



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

May 21, 2018

**The Honorable City Council
Attention: Finance Committee
Palo Alto, California**

Approval of Action Minutes for the May 7, 2018 Council Meeting

Staff is requesting Council review and approve the attached Action Minutes.

ATTACHMENTS:

- Attachment A: 05-07-18 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting
May 7, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:04 P.M.

Present: DuBois, Filseth, Fine; Holman arrived at 6:08 P.M., Kniss, Kou, Tanaka, Wolbach

Absent: Scharff

Special Orders of the Day

1. Proclamation Recognizing Public Employees and Individual Service Accomplishments in Alignment With National Public Service Recognition Week, May 6-12, 2018.
2. Appointment of Three Candidates to the Public Art Commission and two Candidates to the Utilities Advisory Commission for Three-year Terms Ending May 31, 2021.

First Round of voting for three positions on the Public Art Commission with terms ending May 31, 2021.

Voting For: Djibril Drame

Voting For: Loren Gordon

DuBois, Filseth, Fine, Holman, Kniss, Kou, Tanaka, Wolbach

Voting For: Bonnie Hall

Filseth

Voting For: Yeuen Kim

Tanaka

Voting For: Ian Klaus

DuBois, Fine, Holman, Kou, Tanaka, Wolbach

Voting For: Shannon McEntee

Fine, Kniss, Wolbach

Voting For: Ben Miyaji

DuBois, Filseth, Holman, Kniss, Kou

Voting For: Simcha Moyal

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Beth Minor, City Clerk announced that Loren Gordon with 8 votes, Ian Klaus with 6 votes, and Ben Miyaji with 5 votes were appointed to the Public Art Commission.

First Round of voting for two positions on the Utilities Advisory Commission with terms ending May 31, 2021.

Voting For: Arne Ballantine

DuBois, Filseth, Fine, Holman, Kniss, Kou, Wolbach

Voting For: Mike Danaher

DuBois, Filseth, Fine, Holman, Kniss, Kou, Wolbach

Voting For: Claude Ezran

Voting For: Robert Hinden

Voting For: Howard Hoffman

Voting For: Yunteng Huang

Tanaka

Voting For: Kamlesh Oza

Voting For: Curtis Smolar

Voting For: Rajesh Srinivasaraghavan

Voting For: Henry Wong

Tanaka

Ms. Minor announced that Arne Ballantine with 7 votes and Mike Danaher with 7 votes were appointed to the Utilities Advisory Commission.

Agenda Changes, Additions and Deletions

MOTION: Vice Mayor Filseth moved, seconded by Council Member Wolbach to pull Agenda Item Number 3- Approval of the City of Palo Alto's Addendum to the Negative Declaration Adopted by the City of East Palo Alto... to be heard as Agenda Item Number 6A.

MOTION PASSED: 8-0 Scharff absent

MOTION: Vice Mayor Filseth moved, seconded by Council Member Wolbach to continue Agenda Item 9- PUBLIC HEARING: Finance Committee Recommends Adoption of an Ordinance Amending Title 16 of the Palo Alto Municipal Code... to August 13, 2018.

MOTION PASSED: 8-0 Scharff absent

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Consent Calendar

Council Members Holman and Kou registered no votes on Agenda Item Number 6- Ordinance 5438 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Title 18 (Zoning) to add a new Chapter 18.30(J) (Affordable Housing Combining District)..."

MOTION: Council Member DuBois moved, seconded by Council Member Fine to approve Agenda Item Numbers 4-6 with changes to Agenda Item Number 4 as outlined in the at place Staff Memorandum and to Agenda Item Number 6 as outlined by the City Attorney.

3. ~~Approval of the City of Palo Alto's Addendum to the Negative Declaration Adopted by the City of East Palo Alto, and Approval of an Agreement for the Permanent Transfer of a Portion of the City of Palo Alto's Individual Supply Guarantee to the City of East Palo Alto.~~
4. Authorize the City Manager or his Designee to Amend the Contract With WatchGuard Video for the Purchase of 50 Body-worn Cameras for the Field-based Video Program in a Not-to-Exceed Amount of \$110,000 and Approve a Budget Amendment in the Law Enforcement Services Fund.
5. Approval of a Three-year Contract With Northwest Woodland Services, Inc. in an Amount Not-to-Exceed \$657,278 for Trail Maintenance in the Palo Alto Baylands, Pearson-Arastradero Preserve, Foothills Park, and Grounds Maintenance in Utility Reservoir Sites.
6. Ordinance 5438 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Title 18 (Zoning) to add a new Chapter 18.30(J) (Affordable Housing Combining District) to Promote the Development of 100 Percent Affordable Housing Projects Located Within One-half Mile of a Major Transit Stop or One-quarter Mile of a High-quality Transit Corridor by Providing Flexible Development Standards and Modifying the Uses Allowed in the Commercial Districts and Sub-districts. California Environmental Quality Act (CEQA): This Ordinance is Within the Scope of the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution Nos. 9720 and 9721 (FIRST READING: April 9, 2018 PASSED: 7-2 Holman, Kou no)."

