



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting  
January 11, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:02 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach arrived at 6:04 P.M.

Absent:

## Closed Session

1. EXISTING LITIGATION – 3 MATTERS  
Authority: Govt. Code 54956.9(d)(1)  
Wells Fargo Bank v. City of Palo Alto, et al., Santa Clara County Superior Court, Case No. 1-13-CV-238764  
Monroe Place v. City of Palo Alto, Santa Clara County Superior Court, Case No. 1-14-CV-259305  
Petition Requesting State Water Resources Control Board Review of Region 2's Re-Issuance of Municipal Regional Permit Regulating Stormwater Run-off (NPDES No. CAS612008).

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Scharff to go into Closed Session.

**MOTION PASSED:** 8-0 Wolbach absent

Council went into Closed Session at 6:04 P.M.

Council returned from Closed Session at 7:07 P.M.

Mayor Burt advised the Council voted unanimously to authorize a settlement in the matter of Wells Fargo Bank v. City of Palo Alto, et al., Case No. 1-13-CV-23-8764, existing litigation in Santa Clara County Superior Court. The

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matter settled for \$190,000 and the return of a condominium located at 4250 El Camino Real, Unit A310 to the City's affordable housing inventory;

The Council voted unanimously to authorize a settlement in the matter of Monroe Place v. City of Palo, Case No. 1-14-CV-259305, existing litigation in Santa Clara County Superior Court. The matter settled for a recovery to the City of \$2,801,474 and 7.5 percent of the final sale price of three unsold units to be paid to the Residential Housing In Lieu Fund; and

The Council voted unanimously to ratify the filing of the Water Quality Petition filed by the Santa Clara Valley Urban Run-off Pollution Prevention Program on behalf of the City. The Petition requests the California Regional Water Quality Control Board review Region 2's (San Francisco Bay Region) issuance of Municipal Regional Stormwater (National Pollutant Discharge Elimination System) NPDES Permit CAS612008.

## Special Orders of the Day

2. City of Palo Alto Certified as a Storm Ready Community.

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

3. Approval of Action Minutes for the December 7, 9, and 14, 2015 Council Meetings.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Berman to approve the Action Minutes for the December 7, 9, and 14, 2015 Council Meetings.

**MOTION PASSED:** 9-0

## Consent Calendar

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Kniss to approve Agenda Item Numbers 4-19, including in Agenda Item Number 15-  
**SECOND READING:** Approval of Planning Codes Update... removing "and

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approval" before "by the Architectural Review Board" in Municipal Code Section 18.16.060 (b)(9)(1).

Council Member Schmid registered a no vote on Agenda Item Number 14-Approval of a Contract for the Downtown Paid...

4. Finance Committee Recommendation to Council to Continue the PV Partners Program Until the State Legislative Requirements set Forth in the California Million Solar Roof Bill Have Been Fulfilled.
5. Finance Committee Recommendation That the City Council Approve Design Guidelines for the Net Energy Metering Successor Program.
6. Approval of a Purchase Order With American Truck & Trailer Body (AT&TB) in an Amount not to Exceed \$687,638 for the Purchase of Three 2016 Peterbilt 337 Extended Cab Chassis Including AT&TB Maintenance, Construction Service Body and Approve Budget Amendments in the Water Fund, Gas Fund, Wastewater Fund, and Vehicle Equipment and Replacement Fund.
7. Approval of a Contract With Siegfried for a Total Amount not to Exceed \$92,004 for Design and Construction Support Services for the Quarry Road Improvements and Transit Center Access Project and Approval of a Transfer From the Stanford University Medical Center Fund to the Capital Improvement Fund and Creation of CIP Project PL-16000 to Provide an Appropriation of \$92,004 to the Quarry Road Improvements and Transit Center Access Project in the Capital Improvement Program.
8. Approval of Contract Amendment Number 1 to Contract Number C15154454 With Integrated Design 360 for Project Management and Analysis Services Associated With an Electrification Feasibility Study, and Budget Amendment Ordinance 5370 Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto in the Amount of \$145,000."
9. Ordinance 5371 Entitled, "Ordinance of the Council of the City of Palo Alto Re-Titling and Amending Municipal Code Chapter 5.30 (Plastic Foam and Non-Recyclable Food Service Containers and Packaging Items) to Prohibit Sale of Non-Recyclable Plastic Foam at Retail Establishments Such as Grocery Stores, Pharmacies, Mail Service

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Stores and Hardware Stores (FIRST READING: December 7, 2015 PASSED: 7-0 Scharff not participating, Burt absent)."

