



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

October 17, 2016

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

Approval of Action Minutes for the September 26 and October 4, 2016 Council Meetings

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

ATTACHMENTS:

- Attachment A: 09-26-16 DRAFT Action Minutes (DOC)
- Attachment B: 10-04-16 DRAFT Action Minutes (DOC)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
September 26, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:34 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

Special Orders of the Day

1. Proclamation Honoring Cybersecurity Awareness Month.
2. Proclamation Honoring The Christmas Bureau's 60th Anniversary.

Agenda Changes, Additions and Deletions

MOTION: Council Member Kniss moved, seconded by Council Member DuBois to hear Agenda Item Number 9- Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances... as the last Action Item tonight.

MOTION PASSED: 5-4 Berman, Burt, Filseth, Wolbach, no

Minutes Approval

3. Approval of Action Minutes for the September 12, 2016 Council Meeting.

MOTION: Council Member Schmid moved, seconded by Council Member Wolbach to approve the Action Minutes for the September 12, 2016 Council Meeting.

MOTION PASSED: 9-0

DRAFT ACTION MINUTES

Consent Calendar

Council Member Filseth registered a no vote on Agenda Item Number 5-Approval and Authorization for the City Manager or his Designee to Execute two Energy Efficiency Program Contract Amendments...

MOTION: Council Member Kniss moved, seconded by Council Member Berman to approve Agenda Item Numbers 4-7.

4. Approval of the Termination of a Funding Agreement With the City of East Palo Alto for the East Palo Alto Shuttle Route at the Request of the City of East Palo Alto; Approval of an Exemption Under Section 15301 of the California Environmental Quality Act Guidelines; and Approval of a Budget Amendment to the General Fund.
5. Approval and Authorization for the City Manager or his Designee to Execute two Energy Efficiency Program Contract Amendments: (1) Amendment Number 3 to a Contract With BASE Energy, Inc. for the Administration of the Third-Party Non-residential new Construction Program Contract Number C11141002 Extending the Term for two Additional Years; and (2) Amendment Number 1 to Eagle Systems International, Inc. DBA Synergy Companies Contract Number C15159125 for the Multifamily Residence Plus Program Increasing Compensation by \$500,000 From \$450,000 for a Total Not-to-Exceed Amount of \$950,000.
6. Approval of Change Order Number One to Contract Number S16159273 With Penhall Company for Concrete Saw Cutting Services to Extend the Contract Time to Three Years (2015-2018) and to Increase the Total Not-to-Exceed Amount From \$168,705 to \$506,115 Over Three Years; and Finding That Approval of the Contract's Change Order is Categorically Exempt From California Environmental Quality Act Review Under Section 15301(c) of the CEQA Guidelines.
7. Approval of a Contract Amendment With Global Learning Solution Inc. to Extend the Term Through June 30, 2017 and add \$125,000 for a Total Not-to-Exceed Amount of \$375,000 for the Support of Human Resources SAP Modules and Business Processes Improvements.

MOTION FOR AGENDA ITEM NUMBER 5 PASSED: 8-1 Filseth, no

MOTION FOR AGENDA ITEM NUMBERS 4, 6-7 PASSED: 9-0

DRAFT ACTION MINUTES

Action Items

8. Direction to Expand Community Use of Upcoming Space at Cubberley Community Center Following Foothill College's Planned Move and Approval of Exemption Under California Environmental Quality Act.

MOTION: Council Member Holman moved, seconded by Council Member Schmid to:

- A. Authorize Staff to amend the 1991 Cubberley Master Plan to provide for additional uses in Buildings A, B, C, D, I, J, K, and P currently occupied by Foothill Community College (educational use) and apply for necessary planning entitlements to allow additional community oriented uses; and
- B. Adopt a finding that these actions are exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines.

SECOND WITHDRAWN BY THE SECONDER

MOTION FAILED DUE TO THE LACK OF A SECOND

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

- A. Authorize Staff to amend the 1991 Cubberley Master Plan to provide for additional uses in Buildings A, B, C, D, I, J, K, and P currently occupied by Foothill Community College (educational use) and apply for necessary planning entitlements to allow additional community oriented uses; and
- B. Authorize the City Manager to accept a lease rate of \$1.00 per square foot for Avenidas to occupy up to 10,000 square feet at the Cubberley Community Center to operate a temporary senior center during the renovations at 450 Bryant Street; and
- C. Adopt a finding that these actions are exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines.

DRAFT ACTION MINUTES

MOTION PASSED: 9-0

Council took a break from 7:21 P.M. to 7:32 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member DuBois to hear Agenda Item Number 9- Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances... at this time.

