



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
February 25, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:03 P.M.

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Michelle Flaherty, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Molly Stump, Terence Howzell, and Kiely Nose)
Employee Organization: Service Employees International Union, (SEIU) Local 521
Authority: Government Code Section 54957.6 (a).
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Authority: Government Code Section 54956.8
Property: Vacant Land, 3350 Birch Street, Palo Alto, CA
Assessor's Parcel No. 132-33-050
Agency Negotiators: Ed Shikada, Kiely Nose, and Sunny Tong
Negotiating Parties: Pacific Bell Telephone Co.
Under Negotiation: Purchase Price and Terms of Payment.

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

MOTION PASSED: 7-0

Council went into Closed Session at 5:22 P.M.

Council returned from Closed Session at 7:31 P.M.

Mayor Filseth announced no reportable action.

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Special Orders of the Day

3. Resolution 9819 Entitled "Resolution of the Council of the City of Palo Alto Expressing Gratitude and Appreciation to Robert de Geus for two Decades of Exceptional Public Service to the Palo Alto Community."

MOTION: Council Member Kniss moved, seconded by Council Member Kou to adopt a Resolution Expressing Gratitude and Appreciation to Robert de Geus for two Decades of Exceptional Public Service to the Palo Alto Community.

MOTION PASSED: 7-0

Agenda Changes, Additions and Deletions

None.

Minutes Approval

4. Approval of Action Minutes for the February 2, 4, and 11, 2019 Council Meetings.

MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to approve the Action Minutes for the February 2, 4 and 11, 2019 Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to approve Agenda Item Numbers 5-11A.

Council Member DuBois registered a no vote on Agenda Item Number 10.

Mayor Filseth registered a no vote on Agenda Item Number 10.

Council Member Kou registered a no vote on Agenda Item Numbers 8, 9, 10.

Council Member Tanaka registered a no vote on Agenda Item Number 11A.

5. Approval of Amendment Number 1 to Contract Number C16166822 With ARC Document Solutions for Copiers/Printers to Increase the Annual Amount by \$41,000 to add Utilities Bill Printing and Other Departments for a new Annual Not-to-Exceed Amount of \$408,068.

ACTION MINUTES

6. Approval of the Second Extension of the Pilot Phase of the Southgate Residential Preferential Parking Program for a Period of Six Months.
7. Resolution 9820 Entitled, "Resolution of the Council of the City of Palo Alto Declaring Intention to Reimburse Expenditures Related to the Four Capital Improvement Projects From the Proceeds of the Bonds to be Issued by the City for Wastewater Treatment Fund for a Not-to-Exceed Amount of \$85 million."
8. Issuance of a Request for Proposals (RFP) for an Evaluation of Organizational and Resource Options for the City Auditor's Office and Refer to the Council Appointed Officers Committee Evaluation of the RFP Results and Development of Recommendations to the Council.
9. Appointment of Council Member Alison Cormack to the Board of Directors of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority.
10. Ordinance 5459 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Repeal Section 18.18.040 Relating to a Nonresidential Square Footage Cap in the CD Downtown Commercial Zoning District to Implement and Conform to the Updated Comprehensive Plan 2030 (FIRST READING: February 11, 2019 PASSED: 4-3 DuBois, Filseth, Kou no)."
11. Adoption of the Urban Forest Master Plan Second Edition.
- 11A. Approval of an Exemption from Competitive Solicitation, Approval of a Contract With Swatt Miers Architects Inc. in an Amount Not-to-Exceed \$397,725 for Design Services for the Animal Shelter, and Authorization for the City Manager to Purchase a Modular Building from vendor Design Space Modular in an Amount Not-to-Exceed \$300,000 for the Animal Shelter Renovation, Capital Improvement Program Project, PE-19002.

