



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

September 10, 2018

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

Approval of Action Minutes for the August 20 2018 Council Meeting

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

ATTACHMENTS:

- Attachment A: 08-20-18 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting
August 20, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:38 P.M.

Present: DuBois, Filseth; Fine arrived at 7:38 P.M., Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Participating remotely: Tanaka participating from Percolata 16F, Maple Plaza, Nanhai Road, Nanshan, Shenzhen 518052, China

Absent:

Agenda Changes, Additions and Deletions

None.

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 1- Approval of Contract Number C18171695 With Kone, Inc....

MOTION: Vice Mayor Filseth moved, seconded by Council Member Scharff to approve Agenda Item Numbers 1-4, 6.

1. Approval of Contract Number C18171695 With Kone, Inc. in an Amount Not-to-Exceed \$687,760 for the Modernization of the two Elevators Located at the Cowper/Webster, Lot J, Parking Garage, Funded in the Capital Improvement Project PF-18000.
2. Approval of Mitigation Measures Minimizing Risk of Wildfires From Overhead Electrical Lines Within the Foothills Area West of Highway 280.
3. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2018.
4. Policy and Services Committee Recommendation to Accept the ERP Planning: Information Technology and Data Governance Audit.

DRAFT ACTION MINUTES

6. Approval of Amendment Number 5 to the Palo Alto-Stanford Fire Protection Agreement With the Board of Trustees of the Leland Stanford Junior University Extending the Term to June 30, 2018 for an Additional fee of \$6,773,624.

MOTION FOR AGENDA ITEM NUMBER 1 PASSED: 7-1 Tanaka no, Fine absent

MOTION FOR AGENDA ITEM NUMBERS 2-4, 6: 8-0 Fine absent

Action Items

5. Adoption of a Resolution Supporting the Objective of the State Water Resources Control Board's Bay Delta Plan and a Negotiated Voluntary Settlement of Water Issues on the Tuolumne River.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to support the State Water Resources Control Board's Bay Delta Plan to have 40 percent of natural water in the Central Valley to enter the Delta from February to June and associated Southern Delta salinity objectives; and send a letter expressing this policy position to Bay Area Water Supply and Conservation Agency (BAWSCA), California State Water Resources Control Board, San Francisco Public Utilities Commission (SFPUC), and other stakeholders Staff believes should receive the letter.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "have 40 percent of natural water in the Central Valley" with "have 30-50 percent of natural water in the San Joaquin Valley."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace "natural water" with "unimpaired flow."

MOTION AS AMENDED RESTATED: Council Member Scharff moved, seconded by Vice Mayor Filseth to support the State Water Resources Control Board's Bay Delta Plan to have 30-50 percent of unimpaired flow in the San Joaquin Valley to enter the Delta from February to June and associated Southern Delta salinity objectives; and send a letter expressing this policy position to Bay Area Water Supply and Conservation Agency (BAWSCA), California State Water Resources Control Board, San Francisco Public Utilities Commission (SFPUC), and other stakeholders Staff believes should receive the letter.

MOTION AS AMENDED PASSED: 9-0

DRAFT ACTION MINUTES

At this time Council heard Agenda Item Numbers 8-10.

8. Approval of Agreements Between the City of Palo Alto and the Board of Trustees of the Leland Stanford Junior University: 1) Agreement for Fire Protection Services to Stanford University for the Period July 1, 2018 – June 30, 2023; and 2) Settlement Agreement for Overpayment Claim by Stanford University Regarding Fire Protection Services.

MOTION: Council Member Scharff moved, seconded by Council Member Wolbach to approve:

- A. The settlement of a claim by Stanford University for prior overpayment (“Settlement Agreement”), through payment by the City to Stanford University in the amount of \$5.5 million and credit for termination of prior agreement apparatus value; and
- B. The Palo Alto-Stanford Fire Protection Agreement for the provision of Fire Protection Services by the City to the Stanford University campus (“Agreement for Services”) for the period of July 1, 2018 to June 30, 2023, to automatically renew to June 30, 2028 unless terminated by either party.

MOTION PASSED: 9-0

9. Approval of Employment Agreement With Edward Shikada as City Manager.

MOTION: Mayor Kniss moved, seconded by Council Member Kou to approve an employment agreement with Edward Shikada providing for his employment as City Manager for the City of Palo Alto effective December 20, 2018 or the date of retirement of current City Manager James R. Keene, Jr., whichever is sooner.

MOTION SEPARATED FOR THE PURPOSE OF VOTING

MOTION1: Mayor Kniss moved, seconded by Council Member Kou to approve Edward Shikada as City Manager for the City of Palo Alto effective December 20, 2018 or the date of retirement of current City Manager James R. Keene, Jr., whichever is sooner.

MOTION1 PASSED: 9-0

MOTION2: Mayor Kniss moved, seconded by Council Member Fine to approve an employment agreement with Edward Shikada.

DRAFT ACTION MINUTES

SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member XX to approve an employment agreement with Edward Shikada, separating compensation into a salary component and a potential performance bonus component.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION2 PASSED: 8-1 Tanaka no

10. Adoption of: (1) a Resolution 9789 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 Compensation Plan Between the City of Palo Alto and the Management and Professional Personnel and Council Appointees.

MOTION: Mayor Kniss moved, seconded by Council Member Wolbach to:

- A. Adopt a Resolution of Intention of the Council of the City of Palo Alto stating its 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 Compensation Plan between the City of Palo Alto and the Management and Professional Personnel (MGMT) employee group; and
- B. Adopt, on first reading, an 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: 9-0

Agenda Item Number 11- Review and Comment on the Letter Sent to the Santa Clara County Board of Supervisors... removed from the Agenda.

7. PUBLIC HEARING/QUASI-JUDICIAL: Consideration of the Appeal of the Planning and Community Environment Director's Decision to Approve the Architectural Review Application for 620 Emerson Street (17PLN-00331) to Allow Demolition of an Existing Single Story Building and Construction of a new Two-story 4,063 Square Foot Commercial Building for the Expansion of Nobu Restaurant. The Project Includes Replacement of Three On-site Parking Spaces With Five In-lieu Spaces in the Downtown Parking Assessment District. Environmental Assessment: Exempt From the Provisions of the California

DRAFT ACTION MINUTES

Environmental Quality Act (CEQA) per Guideline Section 15303 (New Construction) Zoning District: CD-C(GF)(P) (Downtown Commercial) (Continued From June 4, 2018).

Public Hearing opened at 10:32 P.M.

Public Hearing closed at 10:55 P.M.

MOTION: Council Member Fine moved, seconded by Council Member Scharff to adopt a Record of Land Use Action, thereby denying the appeal, upholding the Director's approval of an Architectural Review application and finding the proposed project exempt from review under the California Environmental Quality Act.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to ensure appropriate protections are in place during construction to protect adjacent properties, with special focus on historic tile on the property to the South." (New Part C)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part C, "with special focus on historic tile on the property to the South."

MOTION AS AMENDED RESTATED: Council Member Fine moved, seconded by Council Member Scharff to:

- A. Adopt a Record of Land Use Action, thereby denying the appeal, upholding the Director's approval of an Architectural Review application;
- B. Find the proposed Project exempt from review under the California Environmental Quality Act; and
- C. Direct Staff to ensure appropriate protections are in place during construction to protect adjacent properties.

MOTION AS AMENDED PASSED: 8-1 Kou no

- ~~11. Review and Comment on the Letter Sent to the Santa Clara County Board of Supervisors Regarding the Stanford General Use Plan (GUP).~~

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 11:39 P.M.