



CITY COUNCIL SUMMARY MINUTES

Regular Meeting
December 18, 2023

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:30 P.M.

Present In Person: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Present Remotely:

Absent:

Call to Order

Mayor Kou called the meeting to order. Roll was taken with seven present.

Special Orders of the Day

1. Resolution Expressing Appreciation to Matt Raschke Upon His Retirement

Public Works Director Brad Eggleston expressed his appreciation to Mr. Matt Raschke for his service. He discussed his history and some of his accomplishments and stated that he would be missed. He wished him many new and exciting adventures in his retirement. He acknowledged his wife, Tanya, and his son.

Council Member Burt read the resolution for Mr. Matt Raschke. Mr. Raschke was recognized by his peers and City staff for being professional, knowledgeable, dependable, and a team player. The City Council of the City of Palo Alto gratefully recorded and extended its sincere appreciation to him for his dedication and excellent service rendered to the City.

MOTION: Council Member Burt moved, seconded by Mayor Kou to adopt a resolution expressing appreciation to Matt Raschke upon his retirement.

Mayor Kou was impressed with and appreciated his management of projects and his knowledge, communication skills, and engagement with stakeholders. She stated he would be greatly missed. She thanked him for his service and wished him the best and joy in his new adventures.

MOTION PASSED: 7-0

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Mayor Kou invited Mr. Raschke to the dais for a picture with Council.

2. Proclamation Honoring Bob Moss for his Service to the City of Palo Alto

No action taken.

Mayor Kou delivered the proclamation for Mr. Bob Moss and itemized his accomplishments. On behalf of City Council, she commended and honored his many decades of devotion, instructional knowledge, and service to the City.

Bob Moss appreciated Council giving him the award. He noted that he had been involved with Palo Alto for over 50 years. He thought it was important that individuals communicate issues and benefits received from being in Palo Alto and to work together in the community to make things better. He acknowledged that his wife, Harriet, sons, and granddaughter were present to appreciate Council's kindness. He thought it was important that people not come to Palo Alto and do nothing but that they be involved with the neighborhood, the community, and the entire environment. He mentioned it had been a pleasure living in Palo Alto and working with the community, City Council, and Council staff. He thanked Council for their consideration.

Mayor Kou expressed her gratitude and thanked him for his work. She asked him to continue his efforts. She appreciated that he not only talked about issues but that he actually took action. She invited him and his family to the dais for a photo.

- AA1. Proclamation Honoring Herb Borock for his Service to the City of Palo Alto

No action taken.

Mayor Kou recited the proclamation for Mr. Herb Borock and detailed his achievements and ongoing efforts. On behalf of the City Council, she commended and honored his many decades of devotion, institutional knowledge, and service to the City. She thanked him for all his work.

Herb Borock thanked Mayor Kou. He spoke of his history in Palo Alto and the community and organizing in relation to community, regional, statewide, national, and international changes. He appreciated the commendation. He voiced that being present at the meeting with Mr. Bob Moss was an honor.

Council Member Lauing remarked that he looked forward to Mr. Borock's comments in meetings because he was well-informed concerning the issues he spoke to. He thought he was the perfect example of the right kind of public commenter and active citizen. He thanked him for his work and hoped to keep seeing him at meetings.

Mayor Kou thanked him for safeguarding the preservation of democracy and requested he continue his work. She invited him to the dais for a picture.

Closed Session

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3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8

Property: 4000 Middlefield Road, Palo Alto (Cubberley Community Center)

Negotiating Party: Palo Alto Unified School District

City Negotiators: (Ed Shikada, Kiely Nose, Chantal Cotton Gaines, Kristen O'Kane, Sunny Tong)

Subject of Negotiations: Purchase and Lease, Price and Terms of Payment

Public Comment

Ken H. indicated that he had spoken about Cubberley many times, and he encouraged Council to take action and make a decision, whatever it may be. He stated that Palo Alto deserved a modern, up-to-date community center. He discussed the City paying rent to PAUSD.

Mark W. thought rights should be assigned to the Cubberley Alumni Association to let them decide what should be done. He did not think this item should be discussed in a closed session, but openly. He thanked Council for their service.

MOTION: Mayor Kou moved, seconded by Council Member Lauing to go into Closed Session.

MOTION PASSED: 7-0

Council went into Closed Session at 6:03 P.M.

Council returned from Closed Session at 6:40 P.M.

Mayor Kou reconvened the meeting.

Mayor Kou announced no reportable action.

Agenda Changes, Additions and Deletions

City Manager Ed Shikada announced there were no agenda changes. He noted that with the amended agenda staff had added a supplemental memo to Item 22 that provided the summary of a P&S Committee discussion.

Public Comment

Peter B. stated he was concerned how Palo Alto might address the future of housing development in the city. He opined that the City needed to activate a proactive process of selecting projects, describing the priorities for development, and defining program objectives. He suggested there be a development office to manage the State-mandated efforts.

David H. discussed the 10-unit project at the Encina parking lot, and he provided suggestions to possibly allow 150 units on the lot. He indicated that a development office was needed.

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Noel S. requested a resolution be considered and passed calling for immediate ceasefire in the Middle East and Gaza. He discussed the Geneva Convention and control of borders.

Syed discussed why he wanted Council to agendize a resolution calling for a ceasefire in Gaza.

Abdullah A. asked Council to push for a ceasefire resolution to facilitate hostage release.

Aatif S. petitioned Council and Palo Alto citizens to add the ceasefire resolution to the agenda.

Fadi A. urged Council to add to the agenda a resolution for an immediate ceasefire for the release of hostages.

Mike F. agreed with the prior speaker. He discussed war not benefitting anyone. He spoke of his opposition of toilet to tap, a bill that he indicated was being considered.

Bassel O. (Zoom) urged Council to support an immediate ceasefire resolution in Gaza. He asked that consideration be given to precedent set by City Council for a foreign policy resolution in October 2023.

Greg F. (Zoom) urged Council to pass a resolution calling for a ceasefire.

Noha (Zoom) called on City Council to issue a resolution to stand with the people of Palestine in calling for an immediate and permanent ceasefire in Gaza.

Mark W. mainly attended the meeting to praise Mr. Bob Moss and Mr. Herb Borock. He spoke of the happenings between Israel and Gaza.

