



CITY OF PALO ALTO CITY COUNCIL ACTION

Special Meeting
November 18, 2013

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:08 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, Shepherd

Absent:

AGENDA CHANGES, ADDITIONS, AND DELETIONS

None

STUDY SESSION

2. Presentation to Council about Library Programs and Activities.

MINUTES APPROVAL

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve the Minutes of October 17, 2013.

MOTION PASSED: 9-0

CONSENT CALENDAR

Mayor Scharff announced that Council Member Holman registered a no vote on Agenda Item Number 7.

Council Member Schmid registered a no vote on Agenda Item Number 7.

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve Agenda Item Numbers 3-15.

3. Approval of the Fourth Amendment to Extend the Lease with Thoits Bros., Inc. at 285 Hamilton Avenue, Suite 100 for a Period of 32 Months and Approval of the First Amendment to Extend the Sublease

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with Survey Monkey at 285 Hamilton Avenue, Suite 280 for a Period Of 22 Months for Use by the City Development Center.

4. Approval of Amendment No. 2 to Contract # C09127499 with AssetWorks, Inc. in the Amount of \$32,100 for a Total Contract Not to Exceed Amount of \$268,210 for Cloud Hosting Solution and Maintenance for a One Year Term with the Option to Renew Four Additional Years for the City's FleetFocus and FuelFocus Fleet Transaction Management Systems.
5. Approval of a Contract in the Amount of \$693,073 with Naturescapes for Improvements to Eleanor Pardee Park Project PE-12012.
6. Approval of a Contract Amendment with Envisionware, Inc., for an Amount Not to Exceed \$463,000 for the Automatic Materials Handling System at the Main Library, For a Total Contract Not Exceeding \$1,000,000 for the Main and Mitchell Park Libraries.
7. Ordinance 5224 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code to Approve an Amendment to Planned Community (PC-5150) Mixed use Project to Allow Reconstruction of One of Two Historic Eichler Retail Buildings (Building 1), for a 3.58 Acre Site Located at 2080 Channing Avenue (Edgewood Plaza Mixed Use Project)" (First Reading: October 7, 2013; Passed 7-1 Holman no, Scharff absent).
8. Adoption of Eight Ordinances: (1) Ordinance 5216 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2013 Editions, and Local Amendments and Related Findings;" (2) Ordinance 5217 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2013 Edition, and Local Amendments and Related Findings;" (3) Ordinance 5218 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.06, California Residential Code, 2013 Edition, and Local Amendments and Related Findings;" (4) Ordinance 5219 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2013 Edition, and Local Amendments and Related Findings;" (5) Ordinance 5220 entitled

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"Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.14 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.14, California Green Building Standard Code, 2013 Edition, and Local Amendments and Related Findings;" (6) Ordinance 5221 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2013 Edition, and Local Amendments and Related Findings;" (7) Ordinance 5222 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2013 Edition, and Local Amendments and Related Findings;" and (8) Ordinance 5223 entitled "Ordinance of the Council of the City of Palo Alto Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2013 Edition, and Local Amendments and Related Findings" (First Reading: October 21, 2013 PASSED: 8-0 Klein absent).

9. Approval of Amendment No. 1 to the City's Power Purchase Agreement with Ameresco San Joaquin, LLC to Extend the Landfill Gas Electric Generating Facility's Commercial Operation Date to January 31, 2014.
10. Budget Amendment Ordinance 5225 entitled "Ordinance of the Council of the City of Palo Alto In The Amount Of \$125,000 For The First Year Funding Of A \$250,000 Two-Year Agreement For Intensive Case Management In Collaboration With The Housing Subsidies From The County Of Santa Clara."
11. Approval of a Contract With WatchGuard Video in the Amount of \$296,470 and Additional Services of \$8,530 for a Total Not to Exceed \$305,000 for the Upgrade of Police Mobile In-Car Video System, Capital Improvement Program Project TE-11002.
12. Approval of a Contract in the Amount of \$327,535 with MIG, Inc. for the Parks, Trails, Open Space and Recreation Master Plan Project PE-13003.
13. Approval of a Contract with Ghirardelli Associates in the Amount of \$638,599.82 for Construction Management Services for the California Avenue Transit Hub Corridor Streetscape Project.
14. Resolution 9383 entitled "Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Public Nuisance and Setting December

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9th, 2013 for a Public Hearing for Objections to Proposed Weed Abatement.”

15. Recommendation from the Council Appointed Officers Committee to Approve Amendment No. 2 to a Consulting Contract with Sherry L. Lund Associates to Increase the Scope of Services and Cost by \$10,000 for a Total Year-Two Cost Not To Exceed \$61,850, to be Funded from the Council Contingency Fund.

