misuse of City resources or misuse of City time, and the disposition would be reported as either unfounded or sustained.

Mayor Filseth asked if supplemental reporting would pertain to the Police Department only.

Mr. Shikada replied yes.

Mr. Jonsen related that his objective was to create an environment in which everyone felt the process was fair, equitable, transparent and legitimate. He was attempting to rectify gaps in the existing process. The Police Department would accept and investigate any complaint and release the outcome of the investigation.

Mayor Filseth asked if all complaints not provided to the IPA would be summarized in the supplemental reporting.

Mr. Jonsen answered yes.

Council Member DuBois felt the City was receiving good value from OIR Group. Any and all complaints were to be provided to the public through either the IPA report or the supplemental reporting.

Council Member Cormack inquired whether the proposed contract required payment upon delivery of IPA reports or upon time spent.

Beth Minor, City Clerk reported the IPA's invoices may cover a few months or six months at a time.
Mayor Filseth requested the types of matters referred to the IPA for investigation.

Mr. Jonsen advised that internal investigations, use of Tasers, and complaints generated by the public were referred to the IPA.

Council Member Kou asked who would investigate the Alvarez matter.

Ms. Stump indicated the Police Department would investigate the matter, and then the IPA would conduct a secondary review and provide a report.

**MOTION PASSED: 7-0**

17. Approval of Annual Amendments to the Employment Agreements Between the City of Palo Alto and Council Appointed Officers and Authorization to Purchase Real Property in Accordance with City Manager Employment Agreement.

Mayor Filseth reported the recommendation was to increase the City Clerk's compensation by 4.25 percent and the City Attorney's compensation by 5 percent. In order to facilitate the City Manager's compliance with the Charter requirement for the City Manager to live within the City, the City's practice had been to invest jointly with the City Manager in a Palo Alto residence. The terms of the agreement with City Manager Shikada were essentially the same as the agreement with former City Manager Keene, except for the sharing of closing and documentation costs.

Herb Borock questioned the rationale for the City loaning funds to create equity in the property for City Manager Shikada when the Council had reduced the budget for rank-and-file employees' salaries.

Council Member DuBois indicated the Council had conducted extensive reviews of the Council Appointed Officers. The housing agreement was a component of the employment offer to the City Manager.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to approve and authorize the Mayor to execute the following contract amendments for Council Appointed Officers:

A. Amendment Number Seven to Employment Agreement between the City of Palo Alto and Molly S. Stump;

B. Amendment Number Five to Employment Agreement between the City of Palo Alto and Beth D. Minor;
C. Amendment Number One to Employment Agreement between the City of Palo Alto and Ed Shikada; and

D. Authorize the Chief Financial Officer to take all action necessary to execute the purchase of property in accordance with Section 7 of the employment agreement with Ed Shikada.

Council Member Kniss recalled that the sale of the former City Manager's residence generated funds for the City to invest in the current City Manager's residence.

Council Member Tanaka did not believe a $4 million residence was an appropriate incentive for the City Manager. The City Manager's incentives should be tied to Key Performance Indicators (KPI). He inquired regarding the interest rate, which was less than the current mortgage rate.

Kiely Nose, Administrative Services Director and Chief Financial Officer advised that the rate had been negotiated and was consistent with the prior housing agreement. The interest rate equaled the rate the City earned on its portfolio plus 0.25 percent as an administrative fee.

Council Member Tanaka felt the ownership portion should be appropriate to the amount of cash invested in the property versus the amount borrowed at the low interest rate. He requested clarification of the apparent conflict between Sections 7.2.5 and 7.2.6.

Molly Stump, City Attorney explained that the contract provided the City Manager the option to utilize his personal funds for his initial contribution. A City loan was available to the City Manager, but he was not required to utilize the loan. In no circumstances was the loan to exceed $1 million.

Council Member Tanaka proposed deleting "or the City loan" from Section 7.2.6.

Ms. Stump disagreed in that the language as drafted was clear.

Council Member Tanaka requested clarification of delineating the types of insurance in Section 7.2.12.2.

Mr. Nose related that the City was a part owner of the asset and had a vested interest in insuring the property. The section required the City and the City Manager to share the cost of insuring the asset.

Council Member Tanaka requested clarification of Section 7.2.17.2.
Ms. Nose advised that after the initial 12 month period, the City Manager was able to purchase the City’s interest as determined by an appraisal.

Council Member Tanaka inquired whether the City had contributed $4 million to the former City Manager’s purchase of a residence.

Ms. Nose indicated the City had contributed $2 million.

Council Member Tanaka noted the City was contributing twice the amount of funds to City Manager Shikada's purchase.

Ms. Nose reported the funding level for City Manager Shikada's purchase was similar to the funding level for former City Manager Keene's purchase based upon the real estate market. The City's contribution had been adjusted to reflect current housing prices.

Council Member Tanaka requested the housing stipend for City Managers in similar cities.

Ms. Nose advised that the contract was specific to City Manager Shikada's employment agreement.

Council Member Tanaka stated he had spoken with Los Altos' City Manager who indicated he had received $2 million.

Mayor Filseth called the question.

**MOTION PASSED:** 6-1 Tanaka no

State/Federal Legislation Update/Action

None.

Council Member Questions, Comments and Announcements

Mayor Filseth thanked Council Member Cormack and Council Member DuBois for serving on the Ad hoc Committee for the Stanford University General Use Permit (GUP). With Stanford University's withdrawal of the GUP, the Ad hoc Committee was dissolved.

Council Member DuBois announced he spoke during a ceremony following the Santa Clara Valley Water District's approval of the water purification plant. The plant was to be the second such plant in Northern California.

Council Member Kou reported she had attended the most recent San Francisco Community Roundtable meeting. Voom and Uber Air were
providing helicopter taxi services at San Francisco International Airport. She questioned whether the services were increasing noise levels. Council Member Cormack and she had attended a rally hosted by Moms Against Guns. She encouraged the public to contact Senator McConnell and urge him to advance the Gun Control Bill.

Council Member Kniss advised that she would attend a Santa Clara Valley Transportation Authority (VTA) workshop about improving the VTA Board of Directors and administration. She thanked Mayor Filseth for serving as Mayor for the past year.

Adjournment: The meeting was adjourned at 11:41 P.M.