



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
May 20, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

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

Absent:

Special Orders of the Day

1. Introduction of Gunn High School BEAM Students.

NO ACTION TAKEN

2. Appointment of two Candidates to the Human Relations Commission, two Candidates to the Library Advisory Commission and Three Candidates to the Utilities Advisory Commission for Three-year Terms Ending May 31, 2022; one Candidate to the Utilities Advisory Commission for an Unfinished Term Ending May 31, 2021; and Three Candidates to the Storm Water Management Oversight Committee for Four-year Terms Ending May 31, 2023.

First Round of voting for two positions on the Human Relations Commission with terms ending May 31, 2022.

Voting For: Daryl Savage Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Voting For: Patricia Regehr Cormack, Fine, Kniss, Tanaka

Voting For: Adriana Stone DuBois, Filseth, Kou

Beth Minor, City Clerk announced that Daryl Savage with 7 votes and Patricia Regehr with 4 votes were appointed to the Human Relations Commission.

First Round of voting for two positions on the Library Advisory Commission with terms ending May 31, 2022.

Voting For: Alan Bennett

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Voting For: Kimberly Blanding Fine, Kniss, Tanaka

Voting For: Pancho Chang DuBois, Filseth, Fine, Kniss, Kou

Voting For: Nosheen Gothard

Voting For: Sarina Grewal

Voting For: Robert Moss Cormack, DuBois, Filseth, Kou, Tanaka

Voting For: Vidya Pradhan Cormack

Voting For: Susan Wolfe

Beth Minor, City Clerk announced that Pancho Chang with 5 votes and Robert Moss with 5 votes were appointed to the Library Advisory Commission.

First Round of voting for three positions on the Storm Water Management Oversight Committee with terms ending May 31, 2023.

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

Voting For: Claire Elliott Tanaka

Voting For: Marilyn Keller Cormack, DuBois, Filseth, Fine, Kniss, Kou

Voting For: Ron Owes DuBois, Fine, Kniss, Kou

Voting For: Richard Whaley Cormack, Filseth, Tanaka

Beth Minor, City Clerk announced that David Bower with 7 votes, Marilyn Keller with 6 votes, and Ron Owes with 4 votes were appointed to the Storm Water Management Oversight Committee.

First Round of voting for three positions on the Utilities Advisory Commission with terms ending May 31, 2022.

Voting For: Hogene Choi

Voting For: Rebecca Eisenberg

Voting For: Claude Ezran

Voting For: Robert Hinden

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Voting For: David Hsieh Filseth

Voting For: Donald Jackson Kou, Tanaka

Voting For: A.C. Johnston Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Voting For: Matthew McCullough Cormack

Voting For: Greg Scharff Cormack, DuBois, Filseth, Fine, Kniss, Tanaka

Voting For: Judith Schwartz Kniss

Voting For: Loren Smith DuBois, Fine, Kou

Beth Minor, City Clerk announced that A. C. Johnston with 7 votes and Greg Scharff with 6 votes were appointed to the Utilities Advisory Commission.

Second Round of voting for three positions on the Utilities Advisory Commission with terms ending May 31, 2022.

Voting For: Hogene Choi Kou

Voting For: Rebecca Eisenberg

Voting For: Claude Ezran

Voting For: Robert Hinden

Voting For: David Hsieh

Voting For: Donald Jackson Filseth, Tanaka

Voting For: Matthew McCullough

Voting For: Judith Schwartz

Voting For: Loren Smith Cormack, DuBois, Fine, Kniss

Beth Minor, City Clerk announced that Loren Smith with 4 votes was appointed to the Utilities Advisory Commission.

First Round of voting for one position on the Utilities Advisory Commission with a partial term ending May 31, 2021.

Voting For: Hogene Choi

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Voting For: Rebecca Eisenberg

Voting For: Claude Ezran

Voting For: Robert Hinden

Voting For: David Hsieh Filseth

Voting For: Donald Jackson DuBois, Fine, Kou, Tanaka

Voting For: Matthew McCullough Cormack

Voting For: Judith Schwartz Kniss

Beth Minor, City Clerk announced that Donald Jackson with 4 votes was appointed to the Utilities Advisory Commission.

Study Session

3. 788-796 San Antonio Road [19PLN-00079]: Prescreening Request to Amend the Zoning Code in Connection With a Proposed Mixed-use Housing Project Being Considered at the Subject Property That Includes 64 Housing Units (10 Below Market Rate Units) in a Four-story Building With Approximately 68,000 Square Feet. Requested Zoning Code Amendments Include: Extending the Housing Incentive Program and Other Incentives Related to Unit Density, Lot Coverage, Rooftop Gardens, and Parking Exceptions for CS Zoned Properties Adjacent to San Antonio Avenue Between Middlefield Road and East Charleston Avenue; Amending the Definition of Gross Floor Area; and Adjustments to Retail Preservation Requirements. No Formal City Council Action Will be Taken at This Meeting. Environmental Assessment: Not a Project; any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA). Zoning District: CS (Service Commercial).