MOTION PASSED: 9-0

9. Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances Governing Three of the Four City Parking Garages Proposed for Rooftop Solar Installations at 445 Bryant Street, 520 Webster Street, and 275 Cambridge Avenue and Regarding the Architectural Review Procedure for the Three PC Zoned Garages and the Fourth Parking Garage at 475 Cambridge Which is Zoned Public Facilities (PF), Including a Finding That the Project is Exempt From Review Under the California Environmental Quality Act (CEQA).

Vice Mayor Scharff advised he will not participate in this Agenda Item because he owns real property near the subject properties.

Council Member Kniss advised she will not participate in this Agenda Item because she owns real property near the subject properties.

Council Member Kniss and Vice Mayor Scharff left the meeting at 7:37 P.M.

MOTION: Council Member Berman moved, seconded by Council Member Wolbach to make the following determinations:

- A. The installation of structural canopies to support solar panels will be consistent with the Planned Community (PC) Ordinances and approved development plans for three City garages located at 445 Bryant Street, 520 Webster Street, and 275 Cambridge Avenue, such that no amendments are needed to these PC ordinances; and
- B. The PC Ordinances for 445 Bryant Street and 520 Webster Street do not need to be modified to allow structural canopies to exceed the 50 foot high limit; and

DRAFT ACTION MINUTES

- C. The proposed support structures for the photovoltaic panels at all four sites are considered “minor” projects subject to Staff Level Architectural Review in accordance with Palo Alto Municipal Code (PAMC) Section 18.76.020; and
- D. The recommended actions are exempt from review under the California Environmental Quality Act (CEQA) Sections 21080.35, 15303, and 15301 (existing facilities).

MOTION PASSED: 7-0 Kniss, Scharff not participating

- 10. Policy and Services Committee Recommends Adoption of an Ordinance Amending the City’s Minimum Wage Ordinance to Align With the Santa Clara Cities Association Recommendation to Increase the Minimum Wage to \$15 per Hour in Three Steps: \$12 on 1/1/2017; \$13.50 on 1/1/2018, \$15.00 on 1/1/2019, and a Consumer Price Increase (CPI) Increase After 2019 Indexed to the Bay Area CPI With a 5 Percent Cap and no Exemption.

Vice Mayor Scharff and Council Member Kniss returned to the meeting at 8:56 P.M.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City’s Minimum Wage Ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and commit to updating the City’s Ordinance to exclude tipped employees if Labor Code Section 351 is updated to allow this exemption and the City will support advocating for this exemption at the state level.

SUBSTITUTE MOTION: Council Member Wolbach moved, seconded by Council Member Berman to adopt an Ordinance amending the City’s Minimum Wage Ordinance to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on April 1, 2017; \$13.50 on January 1, 2018, \$15.00 on July 1, 2018, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute

DRAFT ACTION MINUTES

Motion, "and direct the Policy and Services Committee to evaluate the concept of a tipped worker exemption and the impacts of advocating for this concept in Sacramento."

SUBSTITUTE MOTION RESTATED: Council Member Wolbach moved, seconded by Council Member Berman to adopt an Ordinance amending the City's Minimum Wage Ordinance to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on April 1, 2017; \$13.50 on January 1, 2018, \$15.00 on July 1, 2018, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and direct the Policy and Services Committee to evaluate the concept of a tipped worker exemption and the impacts of advocating for this concept in Sacramento.

SUBSTITUTE MOTION AS AMENDED FAILED: 2-7 Berman, Wolbach, yes

MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City's Minimum Wage Ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and commit to updating the City's Ordinance to exclude tipped employees if Labor Code Section 351 is updated to allow this exemption and the City will support advocating for this exemption at the state level.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "commit to" with "evaluate."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "the City will support advocating for this exemption at the state level" with "add this to the list of topics for the Policy and Services Committee to consider when reviewing the Legislative Policy Program."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "exclude" with "best address the issue of."

DRAFT ACTION MINUTES

MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City's Minimum Wage ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and evaluate updating the City's Ordinance to best address the issue of tipped employees if Labor Code Section 351 is updated to allow this exemption and add this to the list of topics for the Policy and Services Committee to consider when reviewing the Legislative Policy Program.

MOTION AS AMENDED PASSED: 9-0

11. PUBLIC HEARING: Resolution 9626 Entitled, "Resolution of the Council of the City of Palo Alto Confirming the Code Enforcement Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Properties Located at 220 Matadero Avenue and 18 Roosevelt Circle."

Public Hearing opened and closed without public comment at 10:50 P.M.

MOTION: Council Member Holman moved, seconded by Council Member Filseth to adopt a Resolution confirming the Code Enforcement Abatement Report and ordering abatement costs to be a special assessment on the properties specified in the Report.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Kniss reported her attendance at the League of California Cities, Peninsula Division Quarterly Meeting last Thursday. At this meeting, a presentation was given that included information on two projects that provide housing for teachers; Cañada Vista in San Mateo County and Casa de Maestro in Santa Clara. Both projects were funded by and built by local school districts without the assistance of tax credits.

