



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
August 27, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:09 P.M.

Present: DuBois, Filseth, Holman, Kniss; Kou arrived at 5:54 P.M., Scharff, Tanaka, Wolbach

Absent: Fine

## Study Session

1. Palo Alto Safe Routes to School Partnership Annual Update.

**NO ACTION TAKEN.**

## Minutes Approval

2. Approval of Action Minutes for the August 13, 2018 Council Meeting.

**MOTION:** Vice Mayor Filseth moved, seconded by Council Member Scharff to approve the Action Minutes for the August 13, 2018 Council Meeting.

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

## Consent Calendar

Council Member Holman registered a no vote on Agenda Item Number 3.

**MOTION:** Vice Mayor Filseth moved, seconded by Council Member Scharff to approve Agenda Item Numbers 3-6.

3. Approval of: 1) Contract Number C19171727 With DeSilva Gates Construction, LP in the Amount of \$12,497,319; 2) Amendment Number 3 to Contract Number C15155208B With Mead & Hunt, Inc. in the Amount of \$1,345,644; and 3) Amendment Number 6 to Contract Number C15155208A With C&S Engineers, Inc. in the Amount of \$373,451 for Phase II of the Airport Apron Reconstruction Capital Improvements Program Project AP-16000; Adoption of a Resolution 9790 Entitled "Resolution of the Council of the City of Palo Alto

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Authorizing the City Manager to Execute Future Grant Agreements Offered by the California Department of Transportation for Airport Improvement Program Matching Grant Funds for Apron Reconstruction at the Palo Alto Airport, and Authorizing the City Manager to Execute Supporting Documents or Contracts Associated With the Application and Acceptance of Said Grant Funds;" Approval of a Budget Amendment in the Airport Enterprise Fund; and Approval of Findings That the Proposed Project is Exempt From Environmental Review Under California Environmental Quality Act (CEQA) Guidelines 15301 and 15302 and Federal Aviation Administration (FAA) Order 1050.1F.

4. THIS ITEM HAS BEEN REMOVED AND WILL BE HEARD AT A LATER DATE.
5. Vote to Endorse the Slate of Candidates for the Peninsula Division's Executive Committee for 2018-19 and Direct the City Clerk to Forward to Seth Miller, the Regional Public Affairs Manager for the Peninsula Division, League of California Cities the Completed Ballot for the City of Palo Alto.
6. Acceptance of the 2018 Zero Waste Plan; Direction to Staff to Develop a Proposed Contract Extension to the Current Refuse Hauling and Processing Contract With GreenWaste of Palo Alto to Implement the New Zero Waste Plan; and Direction to Staff to Prepare a Request for Proposal (RFP) for Related Refuse Services, to include the changes outlined in the at places memo.

**MOTION PASSED FOR AGENDA ITEM NUMBER 3:** 7-1 Holman no, Fine absent

**MOTION PASSED FOR AGENDA ITEM NUMBERS 4-6:** 8-0 Fine absent

## Action Items

7. Discussion and Direction on an Operating Agreement With Pets In Need and Interim Improvements for the Palo Alto Animal Shelter.

**MOTION:** Council Member Holman moved, seconded by Vice Mayor Filseth to direct Staff to continue negotiations with Pets In Need to operate the City's Animal Shelter understanding the terms will include:

- A. Expanded site use; and
- B. \$3.4M facility capital improvements; and
- C. Operation changes - Implications of a No Kill Operating Model; and

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- D. Resolution of open items - liability, start-up costs and facility use terms; and
- E. Direct Staff to return to City Council with a transition plan as soon as possible.

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member XXX to amend the Motion, Part B to state, "Direct staff to work with Pets in Need to come up with a joint ownership model that will allow the City to figure out how to close the gap on the funding."

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

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

Mayor Kniss advised Agenda Item Number 10- PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Section 18.42.040 Related to Accessory and Junior Accessory Dwelling Units (ADU/JADU)...was continued to a date uncertain.

Council took a break at 9:34 P.M. and returned at 9:42 P.M.

At this time, the City Council discussed Agenda Item Number 9.

- 9. Recommendations From the Human Relations Commission in Response to Council Resolution Number 9653 Reaffirming Palo Alto's Commitment to a Diverse, Supportive, Inclusive, and Protective Community.

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Filseth to continue this item to a date uncertain.

**MOTION PASSED:** 7-1 Wolbach no, Fine absent

At this time, the City Council discussed Agenda Item Number 8.

- 8. Consideration and Adoption of an Emergency Ordinance 5447 Entitled "Emergency Ordinance of the Council of the City of Palo Alto Amending the Municipal Code to Require Relocation Assistance/Mitigation for No Fault Evictions From Multi-family Housing Developments."

