



CITY OF PALO ALTO CITY COUNCIL FINAL SENSE MINUTES

Special Meeting
March 18, 2019

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 arrived at 5:03 P.M.,
Tanaka

Absent:

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Michelle Flaherty, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Molly Stump, Terence Howzell, and Kiely Nose)
Employee Organization: (1) Utilities Management and Professional Association of Palo Alto (UMPAPA), (2) Service Employees International Union, (SEIU) Local 521, (3) Police Officers' Association of Palo Alto (PAPOA), (4) Palo Alto Police Managers' Association (PMA), (5) International Association of Fire Fighters, (IAFF) Local 1319, and (6) Palo Alto Fire Chiefs' Association (FCA);
Authority: Government Code Section 54957.6 (a)

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

MOTION PASSED: 6-0 Kou absent

Council went into Closed Session at 5:02 P.M.

Council returned from Closed Session at 6:06 P.M.

Mayor Filseth announced no reportable action.

Special Orders of the Day

2. Proclamation Welcoming Exchange Students and Chaperones From Tsuchiura, Ibaraki, Japan.

Jennifer Buenrostro, Neighbors Abroad,

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Naoko Fujii, Neighbors Abroad, welcomed the students and chaperones to Palo Alto and thanked the Council for the Proclamation.

Wakako Hanyu, Tsuchiura Representative, appreciated the opportunity to visit Palo Alto. The exchange program strengthened the Sister City relationship between Palo Alto and Tsuchiura. Tsuchiura was honored to have a Palo Alto representative participate in the marathon each year. The friendship between Palo Alto and Tsuchiura was a precious treasure.

Mayor Filseth thanked Tsuchiura representatives, Neighbors Abroad, and the host families for conducting the exchange program. He read the Proclamation into the record.

AT THIS TIME COUNCIL WENT BACK INTO THE CLOSED SESSION

Council returned to the Closed Session at 6:20 P.M.

Council returned from the Closed Session at 6:55 P.M.

Mayor Filseth advised no reportable action.

3. Proclamation Honoring La Comida and Their Service to the Community.

Council Member Kou read the Proclamation into the record.

Michael Patrick, La Comida, thanked the Council for recognizing La Comida's work in the community.

Ingrid Lai, La Comida, advised that line dancing and other classes were available at the Masonic Center location of La Comida.

Council Member DuBois thanked La Comida and its volunteers for running a good program for the community.

Council Member Cormack appreciated Mr. Patrick's leadership of La Comida and La Comida's location in South Palo Alto.

Bob Moss thanked the Council for honoring La Comida and La Comida for its service and contributions to the community.

Agenda Changes, Additions and Deletions

Mayor Filseth indicated the meeting would be adjourned in honor and recognition of the victims of the shooting in Christchurch, New Zealand. Such an attack was the antithesis of a modern society.

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City Manager Comments

Ed Shikada, City Manager, announced the deadline to submit applications for the Architectural Review Board, the Human Relations Commission, the Library Advisory Commission, the Storm Water Management Oversight Committee, and the Utilities Advisory Commission had been extended to April 2 at 4:30 P.M. On March 23, the Community Services Department would host the Fifth Annual Cubberley Community Day Celebration.

Oral Communications

Dennis Backlund related the history of the sale of the Hotel President. Hotel President tenants had lost their homes, and rents would be much higher at their new homes.

Amrutha Kattamuri advised that attendees at the Barron Park Association annual meeting discussed cell towers in residential neighborhoods. Residents did not want to eliminate public hearings for cell tower projects or to allow the Director to determine the siting and appearance of cell towers. Mr. Lait's statement that changes to the Wireless Ordinance were necessitated by a Federal Communications Commission order was not true. Residents agreed with Mayor Filseth's February 7, 2019 letter to Congresswoman Eshoo.

Tina Chow remarked that hundreds of studies conducted since the 1996 Telecommunications Act was enacted had found adverse biological and health effects due to cell tower radiation. She related the findings of two studies conducted in 2017 and 2018. The U.S. standards for exposure were based on thermal limits alone.