Ahmed M. indicated that ceasefire meant human dignity for all, all being treated equally, and the safe return of hostages.

SN (Zoom) urged Council to pass a resolution calling for an immediate and lasting ceasefire in Gaza and condemning hatred and discrimination of all protected groups in Palo Alto.

URM (Zoom) spoke of an article titled "We Are No Strangers to Human Suffering, But We've Seen Nothing Like the Siege of Gaza." She asked for a resolution for a ceasefire.

lubnafq@gmail.com (Zoom) discussed children's rights being human rights and asked Council to pass a ceasefire resolution.

Michelle H. (Zoom) requested the City of Palo Alto pass a resolution calling for an immediate ceasefire. She spoke of human rights and stopping further harm to civilians.

Liz G. (Zoom) spoke on behalf of world peace. She urged City Council to have and vote on a resolution to support peace in Gaza through a ceasefire.

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Aram J. (Zoom) wanted a ceasefire now. He asked if Council Member Lythcott-Haims was going to support Congresswoman Anna Eshoo's position concerning Israel and Gaza.

Chenelle H. (Zoom) wanted to discuss with Council what was going on with children of color in PAUSD. She spoke of racism.

Syed H. (Zoom) asked the City of Palo Alto to propose a ceasefire resolution for Gaza.

Lakeshia P-M. (Zoom) discussed PAUSD and discrimination and bias and incidents being reported to the District and School personnel. She requested City Council intervene.

Nicole W. (Zoom) was concerned about a proclamation signed by Mayor Kou – the UN Amnesty International Human Rights Watch [inaudible]. She requested Palo Alto release a statement supporting a ceasefire.

Ayelet M. (Zoom) discussed a resolution condemning terrorism and supporting impacted community members. She opined that any resolution passed must include specific language as to who in the community held identities being most affected by the happenings in Israel and Palestine. She asked for a ceasefire now.

Rami S. (Zoom) discussed the deaths of children in Gaza, and he asked that the children of Gaza be advocated for.

Dima (Zoom) opined that the proclamation issued was one-sided and did not address war crimes being committed. She requested an immediate and permanent ceasefire resolution that would allow entry for all necessary humanitarian aid, release of all hostages, unrestricted entry of humanitarian assistance, respect for international law, and the protection of innocent civilians. She urged the City do what other countries had called for in the Security Council.

Mayor Kou was grateful for the comments, and she thanked the speakers for respecting Council's regulations.

Council Member Questions, Comments and Announcements

Council Member Veenker provided an update of the Executive Committee of Cal City's Peninsula Division. A legislative address was planned for January 26, which would be at HP in Palo Alto, and formal invitations should be forthcoming. She had had meetings in the last week or so concerning how well the City was viewed from outside. She had been invited by U.S. Commissioner of Patents to attend a meeting related to their new Climate Mitigation Technology Program, which she indicated could help Palo Alto. She regretted missing the Council meeting last week, which was the first she had not attended. She was in Washington, D.C., on behalf of the Bay Area Air Quality Management District to advocate for climate mitigation programs for the Bay Area, and Palo Alto's Heat Pump Water Heater Program amazed and interested them.

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Study Session

4. Request for Pre-Screening of Application to Amend the Development Agreement and South of Forest Area Phase 1 Coordinated Area Plan for 260 Homer Avenue that Currently Restricts the Amount of Space that One or More Commercial Office Tenants can Occupy at the Property. Zoning District: AMF (MUO). CEQA Status: Not a Project.

No action taken.

Planner Garrett Sauls stated that the purpose of this item was to discuss the applicant's request to remove the 10,000 square foot office tenant limitation that had been established for this specific zoning district through the South of Forest Area (SOFA) Phase 1 document. The applicant had noted that removing the limit would help them maintain and possibly attract tenants who wanted to grow in place. There were no other physical changes proposed at the site. He displayed a slide of the project location. He provided some history of SOFA. He furnished a slide showing the current floor plan. The policy implications were identified in the Staff Report, which he outlined. Staff recommended conducting a prescreening and that informal comments be provided regarding the applicant's request to modify the SOFA Phase 1 document.

Applicant Ben Bullock introduced himself and his colleague, Kenny Berzoni, who were the owners and managers of the property at 260 Homer Avenue, which included office and residential tenants. He presented a slide and summarized the occupancy use restriction, which limited their ability to lease more than one-third of the project. They wanted to have a discussion with the City to understand if there were benefits the applicant was not aware of by having the occupancy use restriction in place. He wanted to discuss how it had negatively impacted their leasing of the property as well as possible benefits to the City for adjusting the restriction. He furnished slides related to impacts they had experienced at the property due to the restriction and possible benefits to the City in releasing the restriction, which he elaborated on and which included sales tax earnings, higher office space occupancy, etc.

Mayor Kou asked how the office space came to be from the coordinated plan and if Applicant Bullock was the original owner when the building was constructed during the coordinated plan phase.

Applicant Bullock replied that he was not part of the original development team. He understood there was an extensive process for approval and that it was part of the SOFA Plan to allow for office and residential.

Council Member Burt voiced that he had been extensively involved with SOFA Phases 1 and 2, and this development came at the end of the Phase 1 Project and was not part of the original recommendation of the Working Group but was proposed by the parties involved in the residential development and other public benefits and was added value to those parties. It was proposed and accepted beyond the Working Group's original proposal. He assumed that the reference to retail foot traffic of 36,500 square feet was the correct number and not 30,000

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that was also referenced. He inquired if the number of employees for retail and grocery retail commerce was currently 183 people. He asked if the applicant was aware of Condition F of the Development Agreement, which limited the number of work stations to that development to 96. The Staff Report referenced that it came to the Planning Commission in 2007, and it was noted that there was not strong opposition from staff or the PTC, which seemed to imply support, but that was not his recollection. He outlined why this existed, which included having a diversity of small- to medium-sized companies occupying the space. He outlined why there could be a problem having a single, big company. He voiced that consideration should be given to whether the limits specified in 2000 were correct. He remarked that the existing zoning in the downtown area had not been properly enforced, and he commented that it needed to be updated and changed.

