



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
May 15, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

Present: DuBois, Filseth, Fine, Holman, Kniss arrived at 5:10 P.M., Kou, Scharff, Tanaka joined at 5:09 P.M., Wolbach

Participating remotely: DuBois participating from Ohio Living Lake Vista, Conference Room, 44 Heron Circle, Cortland, OH 44410.

Participating remotely: Tanaka participating from Washington Hilton Hotel, Embassy Meeting Room, 1919 Connecticut Ave NW, Washington, DC 20009.

Absent:

Closed Session

- A. CONFERENCE WITH CITY ATTORNEY
Existing Litigation - 1 Matter
Authority: Government Code Section 54956.9(d)(1)
Buena Vista MHP Residents Association v. City of Palo Alto, et al.
Santa Clara County Superior Court, Case No. 115CV284763.

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

MOTION PASSED: 7-0 Kniss, Tanaka absent

Council went into Closed Session at 5:06 P.M.

Council returned from Closed Session at 6:10 P.M.

Mayor Scharff announced no reportable action.

Agenda Changes, Additions and Deletions

None.

ACTION MINUTES

Minutes Approval

1. Approval of Action Minutes for the May 1, 2017 Council Meeting.

MOTION: Vice Mayor Kniss moved, seconded by Mayor Scharff to approve the Action Minutes for the May 1, 2017 Council Meeting.

MOTION PASSED: 9-0

Consent Calendar

Staff requests Agenda Item Number 3- Adoption of a Resolution Summarily Vacating... be continued to a date uncertain.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Wolbach to approve Agenda Item Numbers 2 and 4.

2. Approval and Authorization for the City Manager to Execute Contract Number C17167501 With Daleo, Inc. in the Amount of \$5,735,538 for Water Main Replacement Project 26, Capital Improvement Program (WS-12001) in the Downtown North, University South, and Old Palo Alto Neighborhoods; and Approval of an Amendment to the FY 2017 Budget in the Amount of \$885,976 Along With an Equivalent Decrease in the Water Fund Capital Reserve.
3. ~~Adoption of a Resolution Summarily Vacating Public Utility Easement at 144 Kellogg Avenue.~~
4. Approval of Amendment Number One to Contract Number C14152828 With MV Transportation to Extend the Term for two Years for \$625,980 to Operate the Palo Alto Free Shuttle Service on the Existing Crosstown Shuttle Route Until June 2019; and Approval of a Budget Amendment in the General Fund.

MOTION PASSED: 8-1 Kou no

Action Items

5. Comprehensive Plan Update: Review of the Draft Natural Environment, Safety, and Business & Economics Elements Recommended by the Citizens Advisory Committee.

ACTION MINUTES

1. Safety Element Revisions

MOTION: Mayor Scharff moved, seconded by Council Member Fine to direct Staff to prepare a revised draft of the Safety Element for referral to the Planning and Transportation Commission incorporating the following change, consolidate programs in the Safety Element where feasible to establish a balance between policies and programs similar to other elements.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Policy S-3.2 or S-3.3, 'vapor intrusion prevention.'" (New Part B)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Program S1.7.2, 'if feasible' before 'this includes.'" (New Part C)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "update Program S2.6.2 to include 'explore' in the second sentence.'" (New Part D)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Policy S-1.3, 'as needed' after 'development proposals.'" (New Part E)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Policy S-1.9, 'including in context of climate change and sea level rise.'" (New Part F)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace Program S2.14.3 with, 'periodically update the Fire Department's Standards of Cover document.'" (New Part G)

AMENDMENT: Council Member Kou moved, seconded by Council Member XX to replace the Motion Part C with, "remove from Program S1.7.2, '7.9 magnitude.'" (New Part H)

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace the Motion Part C with, "remove from Program S1.7.2, 'this includes remaining fully operational after a catastrophic (7.9 magnitude) earthquake, other natural disasters, moderate terrorist attack or crisis.'" (New Part I)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace Program S2.6.2

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with `continue to use a seismic bonus and Transferable Development Rights (TDR) Ordinance for seismic retrofits for eligible structures in the Commercial Downtown (CD) zone.'" (New Part H)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add a program, `evaluate the Transferable Development Rights (TDR) Ordinance so that transferred development rights may be used only for residential development on the receiver sites.'" (New Part I)

AMENDMENT: Council Member Holman moved, seconded by Council Member Kou to add to the Motion, "remove Program S2.6.1."

