



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

March 18, 2019

**The Honorable City Council
Attention: Finance Committee
Palo Alto, California**

Approval of Action Minutes for the February 25 and March 4, 2019 Council Meetings

Staff is requesting Council review and approve the attached Action Minutes.

ATTACHMENTS:

- Attachment A: 02-25-19 DRAFT Action Minutes (DOCX)
- Attachment B: 03-04-19 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT 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.

DRAFT 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 PASSED: 5-2 DuBois, Kou no

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;

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- 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;
- 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.

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



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
March 4, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

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

Absent: Tanaka

Special Orders of the Day

1. Recognition of the Palo Alto Student Winners From the 2018 Synopsis Science Fair.
2. Recognition of the Winners of the 2019 Palo Alto City Library Kids and Teens Writing Contest.

Closed Session

3. CONFERENCE WITH CITY ATTORNEY
Subject: Written Liability Claim Against the City of Palo Alto by Komuna Capital, LLC; Komuna Palo Alto, LLC; and Komuna Energy, LLC (Claim No. C18-0043)
Authority: Government Code Section 54956.9 (e)(3).
4. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Santa Clara County Superior Court, Case No. 16CV300760
(One Case, as Defendant) – Miriam Green v. City of Palo Alto
Authority: Government Code Section 54956.9(d)(1).

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

MOTION PASSED: 6-0 Tanaka absent

Council went into Closed Session at 5:20 P.M.

Council returned from Closed Session at 7:00 P.M.

Mayor Filseth announced no reportable action.

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Agenda Changes, Additions and Deletions

Mayor Filseth announced that Council will hear Oral Communications after Agenda Item Number 12- Acceptance of the Fiscal Year 2020-2029... because the Council is ahead of the tentative time listed on the meeting agenda for Oral Communications.

Consent Calendar

Council Member Kou registered no votes on Agenda Item Numbers 6- Authorize Transmittal of the 2018 Annual Comprehensive Plan and Housing Element Progress Report... and 8- Approval of a License Agreement With Crown Castle Towers 06-2, LLC...

MOTION: Council Member Kniss moved, seconded by Council Member DuBois to approve Agenda Item Numbers 5-11, including updated attachments for Agenda Item Number 6- Authorize Transmittal of the 2018 Annual Comprehensive Plan and Housing Element Progress Report... as outlined in the at place Staff Memorandum.

5. Approval of Construction Contract Number C19173793 With Waterproofing Associates, Inc. in an Amount Not-to-Exceed \$282,840 and Authorization of Contract Contingency in an Amount Not-to-Exceed \$28,284 to Replace the Existing K Wing Roof at Cubberley Community Center.
6. Authorize Transmittal of the 2018 Annual Comprehensive Plan and Housing Element Progress Report for the Period of January 1, 2018 to December 31, 2018 to the State of California's Office of Planning and Research and the Department of Housing and Community Development (HCD).
7. Resolution 9821 Entitled, "Resolution of the City of Palo Alto Approving the November 2018 Amended and Restated Water Supply Agreement Between the City and County of San Francisco Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County; and Authorize the City Manager to Execute the Amended and Restated Water Supply Agreement."
8. Approval of a License Agreement With Crown Castle Towers 06-2, LLC for Placement of Telecommunications Facilities on City-Owned Property Located at 799 Embarcadero Road.
9. Approval of Addendum Number 9 to the Basic Agreement With the Cities of Mountain View and Los Altos; and Amendment Number 6 to

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Contract Number C869 With the Board of Trustees of the Leland Stanford Junior University Related to the Regional Water Quality Control Plant's Near-term Capital Improvement Program Funding.

10. Approval of Amendment Number 2 to Contract Number S16164688 to add \$100,000 for a Total Not-to Exceed Amount of \$400,000 With Municipal Resources Group for Professional Human Resources Consulting Services.
11. Approval of Four Professional Services Agreements With: (1) BluePoint Planning; (2) Bovo Tighe; (3) Management Partners; and (4) Municipal Resource Group for Organizational Development Over a Three-year Term, all Subject to an Aggregate Not-to-Exceed Amount of \$450,000.

MOTION FOR AGENDA ITEM NUMBERS 5, 7, 9-11: 6-0 Tanaka absent

MOTION FOR AGENDA ITEM NUMBERS 6 AND 8: 5-1 Kou no, Tanaka absent

Action Items

12. Acceptance of the Fiscal Year 2020-2029 Long Range Financial Forecast.

MOTION: Mayor Filseth moved, seconded by Council Member Cormack to accept the Fiscal Year 2020 – Fiscal Year 2029 Long Range Financial Forecast (LRFF) and include deltas in the assumptions from the Long Range Financial Forecast when the budget is presented.

AMENDMENT: Council Member DuBois moved, seconded by Council Member XX to add to the Motion, “that the LRFF include a scenario for the General Fund and enterprise funds using a rolling average of recent increases with an explanation of assumptions included.”

AMENDMENT AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member XX to add to the Motion, “that the LRFF include an alternative scenario for the General Fund and enterprise funds using consideration of recent salary and benefit changes with an explanation of assumptions included.”

AMENDMENT WITHDRAWN BY THE MAKER

MOTION PASSED: 6-0 Tanaka absent

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State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 8:24 P.M.