



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
October 17, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:07 P.M.

Present: Berman, Burt, DuBois arrived at 6:11 P.M., Filseth arrived at 6:09 P.M., Holman, Kniss arrived at 6:09 P.M., Scharff, Schmid, Wolbach

Absent:

Special Orders of the Day

1. Life Saving Recognition Ceremony to Recognize Police and Fire First Responders for Saving a Young Man.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the September 26 and October 4, 2016 Council Meetings.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve the Action Minutes for the September 26 and October 4, 2016 Council Meetings.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Vice Mayor Scharff moved, seconded by Council Member DuBois to approve Agenda Item Numbers 3-10.

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3. Resolution 9629 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Gas Rate Schedules G-1, G-1-G, G-2, G-2-G, G-3, G-3-G, G-10, and G-10-G, to Include a Separate Transportation Charge as a Discrete Pass-Through Component and to Reduce the Distribution Charge by the Initial Transportation Charge Amount of \$1.1088 per Therm Effective November 1, 2016."
4. Approval of Contract No. C17164199 With Kennedy/Jenks Consultants in the Total Not-to-Exceed Amount of \$466,318 to Provide Design Services for the new Primary Outfall Line at the Regional Water Quality Control Plant - Wastewater Treatment Fund Capital Improvement Program Project WQ-80021.
5. Annual Review of Williamson Act Contract Renewals, Approval of Non-Renewal for APN 351-05-050 and Approval of Exemption Under Section 15317 of the California Environmental Quality Act.
6. Three Resolutions: Resolution 9630 Entitled, "Resolution of the Council of the City of Palo Alto to Execute State Revolving Fund (SRF) Financial Assistance Applications, Designate the Amount of Project Expenditures to be Reimbursed by SRF Proceeds, and Pledge Revenue for Repayment of SRF Loans;" Resolution 9631 Entitled, "Resolution of the Council of the City of Palo Alto Amend the 2009 SRF Assistance Agreement;" and Resolution 9632 Entitled, "Resolution of the Council of the City of Palo Alto Authorize Contract Amendments With RWQCP Partners Cities of Mountain View and Los Altos, East Palo Alto Sanitary District, and the Board of Trustees of the Leland Stanford Junior University for the Funding of the Sludge Dewatering and Load Out Facility, the Primary Sedimentation Tank Rehabilitation, the Fixed Film Reactor Rehabilitation, and the Laboratory Environmental Services Building for the Wastewater Treatment Enterprise Fund Facilities at the Palo Alto Regional Water Quality Control Plant (RWQCP)."
7. Policy and Services Committee Recommendation to Accept the Disability Rates and Workers' Compensation Audit.
8. Policy and Services Committee Recommendation to Accept the City Auditor's Office Fiscal Year 2017 Proposed Work Plan.
9. Policy and Services Committee Recommendation to Accept the City Auditor's Office Quarterly Report as of June 30, 2016.

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10. Ordinance 5388 Entitled, "Ordinance of the Council of the City of Palo Alto Amending the City's Minimum Wage Ordinance to Align With the Santa Clara Cities Association Recommendation to Increase the Minimum Wage to \$15.00 per Hour in Three Steps: \$12.00 on 1/1/2017; \$13.50 on 1/1/2018; \$15.00 on 1/1/2019; and a CPI Increase After 2019 Indexed to the Bay Area CPI With a 5 Percent Cap and no Exemption (FIRST READING: Sept. 26, 2016 PASSED: 9-0)."

MOTION PASSED: 9-0

Action Items

11. Approval of 2000 Geng Road as the Temporary Location for Fire Station No. 3 During Construction of the Replacement Fire Station No. 3.

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

- A. Direct Staff to locate Temporary Fire Station No. 3 at 2000 Geng Road while the permanent replacement Fire Station No. 3 facility is under construction; and
- B. Amend the Fiscal Year 2017 Budget Appropriation Ordinance for the General Fund by decreasing the revenue estimate for rental of the Geng Road site by \$55,922.

MOTION PASSED: 8-1 Wolbach no

Council took a break from 8:39 P.M. to 8:46 P.M.

12. Discussion and Direction Regarding Parameters of an Ordinance Strengthening Retail Protections in Downtown and the South of Forest Area (SOFA II).

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve the draft framework for an Ordinance strengthening retail protections in the Downtown and South of Forest Area (SOFA II) with the following changes:

- A. Remove Number 1, Bullet 2 and Number 1, Bullet 3; and

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B. Protect all current retail in the Downtown Business District.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "eliminate 17 foot first floor height standards."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "no alterations to Design Criteria in SOFA II." (New Part C)

AMENDMENT: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, "direct Staff to return with potential limits on hair and nail salons, gyms, and other similar personal service uses on University Avenue."