Applicant Bullock did not know the specific density for each tenant. It was an approximation based on office utilization rates. He explained that square feet per person could increase or decrease in density. They were trying to use a generalization for over a 20-plus-year period of tenants that would ebb and flow. He believed Condition F of the Development Agreement expired after 20 years.

Planner Sauls confirmed that Condition F of the Development Agreement expired after 20 years.

Planning Director Jonathan Lait noted that the expiration was for one provision of the document, not the entirety of the document.

Council Member Lythcott-Haims queried how the international accounting firm tenant expanding beyond the 10,000 square foot limitation would increase foot traffic, local services, and retail demand. She asked for a comparison of what existed today and what was anticipated if the square footage was expanded. She asked if this particular zoning attaching multifamily with mixed-use overlay existed in many places in the city and if the requirements imposed had much similarity throughout the city.

Applicant Bullock expressed that they no longer had the ability to accommodate that tenant as the space had been leased to a different tenant, and they did not have the specific retail use of that tenant. He noted that it was an executive training area for the tenant, so beyond daily retail traffic, people were flying in on a regular basis and staying in local hotels, so on average they would be a higher supporter of local retail traffic than an average tenant. They could investigate to get a better understanding of how much retail impact existing tenants were having.

Planner Sauls answered that this was the only parcel that had this zoning district. The attached multifamily zoning district only existed in the SOFA Phase 1 document, and the mixed-use overlay was only a part of the post-SOFA Phase 1 document.

Vice Mayor Stone spoke of the square footage cap on this particular property and inquired if it was an oversight in applying only to this one. He did not see a need to change anything because

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the reasons for the cap a couple decades ago continued to exist today. The concern about a large vacancy in downtown from one large tenant moving out was a strong argument for the cap. He voiced that Palo Alto had always been an incubator for small businesses and having offices with a smaller footprint, so there was a strong policy reason to support that.

Council Member Veenker asked if the applicant was requesting that one tenant have more than one of four separate offices. She appreciated Council Member Burt's point about a vacancy if one large tenant should leave. She discussed medical office use and asked if traffic and parking had been considered with the 10,000 square foot limit. She wondered if there could be input from residents if this were to come back.

Applicant Bullock answered that there were four suites in the building at 260 Homer and one in a standalone building at 819 Ramona that was vacant, so there were five suites.

Planner Sauls remarked that in the research he had done there were concerns about significant foot traffic and vehicle traffic with medical office use.

Council Member Lauing asked if mixed-use housing was included in the zoning. He noted that an alternative use might be lucrative and was something the owner could consider. He understood that the owner bought this with the restriction in place and with knowledge of it. He discussed larger companies moving from spaces being a risk, and he thought the target tenant should be a smaller company, which he believed was the objective during the SOFA. He did not see this as a zoning issue, and he had not heard that much had changed, so he was not sure why it would change.

Planner Sauls responded that mixed-use housing was included in the zoning.

Public Comment

Liz G. (Zoom) asked how the expansion would help housing and what the public benefit would be. She did not see a public benefit by expanding commercial, but she claimed there would be a benefit if there was an affordability component to the mixed-use expansion. She hoped Council would consider more housing and affordable housing in the downtown areas.

Karen H. (Zoom) had been part of the SOFA 1 and 2 Working Groups, and she voiced that the decision was made intentionally and with great consideration. She stated that it was a residential character neighborhood. She discussed the nature of an area plan and studies done, etc. She supported continuing a smaller scale office size. She asked if Condition F meant it was expired.

Mayor Kou stated that this was a residential mixed use and that potentially office spaces could be considered for residential. She understood there was the ability to lease the space. Community engagement had been taken into consideration during the planning, and she considered their input important. She felt that changing this would be breaking a promise to the community. Community outreach should be done if changes were to be considered.

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Council Member Tanaka discussed high vacancy rates. He supported the change.

Council Member Lythcott-Haims was interested in learning more and potentially supporting the change because the zoning was specific to this particular site and occurred long ago. She questioned if the neighborhood and economic environment changed significantly and if the levers to be pushed then were levers that should be pulled now.

Mayor Kou commented that the 4Q 2022 rents looked high in the Staff Report, which may need to be considered. She wanted to look at the TDM Plan in the Development Agreement.

Consent Calendar

5. Approval of Minutes from December 4, 2023 Meeting
6. Review and Approve the Williamson Act Contract Renewals Within Palo Alto City Limits (2023)
7. Approval of Construction Contract with GradeTech, Inc. in the Amount of \$296,599 and Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$29,659 for Site Work for Rinconada Park Improvements (PE-08001) and Ramos Park Restroom Installation (PG-19000) Projects; CEQA status – exempt under CEQA Guidelines Section 15303
8. Adoption of Updated Salary Schedules for Limited Hourly (HRLY) and Service Employee International Union Hourly (SEIU-H) Employee Groups in Accordance with the City of Palo Alto Minimum Wage Ordinance; Adoption of Revised Salary Schedules for Management and Professional, Fire Chiefs' Association (FCA), and Service Employees International Union (SEIU); CEQA Status - Not a project.
9. Approval of Professional Services Contract Number C24189293 with Nova Partners, Inc. in an Amount Not to Exceed \$652,331 for Construction Management Services for the Capital Improvement Program Fire Station No. 4 Replacement Project (PE-18004); CEQA Status – Exempt under CEQA Guidelines Sections 15302 and 15303
10. Approval of Easement at Greer Park, 1098 Amarillo Avenue, for Sewer Line Connecting Building at 2850 W. Bayshore Road; CEQA status – categorically exempt.
11. Adoption of a Resolution and Approving an Easement Relocation Agreement Relocating and Vacating a 25 Foot Public Service Easement at the Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street), Assessor Parcel Numbers 124-12-033 & 124-12-034; CEQA status – categorically exempt.
12. Adoption of a Resolution Vacating Two Public Service Easements at 1129 San Antonio Road