AMENDMENT FAILED: 3-6 Holman, Fine, Kou yes

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "add to Policy S-3.3, `the City to identify' after `development review.'"`

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "add to Policy S-3.9, `requiring' after `waste generation through.'"`

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Policy S-3.9, `increased' with `requiring.'" (New Part J)

AMENDMENT: Council Member Holman moved, seconded by Council Member Filseth to add to the Motion, "add a Policy, `evaluate the Carbon Dioxide (CO2) impacts of construction and demolition and consider ways to mitigate those impacts.'"`

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Amendment, "Policy" with "Program."

AMENDMENT RESTATED: Council Member Holman moved, seconded by Council Member Filseth to add to the Motion, "add a Program, `evaluate the Carbon Dioxide (CO2) impacts of construction and demolition and consider ways to mitigate those impacts.'"`

AMENDMENT WITHDRAWN BY THE MAKER

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "remove from Program S2.6.3, 'to include sunset dates by which transfer obligations must be fulfilled.'" (New Part K)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part I, "only."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion "add to Program S1.7.2, 'as an essential service building' after 'Public Safety building.'" (New Part L)

MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Council Member Fine to direct Staff to prepare a revised draft of the Safety Element for referral to the Planning and Transportation Commission incorporating the following changes:

- A. Consolidate programs in the Safety Element where feasible to establish a balance between policies and programs similar to other elements; and
- B. Add to Policy S-3.2 or S-3.3, "vapor intrusion prevention;" and
- C. Remove from Program S1.7.2, "this includes remaining fully operational after a catastrophic (7.9 magnitude) earthquake, other natural disasters, moderate terrorist attack or crisis;" and
- D. Update Program S2.6.2 to include "explore" in the second sentence; and
- E. Add to Policy S-1.3, "as needed" after "development proposals;" and
- F. Add to Policy S-1.9, "including in context of climate change and sea level rise;" and
- G. Replace Program S2.14.3 with, "periodically update the Fire Department Standards of Cover document;" and
- H. Replace Program S2.6.2 with "continue to use a seismic bonus and Transferable Development Rights (TDR) Ordinance for seismic retrofits for eligible structures in the Commercial Downtown (CD) zone;" and
- I. Add a program, "evaluate the Transferable Development Rights (TDR) Ordinance so that transferred development rights may be used for residential development on the receiver sites;" and

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- J. Replace in Policy S-3.9, "increased" with "requiring;" and
- K. Remove from Program S2.6.3, "to include sunset dates by which transfer obligations must be fulfilled;" and
- L. Add to Program S1.7.2, "as an essential service building" after "Public Safety building."

AMENDMENT AS AMENDED PASSED: 9-0

2. Natural Environment Element Revisions

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to direct Staff to prepare a revised draft of the Natural Environment Element for referral to the Planning and Transportation Commission incorporating the following changes, consolidate park funding and acquisition policies from the Natural Environment Element to the Community Services Element and seek other opportunities to align the elements and reduce redundancies.

AMENDMENT: Vice Mayor Kniss moved, seconded by Council Member Holman to add to the Motion, "select 150 feet as the desired stream setback metric Program N3.3.1 in the Natural Environment Element about updating the code to require larger stream setbacks along natural creeks west of Foothill Expressway."

AMENDMENT TO THE AMENDMENT: Mayor Scharff moved, seconded by Vice Mayor Kniss to replace in the Amendment, "select 150" with "explore 150."

AMENDMENT TO THE AMENDMENT PASSED: 6-3 Filseth, Holman, Kou no

AMENDMENT AS AMENDED RESTATED: Vice Mayor Kniss moved, seconded by Council Member Holman to add to the Motion, "explore 150 feet as the desired stream setback metric for Program N3.3.1 in the Natural Environment Element about updating the code to require larger stream setbacks along natural creeks west of Foothill Expressway." (New Part B)

AMENDMENT AS AMENDED PASSED: 9-0

Council Member DuBois left the meeting at 9:10 P.M.