AMENDMENT FAILED: 3-6 Burt, Holman, Wolbach yes

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require a Conditional Use Permit (CUP) for private schools in SOFA II."

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end of the Motion Part B, "and SOFA II."

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require a Conditional Use Permit (CUP) for private schools in the RT-35 District."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "prohibit window treatments made of reflective glass." (New Part D)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with a recommendation on lobby size." (New Part E)

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AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require the hours of operation be a minimum of 6 hours a day and 5 days per week for Retail Use."

AMENDMENT WITHDRAWN BY THE MAKER

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "direct Staff to return with a recommendation on medical office size."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with a recommendation on medical office size in SOFA II." (New Part F)

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "direct Staff to return with clarification of Office Use definition that differentiates between general office and research and development."

AMENDMENT WITHDRAWN BY THE MAKER

Council Member DuBois left the meeting at 11:11 P.M.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with recommendations on how to treat existing retail basement use in the University Avenue core area." (New Part G)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to conduct informal outreach to stakeholders including both small and independent retailers." (New Part H)

AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to remove, "and Number 1, Bullet 3" from the Motion Part A.

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "outside of University Avenue, within the Ground Floor District allow

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yoga studios, dance studios, martial arts studios, and similar uses.” (New Part I)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “direct Staff to evaluate aligning existing Planned Community Zone (PC) requirements with District requirements.” (New Part J)

MOTION RESTATED: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve the draft framework for an Ordinance strengthening retail protections in the Downtown and South of Forest Area (SOFA II) with the following changes:

- A. Remove Number 1, Bullet 2 and Number 1, Bullet 3; and
- B. Protect all current retail in the Downtown Business District and SOFA II; and
- C. No alterations to Design Criteria in SOFA II; and
- D. Prohibit window treatments made of reflective glass; and
- E. Direct Staff to return with a recommendation on lobby size; and
- F. Direct Staff to return with a recommendation on medical office size in SOFA II; and
- G. Direct Staff to return with recommendations on how to treat existing retail basement use in the University Avenue core area; and
- H. Direct Staff to conduct informal outreach to stakeholders including both small and independent retailers; and
- I. Outside of University Avenue, within the Ground Floor district allow yoga studios, dance studios, martial arts studios, and similar uses; and
- J. Direct Staff to evaluate aligning existing Planned Community Zone (PC) requirements with district requirements.

MOTION AS AMENDED PASSED: 8-0 DuBois absent

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Inter-Governmental Legislative Affairs

13. Request for City Council Endorsement of Santa Clara County Measure A, an Affordable Housing Bond Measure.

MOTION: Council Member Berman moved, seconded by Vice Mayor Scharff to endorse Santa Clara County Measure A, an Affordable Housing Bond Measure on the November 8, 2016 ballot.

MOTION PASSED: 8-0 DuBois absent

Council Member Questions, Comments and Announcements

Council Member Holman requested that an Agenda Item allowing the Council to support or oppose the various State Propositions and Measure B, the Valley Transportation Authority sales tax, on the November 8, 2016 ballot be agendized.

Council Member Kniss suggested the City's State Lobbyist could provide a summary of the Propositions for Council's consideration. She also suggested that the Council limit consideration to Measure B.

Mayor Burt reported that the supporters of Measure B preferred to receive individual Council Member support rather than City Council support. He inquired whether the League of California Cities or similar organization had taken positions on the various Propositions. He noted that the City Council does not take a position on all Propositions.

Vice Mayor Scharff stated that reviewing all Propositions would be time consuming.

Council Member Holman highlighted her interest in supporting Proposition 62, which would repeal the death penalty in California. She reported that the Council supported a similar Proposition in the past.

Vice Mayor Scharff highlighted his interest in discussing Proposition 53, which would require voter approval for projects costing more than \$2 billion.

Mayor Burt reported that these topics will be discussed with Staff for potential inclusion on a future Council agenda.

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Ed Shikada, Assistant City Manager reported that two Council meetings are scheduled prior to the November 8, 2016 Election, on October 24 and November 7, 2016. He advised that there is minimal time left for a discussion of Propositions and additional Measures on the November 8, 2016 ballot.

Council Member Berman reported his attendance and that of several other Council Members at the Palo Alto Chamber of Commerce Athena Awards this past Tuesday. He noted that Karen Kienzle, Art Center Director received the Athena Award at the event. He felt this was a well-deserved award.

Vice Mayor Scharff reported his appointment as Chair of the Bay Area Conservation and Development Commission (BCDC) Enforcement Committee.

Council Member Holman reported that she received the Project WeHOPE Civic Award this past Friday.

Adjournment: The meeting was adjourned at 11:40 P.M.