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None.

Minutes Approval

4. Approval of Action Minutes for the May 6, 2019 Council Meeting.

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MOTION: Council Member Kniss moved, seconded by Mayor Filseth to approve the Action Minutes for the May 6, 2019 Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Vice Mayor Fine to approve Agenda Item Numbers 5-9.

5. Adoption of an Ordinance Amending Title 16 (Building Regulations) of the Palo Alto Municipal Code to Require Management of PCBs During Building Demolition in Compliance With the Municipal Regional Stormwater Permit.
6. Resolution 9832 Entitled "Resolution of the Council of the City of Palo Alto Adopting the 2019 San Francisco Bay Area Integrated Regional Water Management Plan."
7. Approval of Contract Number C19174910 With JJR Construction Inc., in the Amount of \$1,250,993 for the 2019 Sidewalk, Curb and Gutter Repairs Project, Capital Improvement Program Projects PO-89003 and PO-12001; Authorization for the City Manager or his Designee to Negotiate and Execute Related Change Orders Not-to-Exceed \$125,099 in Total Value; and Approval of a Budget Amendment in the Capital Improvement Fund.
8. Resolution 9833 Entitled "Resolution of the Council of the City of Palo Alto of the City Council Expressing Appreciation to Ron Arp Upon his Retirement."
9. Adoption of an Ordinance Amending Title 12 of the Palo Alto Municipal Code to Set a 120 Day Statute of Limitations for Challenges to the City's Gas Rates.

MOTION PASSED: 7-0

Action Items

10. Adoption of: (1) a Resolution 9834 Entitled "Resolution of the Council of the City of Palo Alto of Intent," and (2) an Ordinance to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto to Implement the Share of Employer Contribution in Accordance With Section 20516 of the California Government Code, and the

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Memorandum of Agreement Between the City of Palo Alto and Utilities Management and Professional Association of Palo Alto (UMPAPA).

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

- A. Adopt a Resolution of Intent to amend the contract between the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto in order to implement the pension cost share provision in accordance with California Government Code section 20516 and the Memorandum of Agreement between the City of Palo Alto and Utilities Management and Professional Association of Palo Alto (UMPAPA); and
- B. Adopt, on first reading, the attached Ordinance amending the City's contract with CalPERS. This Ordinance will return to the Council on second reading in accordance with state law.

MOTION PASSED: 7-0

Council took a break at 7:12 P.M. and returned at 7:21 P.M.

- 11. Discussion of Airplane Noise and Community Impacts; Direction to Staff Regarding the Star Pirat 2 Procedure Announced by the Federal Aviation Administration (FAA) on April 25, 2019.

MOTION: Council Member Kou moved, seconded by Vice Mayor Fine to direct Staff:

- A. To schedule a closed session on or by June 10th, that Staff comes prepared with all relevant information to discuss legal options;
- B. Request a tolling agreement from the FAA to stop the shot clock until we get answers on the impacts of PIRAT2 over Palo Alto, Menlo Park, EPA, Los Altos, Mountain View, and Stanford; and
- C. Advocate for the agreement to the Select Committee's recommendation and restated by Council in the May 17, 2018 meeting motion to, whenever able, increase the altitude of aircraft over the Peninsula as long as the change is applied across the whole flight path (including vectored path) and does not result in additional concentration, higher speeds, more speed brakes, or higher aircraft volume over Palo Alto.

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to explore engaging a new lobbyist who specializes in this topic.

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AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 7-0

MOTION: Council Member Tanaka moved, seconded by Council Member Kou to direct Staff to work with our existing lobbyist to add expertise in the aviation industry.

INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER to change "add expertise" to "ensure appropriate expertise."

MOTION RESTATED: Council Member Tanaka moved, seconded by Council Member Kou to direct Staff to work with our existing lobbyist to ensure appropriate expertise in the aviation industry.

MOTION FAILED: 3-4 Cormack, Kou, Tanaka yes

State/Federal Legislation Update/Action

None.

Closed Session

12. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Properties: (1) 321 California Avenue (APN 124-33-001); (2) 361 California Avenue (APN 124-33-029); (3) 341 California Avenue (APN 124-33-030); and (4) 2453 Ash Street (APN 124-33-027)
Agency Negotiators: Ed Shikada, Brad Eggleston
Negotiating Parties: City of Palo Alto; and (1) D.H. and M.A. Edwards Company for 321 California Ave, (2) 361 California Ave, LP for 361 California Ave, (3) 341 Cal Partners LLC for 341 California Ave, and (4) Ash Street Partners LP for 2453 Ash Street Under Negotiation: Price and Terms of Payment for Subsurface Easements Related to Construction of the California Avenue Garage Authority: Government Code Section 54956.8.

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

MOTION PASSED: 7-0

Council went into Closed Session at 9:19 P.M.

Council returned from Closed Session at 9:27 P.M.

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Mayor Filseth announced no reportable action.

Adjournment: The meeting was adjourned at 9:27 P.M.