



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
December 9, 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, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

## Special Orders of the Day

1. Proclamation Honoring Donatus "Dee" Okhomina.
2. Proclamation Honoring Project Safety Net's 10 Year Anniversary.

## Rail Communications Update

3. Rail Grade Separation Updates: Report and Possible Direction on Communications and Community Engagement and Previously Proposed Rail Blue Ribbon Commission, and Verbal Update From the Expanded Community Advisory Panel (XCAP).

Council took a break at 5:58 P.M. and returned at 6:03 P.M.

AT THIS TIME COUNCIL TOOK UP AGENDA ITEM NUMBER 4.

## Study Session

4. Study Session With Santa Clara County Supervisor Joe Simitian.

AT THIS TIME COUNCIL RESUMED DISCUSSION ON AGENDA ITEM NUMBER 3.

## Rail Communications Update

3. Rail Grade Separation Updates: Report and Possible Direction on Communications and Community Engagement and Previously Proposed Rail Blue Ribbon Commission, and Verbal Update From the Expanded Community Advisory Panel (XCAP).

# ACTION MINUTES

**MOTION:** Vice Mayor Fine moved, seconded by Council Member Cormack to eliminate consideration of the Rail Blue Ribbon Commission (RBRC).

**MOTION PASSED:** 7-0

Council took a break at 7:40 P.M. and returned at 7:48 P.M.

## Consent Calendar

Council Member Kniss advised she would not be participating in Agenda Item Number 8A due to owning an apartment property.

Council Member Tanaka registered a no vote on Agenda Item Number 6.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou to approve Agenda Item Numbers 4-8A.

5. Approval of a License Agreement With PTI US Towers II, LLC for Continued Operation of Telecommunications Facilities on a City-owned Property Located at 2675 Hanover Street.
6. Approval of Amendment Number 2 to Contract Number S16161854 With Tandem Creative Inc. for Graphic Design and Public Outreach Services to Extend the Contract Term With no Increase in Maximum Compensation.
7. Approval of Amendment Number 2 to the Agreement With Palo Alto Unified School District (PAUSD) for PAUSD Athletic Field Brokering and Maintenance Cost-sharing to Extend the Term to December 2021 With an Optional Mutual Extension for an Additional Two Years.
8. Approval of an Agreement With the Peninsula Corridor Joint Powers Board in the Amount of \$112,176 for the 2020 Caltrain Go Pass Program.
- 8A. Colleagues' Memo From Council Members DuBois and Kou Regarding Potential Adoption of an Urgency Ordinance to Provide Just Cause Eviction Protections to Tenants Until California State Assembly Bill 1482 Takes Effect on January 1, 2020 (Continued From December 2, 2019).

**MOTION PASSED FOR AGENDA ITEM NUMBER 5, 7, and 8:** 7-0

**MOTION PASSED FOR AGENDA ITEM NUMBERS 6:** 6-1 Tanaka no

**MOTION PASSED FOR AGENDA ITEM NUMBER 8A:** 6-0 Kniss recused

# ACTION MINUTES

## Action Items

9. Council Direction on Scope of Review for Procedures and Protocols Related to Boards and Commissions.

**MOTION:** Council Member DuBois moved, seconded by Mayor Filseth to direct the ad-hoc committee to work with Staff on the issues listed in the Staff Report, including additional items raised by Council, for processes from recruitment through serving and working with Council.

**MOTION PASSED:** 5-2 Kniss, Tanaka no

10. Colleagues' Memo From Council Members Cormack, Fine, and Tanaka Regarding Anti-vaping Measures.

**MOTION:** Council Member Tanaka moved, seconded by Council Member Cormack to direct Staff to return to Council with the following:

- A. An ordinance prohibiting the sale and distribution of all electronic cigarettes, in alignment with the County of Santa Clara's recent approach, with as few exemptions as possible;
- B. Avenues identified to support legislation making it harder for minors to successfully order electronic cigarette products online (e.g. needing a signature of a 21-year-old at delivery);
- C. An update on the County's recent enforcement activities of the existing Tobacco Retail Permit Ordinance; and
- D. Suggested funding as needed after the Community Meeting in January 2020.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion a new Part E to state, "investigate possible disincentives and/or fines for vaping in public".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Motion Part C to state, "provide a yearly update on the enforcement activities of the existing Tobacco Retail Permit Ordinance".

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the language in the Motion Part A to state, "electronic cigarettes and flavored tobacco products...".

# ACTION MINUTES

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion a new Part F to state, “work with PAUSD through the City/School Liaison Committee to reduce youth vaping”.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion a new Part G to state, “recommend appropriate disposal methods and education for electronic cigarettes”.

**MOTION AS AMENDED RESTATED:** Council Member Tanaka moved, seconded by Council Member Cormack to direct Staff return to Council with the following:

- A. An ordinance prohibiting the sale and distribution of all electronic cigarettes and flavored tobacco products, in alignment with the County of Santa Clara’s recent approach, with as few exemptions as possible;
- B. Avenues identified to support legislation making it harder for minors to successfully order electronic cigarette products online (e.g. needing a signature of a 21-year-old at delivery);
- C. A yearly update on the enforcement activities of the existing Tobacco Retail Permit Ordinance;
- D. Suggested funding as needed after a Community Meeting in January 2020;
- E. Investigative results of disincentives and/or fines for vaping in public;
- F. Work done with PAUSD through the City/School Liaison Committee to reduce youth vaping; and
- G. Recommendation of appropriate disposal methods and education for electronic cigarettes.

**MOTION AS AMENDED PASSED: 7-0**

# ACTION MINUTES

## Closed Session

### 11. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8

Properties: (1) 2416-2460 Park Boulevard (APN 124-29-002); and  
(2) 249-251 California Avenue (APN 124-29-007);

Negotiating Parties: City of Palo Alto; and (1) Marthe Raymann,  
as Successor Trustee of The Alois and Marthe Raymann Trust  
Dated July 17, 1991; and (2) Duca and Hanley Properties, Inc.,  
a Corporation;

City Negotiators: Ed Shikada, Monique le Conge Ziesenhenné,  
Brad Eggleston, Kiely Nose, and Sunny Tong

Subject of Potential Negotiations: Price and Terms of Payment for  
Subsurface Easements Related to Construction of the Public Safety  
Building at 250 Sherman Avenue.

**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 10:49 P.M.

Council returned from Closed Session at 11:00 P.M.

Mayor Filseth announced no reportable action.

Adjournment: The meeting was adjourned at 11:01 P.M.