



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
January 9, 2017

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

Present: DuBois, Filseth, Fine, Holman, Kniss arrived at 6:07 P.M., Kou, Scharff, Tanaka arrived 6:07 P.M., Wolbach

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Subject: Slezak v. City of Palo Alto
United States District Court, Northern California,
Case No. 16-CV-3224 LHK
Authority: Government Code Section 54956.9(d)(1).

MOTION: Council Member Wolbach moved, seconded by Council Member DuBois to go into Closed Session.

MOTION PASSED: 7-0 Kniss, Tanaka absent

Council went into Closed Session at 6:02 P.M.

Council returned from Closed Session at 6:25 P.M.

Mayor Scharff announced no reportable action.

Study Session

2. City Manager's 2016 Annual Year in Review.

Special Orders of the Day

3. Proclamation of the Council of the City of Palo Alto Honoring the Volunteer Services of Sheri Furman.
4. This item will be heard on February 13, 2017.

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5. Presentation of Accreditation of the Urban Forestry Program by the Society of Municipal Arborists.

Council took a break from 7:41 P.M. to 7:52 P.M.

Agenda Changes, Additions and Deletions

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to continue Agenda Item Number 9- 900 N. California Avenue [15PLN-00155]... to January 23, 2017.

MOTION PASSED: 9-0

Minutes Approval

6. Approval of Action Minutes for the December 5 and 12, 2016 Council Meetings.

MOTION: Council Member DuBois moved, seconded by Mayor Scharff to approve the Action Minutes for the December 5 and 12, 2016 Council Meetings.

MOTION PASSED: 8-0-1 Fine not participating

Consent Calendar

MOTION: Council Member Wolbach moved, seconded by Council Member Tanaka, third by Council Member Fine to pull Agenda Item Number 11- Policy and Services Committee Recommends the City Council Adopt the City's Legislative... to be heard as Agenda Item Number 18A.

MOTION: Council Member Fine moved, seconded by Council Member Wolbach, third by Vice Mayor Kniss to pull Agenda Item Number 14- SECOND READING: Adoption of two Ordinances to Update the City's Below Market Rate (BMR)... to be heard on a date uncertain.

MOTION: Council Member Filseth moved, seconded by Council Member Holman to approve Agenda Item Numbers 7-8, 10, 12-13, 15-18.

7. Approval of Contract Number C17166566 With O'Grady Paving, Inc. in the Amount of \$686,290 for the Construction of the Quarry Road Improvements and Transit Center Access Project and Finding of Exemption From the California Environmental Quality Act (CEQA).

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8. Approval of Amendment Number 1 to Contract Number C15157160 With Traffic Data Services to Extend the Term Until June 30, 2019 for Provision of On-call Traffic Data Collection Services.
9. ~~900 N. California Avenue [15PLN-00155]: Denial of the Appeal of the Planning and Community Environment Director's Architectural Review Approval of Three new Single Family Homes, one With a Second Unit. Environmental Review: Categorical Exempt per CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures), Zoning District: R-1.~~
10. Approve and Authorize the City Manager to Execute an Agreement Between the City of Palo Alto and Team Sheeper LLC, for the Learn to Swim Program for Summer 2017 at an Amount Not-to-exceed \$143,000.
11. ~~Policy and Services Committee Recommends the City Council Adopt the City's Legislative Program Manual and 2017 Legislative Priorities.~~
12. Ordinance 5404 Entitled, "Ordinance of the Council of the City of Palo Alto to Update the Fiscal Year 2017 Municipal Fee Schedule to Adjust Development Services Department Fees (FIRST READING: December 12, 2016 PASSED 8-0)."
13. Ordinance 5405 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 9.14 (Smoking and Tobacco Regulations) of the Palo Alto Municipal Code to ban Smoking in Units in Multi-unit Residences and Common Areas, and Make Other Minor Amendments to Smoking Restrictions (Remove Bingo Games as Places and Workplaces Exempt From the City's Prohibition Against Smoking in Enclosed Places) (FIRST READING: December 5, 2016 PASSED: 8-0)."
14. ~~SECOND READING: Adoption of two Ordinances to Update the City's Below Market Rate (BMR) Housing Program as Recommended by the Finance Committee: (1) Repealing Municipal Code Section 16.47 (Non-residential Projects) and 18.14 (Residential Projects) and Adding a new Section 16.65 (Citywide Affordable Housing In-lieu Fees for Residential, Nonresidential, and Mixed Use Developments. The Proposed Ordinances are Exempt From the California Environmental Quality Act (CEQA) per Sections 15378(b)(4), 15305 and 15601(b)(3) of the State CEQA Guidelines (FIRST READING: December 12, 2016 PASSED: 5-3 Kniss, Scharff and Wolbach no).~~
15. Resolution 9657 Entitled, "Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Public Nuisance and Setting February 6,

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2017 for a Public Hearing for Objections to Proposed Weed Abatement."

16. Resolution 9658 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Issuance of the California Municipal Finance Authority 2017 Tax Exempt Loan (International School of the Peninsula) in an Aggregate Principal Amount Not-to-Exceed \$7,500,000."
17. Policy and Services Committee Recommends City Council Review the 2017 City Council Priority Suggestions in Preparation for the Annual Council Retreat and Direct the Mayor to Appoint Council Members to Work With the City Manager in Identifying a Facilitator for a Subsequent Retreat.
18. Resolution 9659 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Execute and File an Application on Behalf of the City of Palo Alto to the Federal Transit Administration (FTA) for the Management of and Participation in a Grant Award to Enhance and Evaluate a Comprehensive Technology/Policy Solution Called Fair Value Commuting (FVC), Designed to Reduce Traffic Congestion."