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13. Approval of Professional Services Contract Number C24188179 with Urban Field Studio for a Not-to-Exceed Amount of \$249,708 for the Development of the Car-Free Streets Implementation Plan, for a Period of 7-Months; CEQA Status - statutorily Exempt.
14. Approval of Amendment Number Two to Contract Number S17168145 with WONDERWARE INC., dba CORE BUSINESS TECHNOLOGIES, in the Amount of \$205,200 for an Upgrade to the Revenue Collections Cashiering Application and Extend Term for Three Additional Years; and Authorization of a Contract Contingency in an Amount Not-to-Exceed \$54,264 for Related, Additional but Unforeseen Work Which May Develop During the Project for a new Not-to-Exceed Contract Amount of \$596,913; CEQA Status - Not a Project
15. Approval of Contract Amendment Number 1 to Contract Number S22185727 with the City of San Jose in the Amount of \$30,000 for Minimum Wage Enforcement Services; CEQA Status – Not a Project
16. Approval of Two Lease Agreements for a Five Year Term Between the City of Palo Alto (Landlord) and Palo Alto Community Child Care (Tenant) for Community Child Care Spaces at the College Terrace and Ventura Sites; CEQA Status – Not a Project
17. Recognize Permanent Local Housing Allocation Program (PLHA) Grant Funding from the State of California of \$592,367 for Homeless Outreach Services, Approve FY 2024 Budget Amendments in the General Fund, and Establish a Permanent Local Housing Allocation Program (PLHA) Grant Fund; CEQA status – not a project.
18. Approval of a Resolution Authorizing the City Manager to Negotiate and Execute Temporary Construction Easements and Compensation with the Property Owners at 475 Newell Road and 1761 & 1767 Woodland Avenue for the Newell Road/San Francisquito Creek Bridge Replacement Project CIP Program (PE-12011); CEQA - Environmental Impact Report for Newell Road/San Francisquito Creek Bridge (Resolution No. 9889)
19. SECOND READING: Adoption of an Ordinance Amending the Palo Alto Municipal Code to Add Chapter 9.65 and Amend Chapter 9.72 to Establish a Mandatory Registry Program of Residential Rental Units in the City of Palo Alto; CEQA Status - Exempt under CEQA Guidelines Section 15061(b)(3) (FIRST READING: November 27, 2023 PASSED 6-1, Tanaka No).
20. SECOND READING: Adoption of an Ordinance Amending Chapter 2.30 (Contracts and Purchasing Procedures) and Chapter 2.37 (Business Tax) of the Palo Alto Municipal Code to Correct Clerical Errors and Clarify Procedures for Administering the Business Tax. CEQA Status -- Not a project. (FIRST READING: December 4, 2023 PASSED 7-0)

Public Comment

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Rob L. discussed why he questioned and objected to Item 11 being on the Consent Calendar and requested that Council vote no on this. He opined that the PUE would negatively impact the neighborhood. He felt a clause should be added to the item so the above and underground parts of Melville Avenue would revert to the City. He stated that public input was needed and that a separate agenda item should be scheduled.

Liz G. (Zoom) requested Item 6 be a regular agenda item. She claimed that the City did not have sufficient land for housing. She thought the public should know how much property this included and where it was located. It seemed the Consent Calendar was larger at each meeting, and she asked that it be addressed.

Mayor Kou registered a no vote on Agenda Item Number 13.

Council Member Tanaka registered a no vote on Agenda Item Number 8, 14,19.

Mayor Kou, Council Member Burt, and Council Member Lauing requested to pull Agenda Item Number 11.

MOTION: Mayor Kou moved, seconded by Council Member Veenker to approve Agenda Item Numbers 5-10, 12-20, and pull Agenda Item Number 11 off of Consent.

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION PASSED ITEMS 5-7, 9-10, 12, 15-18, 20: 7-0

MOTION PASSED ITEM 13: 6-1, Kou no

MOTION PASSED ITEMS 8, 14, 19: 6-1, Tanaka no

Council Member Tanaka spoke to Items 8, 14, and 19. Regarding Item 8, he had an issue with the FCA group and could not support it. He did not support Item 14 due to the amount of the increase in the cost, and he thought the City should have considered other companies. He did not support Item 19 as he stated it would take property off the market, make it harder for people to get housing, and increase rents.

Mayor Kou addressed Item 13. She had concerns related to street closures without further examining the businesses on the street and possible impacts to them. She hoped it would not hinder attracting businesses to the locations.

City Manager Comments

City Manager Ed Shikada presented slides concerning winter storm readiness. They were compiling results from the emergency notification system test, and they looked forward to doing that annually. He urged all to sign up at alertSCC.com. Storm updates were available at cityofpaloalto.org/stormupdates, and the power outage map could be found at cityofpaloalto.org/outagemap. On January 1, 2024, the business tax payment would be due for

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businesses subject to it, and information could be found at cityofpaloalto.org/business tax. The new minimum wage in the City would be \$17.80, and criteria information was on the City's homepage. An opportunity for input to the City Council priorities setting was open, and community input would be received through January 2. The Council's priority setting session was scheduled for January 29. The Policy and Services Committee discussed the format last week, and that would be brought to the Full Council after the first of the year. The Council's first business meeting would be on January 16, and soon thereafter there would be a number of ongoing planning efforts, which he outlined. Upcoming Council items included the annual reorganization on January 8; a Special Council meeting on January 16, which would include the Tree Ordinance review and Tesla Utilities Agreement on the action agenda; the 2025-2033 long-range financial forecast and the annual legislative items on January 22; and a special session on January 29 for Council priorities setting. The midyear budget review would be in February.

[The Council took a four-minute break]

Action Items

Mayor Kou announced that Item AA2 had been pulled from consent at its second reading.

AA2. SECOND READING: Adoption of an Ordinance Implementing Program 1.1A and 1.1B of the Housing Element, Including: 1) New Chapter 18.14: Housing Incentives, and 2) Modifications to Base Zoning Districts Throughout Title 18. Adoption of a Resolution Making Corresponding Changes to the Land Use and Design Element of the Comprehensive Plan. (FIRST READING: November 13, 2023 PASSED 5-1-1, Kou no, Veenker recused and PASSED 6-1, Kou no)

Council Member Veenker Recusal on Stanford-owned properties & Housing Focus Area

Council Member Veenker noted that similar to the first reading she needed to recuse herself from the part of the item addressing Stanford properties, and she would return for the vote.