10. Ordinance 5372 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 (Zoning Map and District Boundaries) of the Palo Alto Municipal Code to Change the Classification of Certain Properties on Greer Road, Amarillo Avenue, Metro Circle and Moffett Circle, a Portion of That Property Known as Greer Park, Tract Number 796, From R-1 to R-1-S (FIRST READING: November 30, 2015 PASSED: 9-0)."
11. Adoption of the City of Palo Alto Emergency Operations Plan (EOP) and Update of Membership of the Palo Alto/Stanford Citizen Corps Council.
12. Approval of Contract Change Order Number 2 to Contract Number S14151060 in the Amount of \$150,000 With Monterey Mechanical Company for On-Call Emergency Construction Services at the WQCP, Capital Improvement Program Project WQ-80021, for a Total Compensation not to Exceed \$400,000.
13. Policy and Services Committee Recommendation to Council for Adoption of an Ordinance Amending Chapter 9.14 (Smoking and Tobacco Regulations) of the Palo Alto Municipal Code to Include E-Cigarettes, Change Signage Language, and Include Additional Enforcement Options.
14. Approval of a Contract for the Downtown Paid Parking Study and Downtown Parking Management Evaluation With Dixon Resources for \$100,000.
15. Ordinance 5373 Entitled, "Ordinance of the Council of the City of Palo Alto to Amend Land Use Related Portions of Titles 16 and 18 of the Palo Alto Municipal Code. The Affected Chapters of Title 16 Include Title 16 (Building Regulations), Chapters 16.20 (Signs), 16.24 (Fences), and 16.57 (In-Lieu Parking Fees for New Non-Residential Development in the Commercial Downtown (CD) Zoning District), and Title 18 (Zoning), Chapters 18.01 (Adoption, Purposes and Enforcement), 18.04 (Definitions), 18.08 (Designation and Establishment of Districts), 18.10 (Low Density Residential RE, R-2 and RMD Districts), 18.12 (R-1, Single Family Residence District), 18.13 (Multiple Family Residential RM-15, RM-30, RM-40 Districts), 18.14 (Below Market Rate Housing Program), 18.15 (Residential

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Density Bonus), 18.16 (Neighborhood, Community, and Service Commercial CN, CC and CS Districts), 18.18 (Downtown Commercial CD Districts), 18.20 (Office, Research and Manufacturing MOR, ROLM, RP and GM Districts), 18.23 (Performance Criteria for Multiple Family, Commercial, Manufacturing and Planned Community Districts), 18.31 (CEQA Review - a new Chapter), 18.34 (PTOD Combining District Regulations), 18.40 (General Standards and Exceptions), 18.52 (Parking and Loading Requirements), 18.70 (Non-conforming Uses and Non-complying Facilities) and 18.77 (Processing of Permits and Approvals)."

16. Ordinance 5374 Entitled, "Ordinance of the Council of the City of Palo Alto Amending the Table of Organization for Fiscal Year 2016 to Incorporate Classification Title and Salary Changing the Name of the Classification From "Traffic Operations Lead" to "Traffic Engineering Lead (FIRST READING: December 14, 2015 PASSED: 9-0)."
17. Ordinance 5375 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Municipal Code Section 2.07.010 to Update Post Government Employment Regulations to Include all City Department Heads (FIRST READING: December 14, 2015 PASSED: 9-0)."
18. Adoption of an Ordinance Amending Title 5 (Health and Sanitation) and Title 18 (Zoning) of the Palo Alto Municipal Code to Require all Businesses to Subscribe to Recycling and Compost Services and Comply With Refuse Sorting Requirements.
19. Resolution 9571 Entitled, "Resolution of the Council of the City of Palo Alto Approving Terms of Agreement With the Palo Alto Police Managers' Association and Amending the Merit System Rules and Regulations to add Chapter 19 (PMA Agreement)."

**MOTION FOR AGENDA ITEM NUMBERS 4-13, 15-19 PASSED: 9-0**

**MOTION FOR AGENDA ITEM NUMBER 14 PASSED: 8-1 Schmid no**

## Action Items

20. PUBLIC HEARING: On Objections to Weed Abatement and Resolution 9572 Entitled, "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

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Public Hearing opened and closed without public comment at 8:11 P.M.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Kniss to adopt a Resolution ordering the abatement of weed nuisances in the City of Palo Alto.

**MOTION PASSED:** 7-0 Berman, DuBois not participating

21. PUBLIC HEARING: Approval of a Record of Land Use Action for a Variance to Allow for a Reduction in the Required Front Setback (Contextual) From 37 Feet 1-1/4 Inches to 32 Feet for a new Two-Story Single Family Residence Located at 224 Churchill Avenue. Exempt From California Environmental Quality Act (CEQA).

Public Hearing opened at 8:21 P.M.

Public Hearing closed at 8:31 P.M.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Kniss to adopt the findings and recommendation of the Planning and Transportation Commission to approve a variance for the property at 224 Churchill Avenue as documented in the Record of Land Use Action and direct Staff to include this topic in the annual Code clean-up.

**MOTION PASSED:** 8-1 Filseth no

Council took a break from 9:03 P.M. to 9:10 P.M.