MOTION PASSED: 9-0

Action Items

- 18A. (Former Item No. 11) Policy and Services Committee Recommends the City Council Adopt the City's Legislative Program Manual and 2017 Legislative Priorities.

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to:

- A. Remove from Active Advocacy items, "at the State level, exempt tipped employees from minimum wage" and refer the topic to the Policy and Services Committee; and
- B. Add to Important Priorities, "oppose attempts to undermine rights of any group, whether by federal government; or by coercing states or local government; or by weakening existing laws and enforcement thereof against harassment, discrimination, and hate crimes;" and
- C. Adopt the update to the Legislative Program Manual and the 2017 Legislative Priorities.

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AMENDMENT: Council Member Kou moved, seconded by Council Member XX to add to the Motion, "remove from Active Advocacy items, 'on a pilot basis, authorize Palo Alto and potentially the surrounding area as a place for autonomous vehicle testing.'"

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION SEPARATED FOR PURPOSE OF VOTING

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Motion Part A with, "replace Active Advocacy Item A with, 'at the State level, allow cities to pursue policies to deviate from minimum wage requirements in order to more equitably distribute tips among employees.'"

AMENDMENT: Council Member DuBois moved, seconded by Vice Mayor Kniss to replace the Motion Part A with, "allow cities to deviate from minimum wage requirements when income including tips exceeds minimum wage."

AMENDMENT PASSED: 5-4 Filseth, Fine, Scharff, Wolbach no

MOTION PARTS B AND C PASSED: 9-0

19. Appointment of Three Candidates to the Historic Resources Board and Four Candidates to the Parks and Recreation Commission (PARC) for Terms Ending December 15, 2019; and Discussion and Potential Appointment of one Candidate to the PARC for an Unexpired Term Ending December 15, 2018.

MOTION: Vice Mayor Kniss moved, seconded by Council Member XX to continue the appointments for the Parks and Recreation Commission (PARC) to a date uncertain and reopen recruitment for the PARC.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Council Member Tanaka moved, seconded by Council Member Fine to continue this Agenda Item to a date uncertain and reopen recruitment for both the Parks and Recreation Commission and the Historic Resources Board.

SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Council Member Holman to appoint three candidates to the Historic Resources Board and four candidates to the Parks and Recreation Commission for terms ending December 15, 2019 and direct Staff to reopen

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recruitment for the unscheduled vacant term on the Parks and Recreation Commission.

SUBSTITUTE MOTION FAILED: 4-5 DuBois, Fine, Kou, Tanaka yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "and retain current pool of applicants and permit current applicants to interview with Council again, if they so choose."

MOTION AS AMENDED RESTATED: Council Member Tanaka moved, seconded by Council Member Fine to continue this Agenda Item to a date uncertain and reopen recruitment for both the Parks and Recreation Commission and the Historic Resources Board and retain current pool of applicants and permit current applicants to interview with Council again, if they so choose.

MOTION AS AMENDED PASSED: 7-2 DuBois, Kou no

20. Discussion and Direction Regarding Unscheduled Vacancy on the Planning and Transportation Commission; and Potential Appointment of one Candidate to the Planning and Transportation Commission for an Unexpired Term Ending December 15, 2018.

MOTION: Vice Mayor Kniss moved, seconded by Council Member DuBois to recruit for the Planning and Transportation (PTC) and direct Staff to contact the most recent pool of applicants to see if they are still interested in serving on the PTC and if they would like to interview again with the Council.

MOTION PASSED: 9-0

21. Resolution 9660 Entitled, "Resolution of the Council of the City of Palo Alto Scheduling the City Council Summer Break and Winter Closure for 2017."

MOTION: Vice Mayor Kniss moved, seconded by Council Member Wolbach to adopt a Resolution scheduling the Council's Summer Break from July 1, 2017 to August 13, 2017 and the Winter Closure from December 18, 2017 to January 7, 2018.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

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Council Member Questions, Comments and Announcements

Vice Mayor Kniss requested Council Members interested in serving on various League of California Cities Committees contact her to advise her of their interest. These Committees include Employee Relations, Taxation and Revenue, Public Safety, and others. She reported Council Member Wolbach serves on the Public Safety Committee and she serves on the Taxation and Revenue Committee. She announced that Menlo Park Mayor Kirsten Keith will serve as Chairperson of the Taxation and Revenue Committee. She announced the League of California Cities, Peninsula Division meeting on February 2, 2017 at Don Giovanni's in Mountain View. One topic on the Agenda will be social justice and inclusivity.

Closed Session

22. CONFERENCE WITH CITY ATTORNEY—EXISTING LITIGATION
Subject: Buena Vista MHP Residents Association v. City of Palo Alto
Santa Clara County Superior Court, Case No. 115-CV-284763
Authority: Government Code Section 54956.9(d)(1).

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

MOTION PASSED: 9-0

Council went into Closed Session at 9:24 P.M.

Council returned from Closed Session at 10:22 P.M.

Mayor Scharff announced the Council voted 9-0 to authorize an appeal of the Superior Court's decision in Buena Vista MHP Residents Association v. City of Palo Alto, Santa Clara County Superior Court, Case No. 115-CV-284763.

Adjournment: The meeting was adjourned at 10:25 P.M.