Planning Director Jonathan Lait noted that last week the item had been pulled from the Consent Calendar. There had been a public hearing on the matter on November 13. A representative for one of the properties in the housing focus area had expressed concerns related to development standards. Staff had met with the representative and his team. He summarized the main points that had been discussed – building or stepback height, floor area, and building modulation for parcels on larger lots. In review of the record and the intent of the ordinance, staff found that there was a need to clarify intent with respect to building modulation. The standard in the ordinance was unclear, so some de minimis edits had been made to address that issue. Staff believed the issues relating to height and floor area were more substantial, and staff did not believe it would qualify for a second reading change. However, Council could direct staff to explore future changes or direct staff to work with the Housing Ad Hoc to explore consideration being given to extending the housing focus area in 2024, as previously directed by Council. He voiced why it was important to take action on the ordinance this year. There was an action on the ordinance relative to the discrete change that

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staff was making to the building modulation requirement and the second action was to vote on the resolution amending or adopting the changes to the land use element.

Public Comment

Liz G. (Zoom) provided some history related to inclusionary, equitable, and diverse housing. She supported inclusionary, denser housing within the city canopy.

Council Member Lauing, as a Housing Ad Hoc Committee member, endorsed the staff report. It was clear to him that one item would be adjusted and should be approved in the second reading. He supported this.

Council Member Lythcott-Haims expressed that some items needed to be approved at this meeting and second reading, and stepback height needed to be discussed further with the applicant.

Council Member Lauing moved the staff motion on Packet Page 490, Item 2.

Mayor Kou asked if he was giving staff direction on Number 3.

Council Member Lauing thought there would be ongoing conversations in the future. He did not know how specific that needed to be.

Director Lait anticipated that design modifications might be needed for the project application for 3150, which was a pending application with the City. The housing focus area was not designed to that project, and the ordinance as drafted would necessitate design modifications. Staff did not have formal direction to revisit the stepback height, which he believed was the only outstanding issue. Staff would most likely revisit it when they studied extending the housing focus area to other parts of El Camino. Council had identified that as something to be done, and staff would return with the priority objectives for the next year, and stepbacks would presumably be on the list and studied at that time. If Council wanted a more immediate response, staff would need to revisit the stepback issue. He noted that the applicant and staff had not necessarily reached an agreement. Staff believed the project could be built in compliance with the housing focus area standards that Council had approved, and the applicant asserted that there were challenges.

Council Member Lauing suggested there be conversations with the applicant or others and that the planning director give a recommendation to the Housing Ad Hoc, and then the Ad Hoc could return to Council with a recommendation.

MOTION: Council Member Lauing moved, seconded by Council Member Lythcott-Haims to:

1. Adopt on second reading the attached housing element implementation ordinance that includes a clarifying revision related to a building facade modulation requirement for properties located in the Housing Focus Area.

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2. Planning Director to work with the Housing Ad Hoc Committee for other possible suggested changes to this focus area and return to Council.

Mayor Kou outlined why she would not support this, which related to minuscule affordable housing being built as unfunded State mandates were imposed on planning. She indicated that this did not address Palo Alto's housing affordability issues.

MOTION PASSED: 5-1-1, Kou no, Veenker recused

Council Member Veenker returned to the meeting.

MOTION: Council Member Lythcott-Haims moved, seconded by Council Member Lauing to adopt a resolution updating the Land Use and Design Element of the Comprehensive Plan to be consistent with Programs 1.1A and 1.1B of the Housing Element.

Council Member Veenker commented that she had been watching the proceedings while outside the room and felt prepared to vote.

MOTION PASSED: 6-1, Kou no

21. Discussion and Confirmation of the Preferred Alternative Concept Plan Line for the University Avenue Streetscape Improvements Project (PE-21004) and Authorization for the City Manager to Develop and Refine the Scope of Work for Future Phases through a Contract Amendment

Assistant Director Public Works Holly Boyd introduced the project team that would present on the item.

Assistant to the City Manager Steve Guagliardo noted that he was at the meeting to discuss how the item related to economic development. He provided a slide related to Council's economic recovery and transition priority, and an objective had been included for this project. They were looking for Council's thoughts on approving the current concept plan and going forward, which he stated was foundational to the work of economic development on University Avenue. They interacted with a variety of stakeholders, and there was a great deal of support for reinvesting in downtown, and Streetsense echoed that support. He shared a slide with respect to the economic development strategy that had been approved on August 14, 2023, which he detailed. The project sought to offer a compelling visitor experience and provide a foundation that would allow people to enjoy the proposed amenities. He discussed the project being long overdue. The concept plan was intended to make a significant reinvestment in downtown University Avenue that would work for all stakeholders. This did not discount work Council had done on a permanent parklet program, and they would continue to have a space to operate until the beginning of construction. After that, parklets could continue to operate on side streets and other corridors.

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Senior Engineer Public Works Megha Bansal supplied a slide and reviewed the scope of the streetscape study. She noted that Phase 1 focused on street configuration, constraints, and opportunities, and final details for the street features would be developed in future phases of the project with input from the community, stakeholders, and City boards and commissions.

Project Manager Robert Stevens displayed a slide outlining the study area. He discussed community engagement that had been done. He furnished a slide showing comments they had heard, and folks were looking to create an economically vibrant street with a diverse array of retail and restaurants and did not want to see major changes but wanted it to be clean, safe, attractive, and simple. There was interest in preserving on-street parking. They heard that closing University Avenue for events was challenging for businesses, so they wanted to work with the businesses to see if there was a different way to do programming. Some advocated for events to be relocated to the civic center. The concerns related to business vacancies and a decrease in retail operations. Suggested improvements included creating a better zone for outdoor dining, expanded sidewalks, and social gathering spaces. He discussed width between buildings and sidewalk widths. He presented a slide related to off-street parking garages, and he noted that occupancy was not back to pre-COVID levels, and they had considered options for University Avenue. He presented slides with three options (Option 1: Bikeway, Option 2: PASEO, and Option 3: Activation Flex) related to the width of vehicle travel lanes, bicycle travel lanes, sidewalk widths, parking, and commerce, pedestrian, and amenity zones, which he detailed. They thought maintaining a special event space for road closures within the zone made sense. They wanted to work with stakeholders concerning planning events. He provided a slide showing how sidewalk space could be used with Option 3. He shared a slide summarizing the three options. He noted Option 1 was great for bikes and took away on-street parking. They were concerned about vehicle speeds increasing and there not being any drop-off or loading zones. It also did not meet the fire department's criteria for width for buildings taller than 30 feet. Option 2 offered wide sidewalks but no parking. He thought Option 3 balanced what stakeholders and community groups wanted. There would be a sidewalk for outdoor dining and retail options and 75% of the on-street parking would be preserved. They anticipated a cost of about \$40M, but more analysis was needed to refine that. He understood that the City had not programmed any funds to implement the project, so funding would likely be through a combination of sources, including an assessment district, development impact fees, and grants. He provided details related to an assessment district, and he noted that in addition to the \$40M there would be additional costs to form the district. If built, there would need to be a higher level of maintenance – street sweeping, trash removal, etc., which he thought would be about \$395K. He discussed funding possibly being through a district management entity, which would be about \$250K per year.