Jerry Fan commented that the City could demand higher fees, minimum spacing, and setbacks that would make the feasibility of cell towers more difficult for telecommunication companies.

Rita Vrhel indicated Senate Bill (SB) 50 would allow large, multistory structures in R-1 neighborhoods. SB 50 was a threat to every homeowner in California. Palo Altans for Sensible Zoning's (PASZ) website should have information regarding SB 50. The housing crisis was caused by cities allowing too much office space.

Iqbal Serang stated his eviction from the Hotel President was a hardship for him. AJ Capital incorrectly assumed it could continue to evict tenants.

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Arthur Keller noted the parking garage contained ten parking spaces for seven Council Members. Three parking spaces should be reallocated to the public.

Minutes Approval

4. Approval of Action Minutes for the February 25 and March 4, 2019 Council Meetings

MOTION: Vice Mayor Fine moved, seconded by Council Member Kniss to approve the Action Minutes for the February 25 and March 4, 2019 Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Mayor Filseth moved, seconded by Council Member Cormack to approve Agenda Item Numbers 5-7A.

5. Approval of the Agreement Between the City of Palo Alto and the Palo Alto Unified School District for School Resource Officer Services and Shared Funding of the Positions in the Form of Reimbursable Payment (Revenue) to the City, up to \$200,000 in Fiscal Year (FY)2019 and \$250,000 in FY2020, With the Potential for a One-year Extension.
6. Resolution 9822 Entitled, "Resolution of the Council of the City of Palo Alto Extending the Bikeshare and E-Scooter Pilot Program."
7. Resolution 9823 Entitled, "Resolution of the Council of the City of Palo Alto for Senate Bill 1, the Road Repair and Accountability Act, for Fiscal Year 2020 Project List for Capital Improvement Program Project PE-86070, Street Maintenance Project."
- 7A. Appointment of Management Partners, Inc. to Serve as the City's Interim Auditor and Approval of a Professional Services Agreement With Management Partners for Auditor Services up to \$85,000 for a 6-month Term.

MOTION PASSED: 7-0

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Action Items

8. Acceptance of Proposed Policy to Plan for Sea Level Rise.

Brad Eggleston, Public Works Director, reported the proposed Sea Level Rise Adaptation Policy (Policy) would be a critical first step for responding to the future rising tides caused by climate change and the springboard for developing a Sea Level Rise Adaptation Plan (Plan).

Phil Bobel, Public Works Assistant Director, advised that the Council had encouraged Staff to develop a policy for sea level rise when it adopted the Sustainability and Climate Action Plan (S/CAP). A number of agencies in the Bay Area were coordinating efforts through a new organization, Bay Area Climate Adaptation Network (BayCAN). The Ocean Protection Council (OPC) had compiled a set of numerical guidelines for sea level rise, which agencies around the Bay were using. Key elements of the Policy were Greenhouse Gas (GHG) reductions, the Strategy to Advance Flood protection, Ecosystem and Recreation along San Francisco Bay (SAFER), and exploration of structural controls.

Julie Weiss, Public Works Project Manager, indicated the Policy would serve as a framework for developing the Plan. In a few decades, flooding caused by high tides would be a regular occurrence. By the turn of the century, flooding could extend to Highway 101 and into neighborhoods.

Jeremy Lowe, San Francisco Estuary Institute, explained the reasons for sea level rise, which made predicting sea level rise difficult. The extent of sea level rise depended on people's efforts to mitigate sea level rise and the Earth's reaction to sea level rise. The Sea-Level Rise Guidance was a good guide to project sea level rise. Sea level rise was projected to reach 1.9 feet by 2050 and 5.7-6.9 feet by 2100. The probability of sea level rise reaching 10.2 feet in San Francisco by 2100 was very low. Sea level rise would continue past 2100. With sea level rise, storm surges would grow higher. Over time, the protection afforded by levees would decrease. Another consideration was creek flooding. Horizontal levees allowed marshes to migrate, provided habitat, and could be used to treat wastewater. Oyster reefs could restore habitat and provide protection from flooding. The South Bay Salt Ponds Project focused on the impacts of sea level rise and accommodating changes. A timeline to mitigate sea level rise should be based on the amount of sea level rise rather than dates.