22. PUBLIC HEARING: Approval of the Final Environmental Impact Report (FEIR) and Record of Land Use Action to Allow Demolition of Four Existing Structures Totaling 265,895 Square Feet and for Construction of Four Two-Story Office Buildings Totaling 265,895 Square Feet of Floor Area With Below and At-Grade Parking and Other Site Improvements. Zoning District: Research Park (RP) Located at 1050 Page Mill Road. Environmental Assessment: A Final Environmental Impact Report has Been Prepared.

Council Member DuBois advised he would not be participating in this Agenda Item due to his wife's employment at Stanford University. He left the meeting at 9:11 P.M.

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Public Hearing opened at 9:40 P.M.

Public Hearing closed at 10:24 P.M.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Kniss to:

- A. Certify the Final Environmental Impact Report and adopt a project specific Mitigation Monitoring and Reporting Program; and
- B. Adopt a Record of Land Use Action approving the Architectural Review application for four new office buildings at 1050 Page Mill Road; and
- C. Require landscaping that is predominately indigenous plants providing natural habitat; and
- D. Provide a landscape reserve South of Building Number 3 sufficient to provide for a future bikeway spine, should a spine project be adopted in the future by Stanford University and the City. Agreement to this condition would be required from the Lessee and Stanford University.

## MOTION SPLIT FOR THE PURPOSE OF VOTING

**MOTION1:** Vice Mayor Scharff moved, seconded by Council Member Kniss to:

- A. Certify the Final Environmental Impact Report and adopt a project specific Mitigation Monitoring and Reporting Program.

**MOTION2:** Vice Mayor Scharff moved, seconded by Council Member Kniss to:

- B. Adopt a Record of Land Use Action approving the Architectural Review application for four new office buildings at 1050 Page Mill Road; and
- C. Landscaping that is predominately indigenous plants providing natural habitat; and
- D. Provide a landscape reserve South of Building Number 3 sufficient to provide for a future bikeway spine, should a spine project be adopted

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in the future by Stanford University and the City. Agreement to this condition would be required from the Lessee and Stanford University.

**INCORPORATED INTO MOTION2 WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part D, "agreement to this condition would be required from the Lessee and Stanford University."

**INCORPORATED INTO MOTION2 WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part D, "pedestrian and" after "for a future."

**AMENDMENT TO MOTION2:** Council Member Holman moved, seconded by Council Member XX to add to the Motion, "direct Staff to review placing as much HVAC equipment inside the building as possible."

## **AMENDMENT TO MOTION2 FAILED DUE TO THE LACK OF A SECOND**

**INCORPORATED INTO MOTION2 WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "direct applicant to work with Staff to further consider ways to reduce noise impact." (new Part E)

**INCORPORATED INTO MOTION2 WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "add the Environmental Impact Report (EIR) mitigations and mitigation monitoring requirements to the Record of Land Use Action." (new Part F)

**INCORPORATED INTO MOTION2 WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "the Traffic Demand Management (TDM) program will be designed to reduce single occupancy vehicle trips by 20 percent during the peak hour." (new Part G)

**MOTION2 PART G RESTATED:** The Traffic Demand Management (TDM) program will reduce motor vehicle trips by 20 percent during A.M. and P.M. peak hours.

**MOTION1 RESTATED:** Vice Mayor Scharff moved, seconded by Council Member Kniss to:

- A. Certify the Final Environmental Impact Report and adopt a project specific Mitigation Monitoring and Reporting Program.

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**MOTION2 RESTATED:** Vice Mayor Scharff moved, seconded by Council Member Kniss to:

- B. Adopt a Record of Land Use Action approving the Architectural Review application for four new office buildings at 1050 Page Mill Road; and
- C. Landscaping that is predominately indigenous plants providing natural habitat; and
- D. Provide a landscape reserve sufficient to provide for a future pedestrian and bikeway spine to connect Hanover Street and El Camino Real, should a spine project be adopted in the future by Stanford University and the City. In such event the Applicant shall work with the City and Stanford University to convert the landscape reserve to a pedestrian and bikeway spine; and
- E. Applicant to work with Staff to further consider ways to reduce noise impact; and
- F. Add the Environmental Impact Report (EIR) mitigations and mitigation monitoring requirements to the Record of Land Use Action; and
- G. The Traffic Demand Management (TDM) program will reduce motor vehicle trips by 20 percent during A.M. and P.M. peak hours.

**MOTION1 PASSED:** 5-3 Filseth, Holman, Schmid no, DuBois absent

**MOTION2 AS AMENDED PASSED:** 7-1 Holman no, DuBois absent

## Inter-Governmental Legislative Affairs

None.

## Council Member Questions, Comments and Announcements

Vice Mayor Scharff announced his appointment to the Association of Bay Area Governments (ABAG) Personnel and Finance Committee, and the ABAG Committee in discussions with the Metropolitan Transit Commission (MTC) regarding a potential merger.

Adjournment: The meeting was adjourned at 12:24 P.M.