Senior Engineer Bansal stated, if Council directed staff to proceed with the preferred concept plan, staff would amend the consultant contract for Phase 2 services, which would include preliminary design, environmental assessment, refinement of cost, and additional outreach. Concurrent with Phase 2, the City would need to retain municipal bond counsel for the assessment district planning, election, and implementation. After completion of Phase 2, Phase 3 would include final design construction documents and bidding. Phase 4 would be the

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construction, which was anticipated to take two years. They were seeking Council's confirmation for Option 3 as the preferred concept plan and Council's direction to amend the consultant contract for future phases.

Public Comments

Vikran B. from Rooh restaurant invited all to dine there. He opposed Option 3 due to his parklet being eliminated and the disruption to businesses.

Clayton A., a partner at Local Union restaurant, detailed why he strongly opposed the streetscape program, which included losing outdoor seating, revenue, employees, and tax dollars.

Mayor Kou requested that commenters email comments if they did not have time in the allotted two minutes to make their statements.

Claudia, the owner and operator of Cafe Venetia, asked the Council to consider the value of cafes, restaurants, and bars in the community. She specified why she opposed Option 3 and asked Council to vote against this reconfiguration.

Mazen F., owner of Crepevine restaurant, agreed that the concept of beautifying University Avenue was great, but he claimed the parklets enhanced it. He discussed why he opposed this and asked Council to consider it carefully.

Amie A. stated she participated in several of the community outreach meetings for this project. If Council should choose to move ahead with this, she asked that they consider narrowing the proposed 13-foot drive aisles and suggested there be an open-door lane, signage, and slow speeds. She questioned whether the additional sidewalk width and loss of parklets would meet the established goals of the program and if it was worth \$40M.

Randale C. was a general manager for Oren's Hummus, and he represented Mistie Boulton, Oren Dobronsky, and their ownership group. He stated they were not invited to the planning meetings. They strongly opposed the proposal due to it eliminating parklets and outdoor space, the cost of the project, and low occupancy rates. He asked that the commerce zone be 12 feet.

Nur Z., the general manager at Local Union restaurant, strongly opposed the concept of the cityscape plan due to removal of parklets, construction impacting businesses, loss of revenue, having to lay off employees, and the cost of the project. He urged Council to prioritize restaurants.

Zafarali A. stated that he walked and biked every day, and he enjoyed the amenities and the parklets, but he did not feel safe walking or cycling on University Avenue. He did not think enough consideration was given to biking, and he requested cycling safety be considered.

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Charlie W. stated that the Chamber of Commerce supported the concept of the project; however, businesses wanted to fully understand the impact of any proposed streetscape changes before finalizing plans. If the decision before Council was viewed as an interim step necessary for further analysis and evaluation before a final decision was made, they concurred, although there was not consensus of all members for Option 3. If the decision at this meeting was to be final, they asked that there be additional outreach, especially to businesses that had not participated previously.

Brad E. (Zoom), a partner with Premier Properties, had volunteered to be a stakeholder in the design discussion, and from those discussions, it was clear to him that Option 3 was the most balanced approach, which he elaborated on. He voiced his concerns related to Options 1 and 2.

Liz G. (Zoom) noted that she had not heard anything from the presenters about the outer portion of University Avenue, and she thought the infrastructure needed to be considered, and she asked how the City was addressing that. She had also not heard discussion related to the alleys behind businesses.

John S. (Zoom), with Thoits, voiced why he thought Option 3 was best. He opined that parklets were subpar. He voiced that there should be safety and compliance with all codes and ordinances.

Council Member Burt supported the need to revitalize the downtown University Avenue area. If he had to choose, he would lean toward Option 3, but he voiced that there were more options. He stated that the biggest contributor to the vibrancy of the street was outdoor dining. He was also enthusiastic about other ways to increase vibrancy, including retailers putting goods on the street. It did not make sense to him for the City to spend \$40M and cut outdoor dining in half. He was interested in a plan along the lines of Option 3 but one that would retain parklets. He did not understand why 17½-foot sidewalks would be needed in front of a bank, etc. He thought consideration should be given to a streetscape that would meet different needs better than Option 3. He understood that the principal argument for the parklets was not wanting to give up parking on the street. He appreciated that consideration was given to making the street more pedestrian and bike friendly. He commented that basically the pattern of riders was to ride on a perpendicular street and then enter onto University. He thought parrel parking, instead of diagonal parking, should be put in for biking on Bryant from Forest to Lytton. He also felt there should be additional bike racks downtown. He asked how many parking spaces were consumed by parklets on University.

Assistant Director Boyd answered that 18 parking spaces were consumed by parklets on University.

Council Member Lauing agreed with Council Member Burt's comments. He supported redoing downtown. He expressed there were more options than presented. A Parklet Ordinance was approved 90 days ago, and he did not agree with that being in effect for only four years. He wanted an option with parklets. He indicated that economic vitality downtown was driven by

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parklets, and he felt risking that would be a very serious risk to take. He thought making a judgment with the options in front of Council was the wrong approach. He found Option 3 to be better than 1 and 2, but he did not like the tradeoffs related to parking and sidewalk widths. He thought there should be other proposals to consider. He queried what the policy flexibility would be for the assessment district going forward and who would make decisions related to it; if the funding was \$40M, if it would be scaled up [inaudible] pieces; and who would determine where things would be funded. He requested that there be a proposal showing what could be done for a \$20M investment.

Project Manager Stevens remarked that an assessment district would be formed and created for fundraising, which would happen over 20 to 30 years, but initial bond funding for the construct would happen immediately.