Ms. Weiss noted climate change was a Council Priority. A Policy was needed to connect policy statements found in the Comprehensive Plan and the S/CAP with actions; to protect neighborhoods, the economy, and the Baylands habitat; to plan and adapt to varying sea level rise predictions; to

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provide goals and guidance across City departments; to align the City's efforts with the efforts of neighboring cities and the region; and to communicate with the public. Staff had reviewed a first draft of a SAFER feasibility study and would present a revised draft to the Council for a discussion of possible levee alignments. Staff had developed a preliminary plan for a horizontal levee as part of SAFER's proposed levee alignments. The Community Services Department had completed a vulnerability assessment of the Baylands. At 12 inches, sea level rise could begin to cause problems for the Baylands. At 36 inches, sea level rise could top levees and berms and impact infrastructure. Byxbee Park would not be affected by sea level rise because of its higher elevation. The flood wall created in the San Francisquito Creek Project would help protect East Palo Alto from creek flooding and sea level rise. The concept of green stormwater infrastructure was to change the design of streets so that they slowed, spread, and sank water. An expert would present information about a green stormwater infrastructure plan to the Council in May. Redundant adaptation strategies were needed. Additional research was needed to determine the impacts of sea level rise on groundwater. Sea level rise should be incorporated into design and permitting standards, emergency planning, and an analysis of protections for critical assets. Staff could prioritize Capital Improvement Program (CIP) projects that contained triggers for action based on the height of sea level rise. The University of California at Berkeley's Climate Readiness Institute, San Francisco Estuary Institute, peers, neighboring cities, interdepartmental Staff, and the community had reviewed the draft Policy. If the Council approved the Policy, Staff would develop a vulnerability assessment and a Plan, prioritize action to manage risks, set building standards for areas likely to be impacted by sea level rise, address funding issues, provide guidance for protecting the Baylands, and provide education internally and regionally. Based on feedback provided at the public meeting, Staff considered the creation of a sea level rise community task force. The Plan would be subject to California Environmental Quality Act (CEQA) review.

Rita Vrhel announced a lecture by Dr. Christina Hill was scheduled for April 24.

Keith Bennett, Save Palo Alto's Groundwater, remarked that sea level rise could cause the groundwater level to rise to the surface, at which point stormwater would flow into storm drains. Underground construction blocked groundwater flows.

Esther Nigenda supported adoption of the proposed Policy and encouraged the City to consider implementing applicable short-term hazard mitigations at the current time rather than in two years.

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Mary Sylvester thanked Staff for their progressive ideas and excellent work in drafting the Policy and the Council for its leadership.

Arthur Keller noted the Regional Water Quality Control Plant (RWQCP), the Municipal Services Center (MSC), and the Utilities Department's engineering control center were located in the path of sea level rise. The Baylands Master Plan may need to be updated to include sea level rise. The development project for the Ming's Restaurant site and standards for elevating structures in the flood zone should be considered in light of sea level rise. The amount of land needed to naturalize Matadero Creek in the Ventura area could utilize all available parkland.

Susan Stansbury remarked that sea level rise should be considered as its own issue and as an overarching issue for all development and land use decisions. Sea level rise could impact the North Ventura Coordinated Area Plan (NVCAP) and grade separations.

Cedric de La Beaujardiere supported increased use of green stormwater infrastructure and restoration of local creeks. Sea level rise of 10 feet could be manageable, but sea level rise of 20 feet or more could require a solution for the mouth of the Bay. The City should consider GHG solutions offered by Project Drawdown.

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

- A. Accept the Sea Level Rise Adaptation Policy, which will serve as a guide for the development of a subsequent Sea Level Rise Adaptation Plan. This Plan will serve as the Sustainability and Climate Action Plan–Sea Level Rise chapter; and
- B. Direct Staff to return to Council with a Sea Level Rise Adaptation Plan by December 2020.