MOTION PASSED FOR AGENDA ITEM NUMBERS 3-6, 8-15: 9-0

MOTION PASSED FOR AGENDA ITEM NUBMER 7: 7-2 Holman, Schmid
no

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16. Public Hearing: City Council Review of a Proposed Mixed-use Development on a 1.6 Acre Site Located at 3159 El Camino Real (between Acacia and Portage Avenues), Adoption of the Environmental Review Document (Initial Study and Mitigated Negative Declaration) and Approval of the Site and Design Review, CUP for Over 5,000 Square Feet of Office and Design Enhancement Exceptions Application (via Record of Land Use Action). The Proposed Four-story, 55-Foot Tall, 74,122 s.f. Development Would Include Retail Space, Office Space, 48 Small Rental Residential Units, Two Zoning Concessions (Increased Floor Area and Reduced Parking Spaces) Under the State Density Bonus Law, and Would Replace the Existing 900 s.f. “We Fix Macs” Commercial Building.

MOTION: Council Member Klein moved, seconded by Council Member Price to approve the draft Record of Land Use Action (Attachment A) approving:

- (1) A Mitigated Negative Declaration (MND), prepared in accordance with the California Environmental Quality Act (CEQA) and the Mitigation Monitoring Report;
- (2) The Site and Design Review application for a four story, mixed-use building (67,506 square feet of new floor area added to an existing 6,616 s.f. building) having a floor area ratio (FAR) of 1.06:1 on a 1.6 acre site (74,122 s.f. floor area:69,503 s.f. site area) to provide 48 apartment units, including five Below Market Rate (BMR) units, and office and retail uses, with structured parking facilities (at surface and underground) providing 216 parking spaces (including 11 puzzle lifts for 196 cars),
- (3) A Density Bonus concession permitting increased floor area for both

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residential and commercial components of the project in the total amount of 4,619 square feet; and

- (4) A Conditional Use Permit (CUP) to allow 16,118 sq. ft. of office space on one parcel where the limit is 5,000 s.f., recommended by the Planning and Transportation Commission (Commission) on July 10, 2013, and
- (5) Design Enhancement Exceptions (DEEs) for five feet of additional building height and alleviation of the build to line by two and a half feet for a greater setback, recommended by the Architectural Review Board (ARB) on August 1, 2013.

MOTION PASSED: 7-2 Holman, Schmid no

17. Public Hearing: Request For Council's Direction On Whether to Apply The Edgewood Plaza PC \$94,200 Public Benefit Payment to the Construction of a Sidewalk, Historic Preservation of a Public Building, or Another Council Directed Purpose.

Council Member Holman recused herself from Agenda Item Number 17 because she previously worked for and still volunteers for the Palo Alto History Museum.

MOTION: Council Member Schmid moved, seconded by Council Member Kniss to approve Staff's recommendation to apply the penalty paid for the Edgewood Plaza PC Amendment for the historic preservation of a public building.

SUBSTITUTE MOTION: Council Member Burt moved, seconded by Vice Mayor Shepherd to apply penalty paid for the Edgewood Plaza PC Amendment toward the design of the sidewalk project along West Bayshore Road.

SUBSTITUTE MOTION FAILED: 3-5-1 Burt, Price, Shepherd yes, Holman recused

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the verbiage in the Motion from "the historic preservation of a public building" to "historic preservation at Lucie Stern as set for in paragraph two on page 797 in the Staff Report: "The Lucie Stern Community Center located at 1305 Middlefield Road. The community center was designed noted Palo Alto architect Birge Clark and is designated as a Category 1 resource on the City's historic inventory. There are two potential projects that could benefit from this funding. The two projects consist of restoration and rehabilitation of the existing brick pavers located onsite and/or upgrading of the existing single-pane glass with

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custom fabricated double-insulated panes. The paver project would consist of repairing of about 1,000 lineal feet of the original pathways. The bricks would be moved temporary to allow leveling of the sub-base with gravel and removal of protruding tree roots and rocks. Broken or unsafe bricks would be replaced with new matching bricks. The window project would allow better sound control and insulation for the facility while allowing the appearance of the historic building to be retained.”

MOTION PASSED: 7-1-1 Burt no, Holman recused

18. Colleague's Memo from Mayor Scharff, Vice Mayor Shepherd, Council Member Holman and Council Member Price, Regarding Expanding Smoking Ban in Downtown and California Avenue Business Districts.

MOTION: Mayor Scharff moved, seconded by Council Member Holman to direct Staff to:

1. Proceed to the Policy & Services Committee for policy discussion and recommendation to the full Council to expand the City’s outdoor smoking ban in the Downtown and California Avenue Business Districts.
2. Conduct outreach to downtown and California Avenue residents, businesses and property owners for input on expanding the City’s current ban on outdoor smoking in certain areas, including California Ave and University Ave and possibly other streets in the downtown cores.
3. Benchmark other jurisdictions’ outdoor smoking ban ordinances in downtown cores.

MOTION PASSED: 8-1 Schmid no

ADJOURNMENT: The meeting was adjourned at 10:52 P.M.