City Attorney Molly Stump stated that the project would need to be defined up front, which was the reason for the engineer's report, and it would describe the proposed special benefit to the assessment district payors, which would be commitments the City would need to follow in terms of what the payors would receive for their assessment. It was quite structured.

City Manager Shikada added that a very specific design would be finalized with construction plans and the like, and based on the estimated cost to construct, there would be a methodology to assign special benefits to the properties, and each property would have an individual assessment. The City's commitment would be to build what the properties were being assessed for.

Council Member Veenker was concerned about bike safety and preservation of outdoor dining. She asked staff to comment on some businesses not being invited to the meetings. She addressed Option 3 and asked if parking could be removed from one side and the gained space split with each side of the street to provide more sidewalk space. She asked if amenities zones could be in certain spots and not the whole length of the properties.

Assistant Director Boyd explained how they developed the list for the block ambassadors. It was a sampling along the blocks, not an open invitation to everyone.

Assistant to the City Manager Steve Guagliardo added that almost quarterly updates were sent to businesses, and the ongoing progress of this work was mentioned, but there was not an opportunity to provide input. He remarked that more work could be done with outreach to ensure potential stakeholders were informed.

Project Manager Stevens indicated that parking on one side of the street was an alternative, but he discussed the cons of doing it. Concerning the amenities zones, there could be additional flexibility as the design advanced. He explained why they wanted to create eight foot wide clear zones.

Council Member Lythcott-Haims had concerns with not seeing the vision in Option 3 being an attractive sense of overhaul, coherence, and a rebranding of the environment that would make

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Palo Alto a destination on par with other places. She thought Option 3 would hurt dining, do nothing for vacancies, be difficult for bikers, and not provide social spaces. She asked how such an upgrade would enhance the ability to tell the story of Palo Alto past and present and signal what was being sought for the future. She outlined that her questions related to timing, vacancy tax, and operational cost. She asked if implementation was anticipated to be in 2030. Regarding revitalizing retail, she asked if there was information regarding vacancy taxes imposed by other cities. She inquired if the items listed on page 40 of the spiral-bound were the same things that had been agreed to for California Avenue.

Assistant Director Boyd answered that 2030 was the cost estimate in dollar amount. The slide outlining the Phase 2 and 3 timelines were very aggressive and optimistic. She thought construction could maybe be finished in 2030.

Assistant to the City Manager Guagliardo addressed vacancy tax and revitalizing retail, and what staff had seen work effectively in other communities was included in the Streetsense comprehensive economic development strategy, which included popups and was in the economic development strategy approved by Council, which would be further explored and was an option. As for operations and maintenance costs, they were still in the design phase for California Avenue, and that same suite of things would be contemplated going forward.

Vice Mayor Stone was not sure this would achieve the vision. He did not like that Option 1 would remove trees. He did not understand what would happen with existing parklets with Option 3 and if outdoor dining would exist in the parallel parking spaces.

Assistant Director Boyd noted that Option 3 would remove parklets, and that space would move to the commerce zone/side of the sidewalk. As proposed, outdoor dining would not exist in the parallel parking spaces.

Assistant to the City Manager Guagliardo clarified that the commerce zone would be 6½ feet wide, which was roughly equivalent to space used by parklets. He also made clear that no existing parklet was compliant with the permanent parklet regulations as passed, so they would need to evolve.

Vice Mayor Stone asked if the existing parklets needed slight modification or reconstruction. He felt that this would be renegeing on the permanent parklet program. He was interested in pursuing other alternatives.

Assistant Director Boyd responded that modification versus reconstruction would depend on the parklet. She thought the most expensive parklet had been \$80K.

City Manager Shikada thought the discussion indicated that the cross section may need to vary along the street to reflect the different nature along University. If Counsel wanted to see what could be done to incorporate whether it would be parklets or other active uses within that space, it would require staff and consultants to explore how to vary the cross section along the

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street. He suspected it would be out of scope. They would return to Council with that information.

Council Member Burt thought the City Manager's comments captured a lot of the sense of the Council, and he felt this item was functioning as a study session more than an action item.

Council and staff discussed possibly deferring Item 22, and it was decided to have a brief conversation related to it after the conclusion of Item 21.

Council Member Tanaka mentioned that there needed to be better outreach to the community. He provided a photo (he believed it was of Burlingame) and asked if a configuration like it with wider sidewalks was possible and, if so, what it would take. He indicated that narrow traffic lanes meant slower traffic, and suggested that the extra feet in vehicle traffic lanes be invested in wider sidewalks. Concerning the theme, he thought downtown should be thought of more holistically versus just a street. He thought there should be activated parks, pedestrian walkways to the core, a garage added, and alleyways cleaned up [inaudible] so there would be more cohesion and connectivity. Due to the City's competition, he felt this needed to be resolved before 2030, and he did not agree with there being uncertainty to retailers, restaurants, etc. To benefit not only University Avenue and to possibly help in raising funding and expediting the project, he thought there should be activation of parks and alleys.

Project Manager Stevens answered that a configuration like the photo was possible, but it would require removal of parking stalls. He clarified that Option 3 was called Activation Flex because the design could evolve. He discussed California law and required drive access isles. By narrowing the travel lanes to below 26 feet, it could change how private development would occur on the corridor. The travel lane of 11 feet for Option 2 was not a problem because it had a bike lane. In terms of the 2030 date, he noted that he had built the cost model trying to be conservative regarding financing and funding. He thought it could be done quicker, but it would require funding, and forming an assessment district would require two-thirds of property owners. He thought it could progress quickly if stakeholders were motivated.

Mayor Kou appreciated that the 2016 traffic counts were used but she did not want to be shortsighted about economic times changing. She wanted to develop and attract more retail and personal business to Palo Alto, which would mean restaurant dining. She discussed there being vacancy issues. She hoped the plans would take into consideration existing businesses needing to be retained. She voiced there needed to be consistency in the planning to not scare off businesses. She announced that Council approved a Retail Ad Hoc Committee, which consisted of herself, Council Member Lauing, and Vice Mayor Stone, and she wanted the Ad Hoc to be included in community outreach. She wanted a vacancy tax to be considered.

MOTION: Council Member Lauing moved, seconded by Council Member Burt to:

1. Direct staff to draft additional alternatives that would include one option with the current parklet plan and that sidewalks should be variable or outdoor dining space comparable to the current parklet plan.