MOTION PASSED FOR AGENDA ITEM NUMBERS 5-7, 11: 7-0

MOTION PASSED FOR AGENDA ITEM NUMBER 8: 6-1 Kou no

MOTION PASSED FOR AGENDA ITEM NUMBER 9: 6-1 Kou no

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MOTION PASSED FOR AGENDA ITEM NUMBER 10: 4-3 DuBois, Filseth, Kou no

MOTION PASSED FOR AGENDA ITEM NUMBER 11A: 6-1 Tanaka no

Action Items

12. PUBLIC HEARING/QUASI-JUDICIAL: 285 Hamilton Avenue [18PLN-00006]: Recommendation on Applicant's Request for a Text Amendment to Title 18 of the Palo Alto Municipal Code to Allow for Minor Increases in Height and Floor Area to Provide Access to Roof-top Decks on Existing Structures in the Commercial Downtown (Community) CD-C Subdistrict, as well as a Conditional Use Permit and Architectural Review for a 2,600 Square Foot Roof-top Deck on the Roof of the Existing Commercial Building at 285 Hamilton Avenue. The Planning and Transportation Commission Reviewed and Recommended Approval (4-2) of the Text Amendment and Conditional Use Permit at a Public Hearing on October 10, 2018. Environmental Assessment: Exempt per Sections 15301 and 15305 of the California Environmental Quality Act (CEQA) Guidelines. Zone District: CD-C(GF)(P) (Continued From November 19, 2018).

Public Hearing opened and closed without public comment at 8:35 P.M.

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

- A. Find the proposed text amendment and architectural review and conditional use permit applications exempt from the California Environmental Quality Act (CEQA) per Guidelines Sections 15301 and 15305; and
- B. Introduce for first reading and adopt an Ordinance and approve the proposed Record of Land Use Action approving architectural review and conditional use permit applications.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Ordinance to state "buildings located in the CD-C subdistrict that are noncomplying for height or gross floor area..."; and

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Ordinance to provide the Director discretion to initiate a Director's review of any CUP that is the subject of multiple complaints regarding noise.

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Ordinance to state "For the height limit exceptions, all fixtures and structures shall not intersect a plane measured at a forty-five-degree angle from the edge of the building starting at the rooftop deck surface sloping upward and inward toward the center of the property."

AMENDMENT: Council Member DuBois moved, seconded by Council Member Kou to amend the Record of Land Use Action Section 5. 3. to state "...This use shall be limited to use only by the building occupants and their employees and shall be subject to conditions herein."

AMENDMENT FAILED 3-4 DuBois, Filseth, Kou yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Record of Land Use Action Section 5. 4. to state "...8:00 A.M. to 9:00 P.M. daily."

AMENDMENT: Council Member DuBois moved, seconded by Council Member Cormack to amend the Record of Land Use Action Section 5. 5., Amplified Music, to state "the use of sound amplifying equipment shall be prohibited."

AMENDMENT PASSED: 4-3 Kniss, Fine, Tanaka no

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Motion, new Part E., to state "...all fixtures and structures..."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return to Council in 2019 and outline options for the Ordinance to be extended to other areas in the City.

MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Vice Mayor Fine to:

- A. Find the proposed text amendment and architectural review and conditional use permit applications exempt from the California Environmental Quality Act (CEQA) per Guidelines Sections 15301 and 15305;
- B. Introduce for first reading and adopt an Ordinance and approve the proposed Record of Land Use Action approving architectural review and conditional use permit applications;

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- C. Amend the Ordinance to state "buildings located in the CD-C subdistrict that are noncomplying for height or gross floor area...";
- D. Amend the Ordinance to provide the Director discretion to initiate a Director's review of any CUP that is the subject of multiple complaints regarding noise;
- E. Amend the Ordinance to state "For the height limit exceptions, all fixtures and structures shall not intersect a plane measured at a forty-five-degree angle from the edge of the building starting at the rooftop deck surface sloping upward and inward toward the center of the property;"
- F. Amend the Record of Land Use Action Section 5. 4. to state "...8:00 A.M. to 9:00 P.M. daily;"
- G. Amend the Record of Land Use Action Section 5. 5., Amplified Music, to state "the use of sound amplifying equipment shall be prohibited;" and
- H. Direct Staff to return to Council in 2019 and outline options for the Ordinance to be extended to other areas in the City.

MOTION AS AMENDED PASSED: 5-2 DuBois, Kou no

Council took a break from 9:47 P.M. to 9:53 P.M.

- 13. Authorize the City Manager to Explore, Negotiate and Potentially Submit an Offer to Purchase Property at 3350 Birch Street (Assessor's Parcel No. 132-33-050).

MOTION: Mayor Filseth moved, seconded by Council Member Kou to authorize the City Manager or designee to explore, negotiate and potentially submit an offer to purchase property located at 3350 Birch Street (Assessor's Parcel No. 132-33-050).

MOTION PASSED: 7-0

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 10:19 P.M.