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N6.12.2, 'forums to ensure that future activities'" with "forums and engage with other governmental agencies and representatives to ensure that activities." (New Part C)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N1.7.2, 'and domestic' with 'feral and stray.'" (New Part D)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "remove from Program N1.4.1, 'sources may include the California Natural Diversity Database, as updated in accordance with federally- and State recognized organizations, including the United States Fish and Wildlife Service and California Department of Fish and Wildlife, as well as the California Native Plant Society and the Audubon Society.'" (New Part E)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Policy N-4.8., 'by reducing' with 'by exploring ways to reduce.'" (New Part F)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Natural Environment Vision Statement, 'urban forest' after 'creeks, parks.'" (New Part G)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to the Natural Environment Vision Statement, 'and health' after 'provide ecological.'" (New Part H)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N3.3.1, 'at least 25 feet' with 'at least 30.'" (New Part I)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to provide clarity for the last two bullet points in Program N3.3.1." (New Part J)

AMENDMENT: Council Member Holman moved, seconded by Council Member Kou to add to the Motion, "direct Planning and Community Environment Staff to explore with the City Attorney's Office implementing maximum decibel (dB) levels in residential and commercial areas.

AMENDMENT FAILED: 3-5 Filseth, Holman, Kou yes, Dubois absent

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N6.3.3, 'appropriateness' with 'effectiveness.'" (New Part K)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Program N6.7.1, 'in the Noise Ordinance' after 'review procedures.'" (New Part L)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Program N7.2.2, 'including the Carbon Dioxide (CO2) emissions of construction materials and demolition' after 'greenhouse gases.'" (New Part M)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N1.10.2, 'pursue' with 'explore' and remove 'such as Renzel Wetlands and the Gamble House and Gardens as public parks to preserve the community serving purpose of these areas into the future.'" (New Part N)

AMENDMENT: Council Member Holman moved, seconded by Council Member Filseth to add to the Motion, "add at the beginning of Policy N-2.1, 'recognize the Urban Forest as Infrastructure and' and update Policy N-2.2 in line with this change."

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to ensure the Comprehensive Plan language is consistent with prior Council direction regarding Urban Forest as infrastructure." (New Part O)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Program N2.1.1, 'remain relevant' with 'set leading standards for tree health practices.'" (New Part P)

MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Vice Mayor Kniss to direct Staff to prepare a revised draft of the Natural Environment Element for referral to the Planning and Transportation Commission incorporating the following changes:

- A. Consolidate park funding and acquisition policies from the Natural Environment Element to the Community Services Element and seek other opportunities to align the elements and reduce redundancies; and

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- B. Explore 150 feet as the desired stream setback metric for Program N3.3.1 in the Natural Environment Element about updating the code to require larger stream setbacks along natural creeks west of Foothill Expressway; and
- C. Replace in Program N6.12.2, "forums to ensure that future activities" with "forums and engage with other governmental agencies and representatives to ensure that activities;" and
- D. Replace in Program N1.7.2, "and domestic" with "feral and stray;" and
- E. Remove from Program N1.4.1, "sources may include the California Natural Diversity Database, as updated in accordance with federally- and State recognized organizations, including the United States Fish and Wildlife Service and California Department of Fish and Wildlife, as well as the California Native Plant Society and the Audubon Society;" and
- F. Replace in Policy N-4.8., "by reducing" with "by exploring ways to reduce;" and
- G. Add to Natural Environment Vision Statement, "urban forest" after "creeks, parks;" and
- H. Add to the Natural Environment Vision Statement, "and health" after "provide ecological;" and
- I. Replace in Program N3.3.1, "at least 25 feet" with "at least 30;" and
- J. Direct Staff to provide clarity for the last two bullet points in Program N3.3.1; and
- K. Replace in Program N6.3.3, "appropriateness" with "effectiveness;" and
- L. Add to Program N6.7.1, "in the Noise Ordinance" after "review procedures;" and
- M. Add to Program N7.2.2, "including the Carbon Dioxide (CO2) emissions of construction materials and demolition" after "greenhouse gases;" and
- N. Replace in Program N1.10.2, "pursue" with "explore" and remove "such as Renzel Wetlands and the Gamble House and Gardens as public parks to preserve the community serving purpose of these areas into the future;" and

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- O. Direct Staff to ensure the Comprehensive Plan language is consistent with prior Council direction regarding Urban Forest as infrastructure; and
- P. Replace in Program N2.1.1, “remain relevant” with “set leading standards for tree health practices.”

MOTION AS AMENDED PASSED: 8-0 DuBois absent

Council Member Tanaka left the meeting at 10:07 P.M.

3. **Business and Economics Element Revisions.**

MOTION: Mayor Scharff moved, seconded Council Member Fine by Continue the Business and Economics Element to the May 22, 2017 Council Meeting.

MOTION PASSED: 7-0 DuBois, Tanaka absent

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Wolbach suggested Council consider revising the way Council Minutes are prepared to provide greater clarity to the public.

Adjournment: The meeting was adjourned at 10:08 P.M.