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2. Consider moving bikes to Hamilton and Lytton and or shrinking the travel lane.
3. Direct staff to present options to the Retail Ad Hoc Committee and come back to Council with interim measures that we can do cheaply and quickly that will show progress in that area.
4. Alternatives should cover a range of costs.

Council Member Lauing did not presume his suggestions were the correct objectives but that a number of things should be explored and that these were the areas to start with relative to concerns that had been raised.

Council Member Burt agreed that vision was needed. He stated that vibrancy and customers would help everybody. Concerning an 8-foot clearance, he noted that was the current ordinance requirement, and he thought there were opportunities to expand sidewalks in appropriate places. Regarding the drawing showing straight, clean lines, he did not think that created environment vibrancy as much as having a variety of spaces. He was concerned about having only five ADA spaces on the street. He commented there was a need for short-term parking, which he was happy to see on the perpendicular streets against University. Regarding maintenance, he asked if it was an incremental increase or the total cost.

Senior Engineer Bansal replied that it was the total maintenance cost.

Council Member Burt remarked that it should be incremental increases, not total cost. He noted that there were discussions with Stanford through the Ad Hoc Committee regarding improvements to the Intermodal Center, and they were preparing for a meeting with VTA, Caltrain, and SamTrans.

Council Member Lauing expressed that existing parklets needed to be addressed, and an interim improvement might be postponing the March deadline.

Council Member Veenker liked the photo Council Member Tanka shared. She wanted to know if restaurant owners liked the proposed design for outdoor dining being next to the restaurant, so one would not have to cross over the pedestrian walkway to get to a parklet. However, she was sensitive to changing parklet rules. Related to parklet size and the depth of the commerce zone, she asked if parklets having the same amount of space on the sidewalk next to the restaurant would eliminate part of the issue.

Project Manager Stevens explained why it would not eliminate part of the issue.

Council Member Veenker had hoped the amenities zone could be used. She was concerned about bike safety and asked about signage and what could be done to make it safe. She requested bike safety be addressed upon returning to Council.

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Project Manager Stevens thought wide shoulder striping was needed between parked cars and the vehicle lanes to constrain the lane of travel, that there could be creative treatments with the asphalt, and that lanes could be narrower.

Council Member Tanaka asked if the current assessment district should be considered in making this more holistic with activating alleys, parks, etc., to address a theme and drive pedestrian traffic toward University Avenue.

City Manager Shikada suggested limiting the scope to University Avenue for the time being and there being possible expansion to a broader area later.

Council Member Lauing agreed with Council Member Tanaka and City Manager Shikada.

Mayor Kou was concerned about parking due to city parking lots eventually becoming housing, and she requested consideration be given to the number of parking spaces that would be lost.

Council Member Tanaka requested the plan be accelerated.

Council Member suggested looking at moving the comprehensive plan in from 2030.

MOTION PASSED: 7-0

22. Policy and Services Committee Recommendations for Changes to the City Council Procedures and Protocols Handbook based on Prior City Council Referrals

Council Member Burt noted there was a range of items to be addressed. He indicated that a short-term need related to January Committee meetings. He proposed that the prior year's committee composition carry over until new committee members were appointed by the new mayor and that those committees continue their work in January, if needed. He hoped this issue would be addressed and the others be agendized for January.

Council Member Veenker agreed as long as it was not after January, as the most time sensitive was the election of the mayor. Regarding organization, she was hoping there would be more information from staff. She wanted a Full Council discussion related to the mayor being a one-year appointment, and she outlined the pros and cons of the position being more than a year. To have that conversation, she requested there be more in Council's briefing and background to aid in the discussion. She would love to hear from some of the cities in Santa Clara and San Mateo counties who had changed the appointment time. She did not want to wait and do it at a time when options may be taken off the table, and she wanted it to return to P&S in a timely way. She recommended the question be brought back in early 2024 and that there be additional information about tradeoffs and experiences of other cities.

City Manager Ed Shikada replied that staff had identified the possible follow-up discussion on procedures and protocols as January 22 or February 5. Regarding organization, at the P&S

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Committee meeting, staff felt more Council direction was needed to do follow-up work on the selection of the mayor.

Deputy City Manager Chantal Cotton-Gains noted that in front of Council were seven referrals that Council had given to P&S and that Council Member Veenker had been speaking of the first of the seven, which related to the reorganization of the Council, which was the selection of the mayor. She understood that P&S had recommended and wanted to know if Council wanted to pursue a broader discussion of the topic and if that item would be brought back specifically for further Council discussion in early 2024.

City Manager Shikada did not think staff would be unable to articulate and categorize pros and cons of a governance question of this nature. He thought Council was equipped to engage in the discussion unless there were specific areas of inquiry that staff should prepare in advance.

Mayor Kou requested Council Member Burt make his motion, defer the rest, and suggest a mayor election.

Council Member Lauing mentioned that Packet Page 397 contained an outline of the mayor selection for other cities.

MOTION: Council Member Burt moved, seconded by Mayor Kou to:

1. Continue the discussion of the changes of the City Council Procedures and Protocols Handbook to a date uncertain soon in the beginning of 2024.
2. Allow for the prior year's current Ad Hoc, standing committees and council liaison roles, and regional appointment compositions to carry over until the new mayor appoints new members so that those committees can therefore continue to meet in January of the following new year.

City Manager Shikada remarked, regarding Number 2, that the only public meeting staff was aware of and anticipating preparing reports for was a Rail Committee meeting, and staff was trying to finalize a date. Staff was not preparing for any Finance or P&S meetings in January. Item 22 would be brought back to Council, and in late January or early February, Council could decide how much to [inaudible].

Mayor Kou added that there would most likely be regional meetings.

Public Comment

Aram J. (Zoom) claimed if the term of the mayor was changed to a two-year term it would not apply to the next mayorship, and he supported Council Members Tanaka and Veenker for the positions. Regarding the Handbook, he referred Council to the Northern California ACLU and a memo that had been sent to the Los Gatos Mayor and Town Council on March 1, 2023, related to constructive communication.

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MOTION PASSED: 7-0

Adjournment: The meeting was adjourned at 11:14 P.M.