Council Member Cormack wished to correct the impression that sea level rise would affect only South Palo Alto. Sea level rise would affect the entire City. The use of sea level height triggers was a good concept. Many people in the community had a great deal of expertise pertaining to sea level rise, and a community task force was a good idea. She requested clarification of structural controls.

Mr. Bobel reported structural controls were controversial, but they could be zoning requirements for the location of new developments, the height for new development, and the location of electrical panels.

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Council Member Cormack encouraged the community to pay attention to the adaptation pathways. Someone at the community meeting stated a portion of South Palo Alto would be affected by Mountain View's decisions and may not be protected by Palo Alto's mitigation measures. Decisions to build assets in the areas affected by sea level rise should be based on the anticipated lifespan of the assets.

Council Member Kniss noted many people in the country did not believe sea level rise was a concern. She asked if the Netherlands was planning an extensive seawall and Boston was planning a seawall for its harbor.

Mr. Lowe clarified that the Netherlands was planning to increase the heights of seawalls. Most of the cities on the Eastern Seaboard were planning for sea level rise.

Council Member Kniss inquired about the possibility of Federal funding for sea level rise projects.

Mr. Eggleston indicated the Water District was utilizing the Army Corps of Engineers' process for the South Bay Shoreline study. Projects in the Alviso area were seeking Federal funding. Staff and the Water District were discussing use of the Army Corps of Engineers' process for the Palo Alto area.

Council Member Kniss recalled the Army Corps of Engineers did not contribute anything to the first phase of the San Francisquito Creek flood protection project. She asked if the first report to the Council would not occur until December 2020.

Mr. Bobel remarked that the Council could provide Staff with a schedule for checking in with the Council. The Policy and Plan would become a component of Staff's Earth Day report to Council. A draft Plan would be available well in advance of the December 2020 timeframe.

Council Member Kniss wanted to see a Plan before December 2020.

Mr. Bobel envisioned Staff presenting information about tasks to the Council every six months.

Council Member Kniss inquired about Staff presenting a draft Plan for approval by June 2020.

Ms. Weiss felt that timeframe would be extremely difficult.

Council Member Kniss asked if Staff would check in with the Council every six months.

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Mr. Bobel replied yes.

Council Member Kniss asked if any action could be taken prior to the Council adopting the Plan.

Mr. Bobel advised that Staff would proceed with reduction of GHG and the SAFER project. Drafting zoning and building restrictions would require more time because stakeholders would want to provide input.

Mr. Eggleston added that the Plan would be subject to CEQA review.

Council Member DuBois suggested the draft Policy was somewhat technical, and plain language would be needed for community outreach. He inquired about the likelihood of constructing levees prior to their being needed.

Mr. Bobel indicated funding would be the issue, but the City should not rely solely on levees.

Council Member DuBois believed the Policy should emphasize the need for levees. He asked if Staff had a plan to protect the RWQCP.

Mr. Bobel indicated the Plan should address the RWQCP specifically.

Council Member DuBois felt Stanford University needed to participate by providing water retention upstream of Palo Alto. He wanted to understand the impact of saltwater intrusion on emergency water supplies.

Mayor Filseth requested the remedy for a high tide in conjunction with creek flooding.

Ms. Weiss responded a combination of levees, green stormwater infrastructure, and projects supported by the stormwater management fee.

Mr. Eggleston clarified that Staff included the life of the facility, sea level rise, and storm surge in planning recent projects.

Mayor Filseth noted zoning restrictions could severely limit construction in flood-prone areas.

MOTION PASSED: 7-0

State/Federal Legislation Update/Action

None

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Council Member Questions, Comments and Announcements

Council Member Kniss would provide a report on her attendance at the National League of Cities conference at the next Council meeting.

Adjournment: The meeting was adjourned in memory of the victims of the March 15, 2019 mass shootings in Christchurch, New Zealand at 8:39 P.M.