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

- A. Adopt Emergency Ordinance 1A. Amending Chapter 9.68 (Rental Housing Stabilization) of the Palo Alto Municipal Code to Require Relocation Assistance Payments for No-fault Evictions for Multifamily

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Housing Developments Containing 50 or More Rental Units, and to incorporate the following language: "To be eligible for relocation assistance, a displaced residential household must have an annual household income that does not exceed eighty (80) percent of the area median household income for Santa Clara County as adjusted for household size according to the United States Department of Housing and Urban Development, as may be adjusted from time to time, and whose rental payments to the landlord remain current through the date of displacement;" and

- B. Adopt a substantively identical (non-emergency) ordinance on first reading, which will be effective on the 31st day following its second reading.

**AMENDMENT:** Council Member DuBois moved, seconded by Council Member Holman to amend the Motion, Part A to state, "...that does not exceed one hundred and twenty (120) percent of the area median household income..."

**AMENDMENT FAILED:** 5-3 Kniss, Scharff, Tanaka no, Fine absent

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDED** to change the language in the Motion, Part A to state, "...annual household income that does not exceed one hundred (100) percent of the area median household income..."

**AMENDMENT:** Council Member Kou moved, seconded by Council Member XX to amend the Motion, Part A to state, "...Multifamily Housing Developments Containing 20 or More Rental Units..."

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

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Kou to amend the Motion, Part A to return to the Staff recommendation to state:

- A. Adopt Emergency Ordinance 1A. Amending Chapter 9.68 (Rental Housing Stabilization) of the Palo Alto Municipal Code to Require Relocation Assistance Payments for No-Fault Evictions for Multifamily Housing Developments Containing 50 or More Rental Units.

**AMENDMENT FAILED:** 5-3 Kniss, Scharff, Tanaka no, Fine absent

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member DuBois to:

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- A. Adopt Emergency Ordinance 1A. Amending Chapter 9.68 (Rental Housing Stabilization) of the Palo Alto Municipal Code to Require Relocation Assistance Payments for No-Fault Evictions for Multifamily Housing Developments Containing 50 or More Rental Units, and to incorporate the following language: "To be eligible for relocation assistance, a displaced residential household must have an annual household income that does not exceed one hundred (100) percent of the area median household income for Santa Clara County as adjusted for household size according to the United States Department of Housing and Urban Development, as may be adjusted from time to time, and whose rental payments to the landlord remain current through the date of displacement;" and
- B. Adopt a non-emergency ordinance on first reading, which will have no means testing and which will be effective on the 31st day following its second reading.

## **SUBSTITUTE MOTION WITHDRAWN.**

**MOTION AS AMENDED RESTATED:** Council Member Scharff moved, seconded by Mayor Kniss to:

- A. Adopt Emergency Ordinance 1A. Amending Chapter 9.68 (Rental Housing Stabilization) of the Palo Alto Municipal Code to Require Relocation Assistance Payments for No-Fault Evictions for Multifamily Housing Developments Containing 50 or More Rental Units, and to incorporate the following language: "To be eligible for relocation assistance, a displaced residential household must have an annual household income that does not exceed one hundred (100) percent of the area median household income for Santa Clara County as adjusted for household size according to the United States Department of Housing and Urban Development, as may be adjusted from time to time, and whose rental payments to the landlord remain current through the date of displacement;" and
- B. Adopt a substantively identical (non-emergency) ordinance on first reading, which will be effective on the 31st day following its second reading.

**MOTION AS AMENDED PASSED:** 7-1 Tanaka no, Fine absent

- 10. ~~PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Section 18.42.040 Related to Accessory and Junior Accessory Dwelling Units (ADU/JADU) to Clarify or Modify Various Provisions Including Setback Requirements for Detached ADU~~

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~~Basements, Allowance for Setback and Daylight Plane Encroachments for Detached ADUs, Bonus Lot Coverage and Floor Area Eligibility, Bonus Floor Area Amount to Match Minimum Unit Size as Established by Building Code, Reduced Height Limit for Detached ADUs Located Within Identified Eichler Tracts, Replacement Parking Provisions as Applicable to JADUs, Allowance for Replacement Parking to be Located Within Driveways Located in Street-side Setbacks, Allowance for Existing Driveways to be Expanded to Accommodate Replacement Parking, Allowance for Noncomplying Structures to be Rebuilt as Part of Conversion to ADU, and Applicable Zoning Districts That Allow ADU Development; Finding the Ordinance Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3); and Discussion of Other Potential ADU-related Regulations. The Planning & Transportation Commission Recommended Adoption of the Ordinance.~~

## State/Federal Legislation Update/Action

11. Appointment of Cory Wolbach as Alternate Board Member to the Santa Clara Valley Transportation Authority Board of Directors.

**MOTION:** Mayor Kniss moved, seconded by Council Member Scharff to appoint Council Member Cory Wolbach as alternate Board Member to the Santa Clara Valley Transportation Authority Board of Directors.

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

Adjournment: The meeting was adjourned in honor of United States Senator John McCain and Phyllis Cassel at 12:27 A.M.