MOTION FOR AGENDA ITEM NUMBERS 4-5 PASSED: 8-0 Scharff absent

MOTION FOR AGENDA ITEM NUMBER 6 PASSED: 6-2 Holman, Kou no, Scharff absent

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Action Items

- 6A. (Former Agenda Item Number 3) Approval of the City of Palo Alto's Addendum to the Negative Declaration Adopted by the City of East Palo Alto, and Approval of an Agreement for the Permanent Transfer of a Portion of the City of Palo Alto's Individual Supply Guarantee to the City of East Palo Alto.

MOTION: Vice Mayor Filseth moved, seconded by Council Member DuBois to:

- A. Approve the Addendum, together with the Negative Declaration for the Transfer of Individual Supply Guarantee under the San Francisco Public Utility Commission Water Supply Agreement (ND) adopted by the City of East Palo Alto as the California Environmental Quality Act (CEQA) lead agency on June 20, 2017, as adequate and complete under CEQA for the project described below; and
- B. Approve and authorize the City Manager or his designee to execute the Permanent Transfer of a Portion of an Individual Supply Guarantee (ISG) from the City of Palo Alto to the City of East Palo.

MOTION PASSED: 7-1 Tanaka no, Scharff absent

7. PUBLIC HEARING: Finance Committee Recommends Adoption of the Fiscal Year 2018-19 Action Plan and Associated 2018-19 Funding Allocations and Resolution 9755 Entitled, "Resolution of the Council of the City of Palo Alto Approving the use of Community Development Block Grant Funds for Fiscal Year 2018-19 Consistent With the Human Relations Commission's Recommendation."

Public Hearing opened at 8:31 P.M.

Public Hearing closed at 8:32 P.M.

MOTION: Vice Mayor Filseth moved, seconded by Council Member Kou to:

- A. Adopt a Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft Fiscal Year 2018-2019 Action Plan and as described in the Staff Report;
- B. Allocate CDBG funding as recommended in the draft Fiscal Year 2018-2019 Action Plan and as described in the Staff Report including the contingency plan policies recommended by the Finance Committee;

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- C. Authorize the City Manager to execute the Fiscal Year 2018-2019 CDBG application and Fiscal Year 2018-2019 Action Plan for CDBG funds, any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds; and
- D. Authorize staff to submit the Fiscal Year 2018-2019 Action Plan to the United States Department of Housing and Urban Development (HUD) by the May 15, 2018 deadline.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part B, "reallocating \$5,000 from minor home repairs to the Downtown Streets Team."

MOTION AS AMENDED RESTATED: Vice Mayor Filseth moved, seconded by Council Member Kou to:

- A. Adopt a Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft Fiscal Year 2018-2019 Action Plan and as described in the Staff Report;
- B. Allocate CDBG funding as recommended in the draft Fiscal Year 2018-2019 Action Plan and as described in the Staff Report including the contingency plan policies recommended by the Finance Committee, reallocating \$5,000 from minor home repairs to the Downtown Streets Team;
- C. Authorize the City Manager to execute the Fiscal Year 2018-2019 CDBG application and Fiscal Year 2018-2019 Action Plan for CDBG funds, any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds; and
- D. Authorize staff to submit the Fiscal Year 2018-2019 Action Plan to the United States Department of Housing and Urban Development (HUD) by the May 15, 2018 deadline.

MOTION AS AMENDED PASSED: 8-0 Scharff absent

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8. Policy and Services Committee and Staff Recommendations on Next Steps Related to Airplane Noise (Continued From April 9, 2018).

MOTION: Council Member Kou moved, seconded by Council Member DuBois to direct the Mayor to regularly assign one or more Council Members to actively participate on available community roundtables related to aircraft impacts; and direct Staff to:

- A. Request temporary noise monitoring from San Francisco International Airport (SFO);
- B. Provide support to Palo Alto Council Members participating on available community roundtables related to aircraft impacts;
- C. Continue to include the health impacts of aircraft noise and emissions in the City's regional, state and federal legislative priorities and engage with policy makers and associated advocacy groups as appropriate;
- D. Include in the above efforts Palo Alto's support for:
 - i. Improvements to SFO's Fly Quiet Program;
 - ii. Adherence to the agreement to, whenever able, increase the altitude of aircraft over the Peninsula;
 - iii. Maximizing the use of the BDEGA East Arrival route to SFO when possible;
 - iv. Collaboration with other jurisdictions to develop a regional position in support system-wide solutions by the Federal Aviation Administration (FAA);
 - v. Development of a noise-monitoring plan in concert with other jurisdictions;
 - vi. Maximizing sequencing under current conditions and prioritizing the application of air traffic control technology to improve sequencing and aircraft management to minimize community impacts;
 - vii. Adoption of improved metrics for airplane noise and related impacts;
 - viii. Greater community engagement by the FAA, SFO and the San Jose International Airport (SJC); and

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- E. Hire a technical consultant to assist with a fast track process by the end of June 2018 to include both a qualify phase and a legal filing phase and to allow the City, if necessary, to file a complaint within 60 days of FAA implementing a change;
- F. Draft a letter to the FAA and congressional representatives in response to the FAA Update on Phase Two report from November 2017 and April 2018 and correct the Staff Report that the City follow Anna Eshoo's 2000 agreement regarding the 5,000 foot minimum height for MENLO; and
- G. Remove from the Staff Report, "therefore, while this solution demonstrates a willingness on the part of the FAA to mitigate impacts on the Peninsula, it is not likely to produce any improvement from the current state (since it is already being utilized) and, instead, will likely shrink in value over time as a mitigating solution – at least with respect to daytime noise."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Motion Parts E-G with, "plan a litigation strategy in support of legislative change and investigate the best approach for filing a timely lawsuit within 60 days of an appropriate new event:

- i. Work on forming a multi-city legal alliance;
 - ii. Define a process to monitor FAA flight path changes; and
 - iii. Evaluate retaining Kaplan Kirsch or another legal expert."
- (New Part E)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "develop a system to evaluate and respond to the FAA Update on Phase Two, November 2017 and April 2018 and future FAA Reports." (New Part F)

MOTION AS AMENDED RESTATED: Council Member Kou moved, seconded by Council Member DuBois to direct the Mayor to regularly assign one or more Council Members to actively participate on available community roundtables related to aircraft impacts; and direct Staff to:

- A. Request temporary noise monitoring from San Francisco International Airport (SFO);
- B. Provide support to Palo Alto Council Members participating on available community roundtables related to aircraft impacts;

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- C. Continue to include the health impacts of aircraft noise and emissions in the City's regional, state and federal legislative priorities and engage with policy makers and associated advocacy groups as appropriate;
- D. Include in the above efforts Palo Alto's support for:
 - i. Improvements to SFO's Fly Quiet Program;
 - ii. Adherence to the agreement to, whenever able, increase the altitude of aircraft over the Peninsula;
 - iii. Maximizing the use of the BDEGA East Arrival route to SFO when possible;
 - iv. Collaboration with other jurisdictions to develop a regional position in support system-wide solutions by the Federal Aviation Administration (FAA);
 - v. Development of a noise-monitoring plan in concert with other jurisdictions;
 - vi. Maximizing sequencing under current conditions and prioritizing the application of air traffic control technology to improve sequencing and aircraft management to minimize community impacts;
 - vii. Adoption of improved metrics for airplane noise and related impacts;
 - viii. Greater community engagement by the FAA, SFO and the San Jose International Airport (SJC);
- E. Bring to Council as fast as possible a plan for a litigation strategy in support of procedural changes affecting Palo Alto and investigate the best approach for filing timely lawsuits within 60 days of an appropriate new event:
 - i. Work on forming a multi-city legal alliance;
 - ii. Define a process to monitor FAA flight path changes;
 - iii. Evaluate retaining technical and legal expertise; and
- F. Develop a system to evaluate and respond to the FAA Update on Phase Two report, November 2017 and April 2018 and future FAA Reports.

MOTION AS AMENDED PASSED: 8-0 Scharff absent

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9. ~~PUBLIC HEARING: Finance Committee Recommends Adoption of an Ordinance Amending Title 16 of the Palo Alto Municipal Code by Establishing an Updated Citywide Transportation Impact Fee and Indefinitely Suspending Application of the Existing Area specific Transportation Impact Fees for the Stanford Research Park/El Camino Real CS Zone and the San Antonio/West Bayshore Area, and Amending the Municipal Fee Schedule to Update the City's Transportation Impact Fees in Accordance With These Changes, all in Furtherance of Implementation of the Comprehensive Plan. The Citywide Transportation Impact Fee is a One-time fee on new Development and Redevelopment Throughout Palo Alto to Fund Transportation Improvements to Accommodate and Mitigate the Impacts of Future Development in the City. This Ordinance is Within the Scope of the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution No. 9720.~~

This Agenda Item continued to August 13, 2018.

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 11:17 P.M.