DRAFT ACTION MINUTES

Council Member DuBois reported his attendance at the NTD Health Expo at the Mitchell Park Community Center. He suggested that this event be coordinated with the annual health fair.

Mayor Burt reported his attendance at the recent San Francisquito Creek Joint Powers Authority (JPA) meeting. The JPA Received an update on efforts with Pacific Gas and Electric (PG&E) to align PG&E's gas line work along the Palo Alto Golf Course with JPA projects. City of Palo Alto Staff and Santa Clara Valley Water District Staff are engaged with this effort. He reported that the Peninsula Corridor Joint Powers Board's (Caltrain) Local Policy Maker Group is seeking a Metropolitan Transit Commission (MTC) grant to fund a system-wide grade separation study.

Adjournment: The meeting was adjourned at 11:00 P.M.



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
October 4, 2016

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

Present: Berman, Burt, DuBois, Filseth, Holman arrived at 5:07 P.M.,
Kniss arrived at 7:01 P.M., Scharff, Schmid, Wolbach

Absent:

Library Advisory Commission

Present: Chin, Hagan, Loy, McDougall, Moss arrived at 6:10 P.M.

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY
Existing Litigation - 1 Matter
Authority: Government Code Section 54956.9(d)(1)
Eileen Staats v. City of Palo Alto
Santa Clara County Superior Court, Case No. 1:15-cv-284956.

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

MOTION PASSED: 7-0 Holman, Kniss absent

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

Council returned from Closed Session at 6:00 P.M.

Mayor Burt announced no reportable action.

DRAFT ACTION MINUTES

Study Session

2. Potential List of Topics for Joint Meeting With the City Council and the Library Advisory Commission (LAC).

Special Orders of the Day

3. Appointment of two Candidates to the Planning and Transportation Commission for Terms Ending December 15, 2020 and one Candidate to the Planning and Transportation Commission for an Unexpired Term Ending December 15, 2018.

First Round of voting for two positions on the Planning and Transportation Commission with terms ending December 15, 2020:

Voting For Rebecca Eisenberg:

Voting For Claude Ezran:

Voting For Przemek Gardias: Burt, Kniss

Voting For Brian Hamachek:

Voting For David Hirsch:

Voting For Frank Ingle:

Voting For Natasha Kachenko:

Voting For Gabriel Kralik:

Voting For Michelle Kraus: Berman, Kniss, Scharff, Wolbach

Voting For Ed Lauing: Burt, DuBois, Filseth, Holman, Schmid

Voting For Christian Pease:

Voting For Jessica Resmini:

Voting For Reshma Singh: Berman, Scharff, Wolbach

DRAFT ACTION MINUTES

Voting For Srinivasan Subramanian:

Voting For Doria Summa: DuBois, Filseth, Holman, Schmid

Beth Minor, City Clerk announced that Ed Lauing with 5 votes was appointed to the Planning and Transportation Commission.

Second Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2020:

Voting For Przemek Gardias: Burt, Scharff

Voting For Reshma Singh: Berman, Wolbach

Voting For Doria Summa: DuBois, Filseth, Holman, Kniss, Schmid

Beth Minor, City Clerk announced that Doria Summa with 5 votes was appointed to the Planning and Transportation Commission.

First Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2018:

Voting For Przemek Gardias: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Beth Minor, City Clerk announced that Przemek Gardias with 9 votes was appointed to the Planning and Transportation Commission.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

4. Approval of Action Minutes for the September 19, 2016 Council Meeting.

MOTION: Council Member DuBois moved, seconded by Council Member Schmid to approve the Action Minutes for the September 19, 2016 Council Meeting.

DRAFT ACTION MINUTES

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Holman moved, seconded by Mayor Burt, third by Council Member Filseth to pull Agenda Item Number 9- Adoption of a Resolution Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules... to be heard as Agenda Item Number 9b tonight and be continued to November 7, 2016 for full discussion.

MOTION: Council Member Kniss moved, seconded by Council Member Berman to approve Agenda Item Numbers 5-8, 9a.

5. Resolution 9627 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the City Manager or his Designee to Approve a Base Contract for Sale and Purchase of Natural Gas With Sequent Energy Management, LP, and to Purchase a Portion of the City's Natural Gas Requirements Under Specified Terms and Conditions During Calendar Years 2016 Through 2022."
6. Resolution 9628 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Standard Form Natural Gas Purchase and Sales Agreement With Special Terms and Conditions ("Standard Form Master Agreement")."
7. Approval of a two Year Professional Services Contract Number C16163563 With Mott MacDonald Group for Rail Program Management Services to Allow for Multiple Specific Task Orders With a Total Not-to-Exceed Amount of \$1,614,763.
8. Approve and Authorize the City Manager to Execute Contract Number C17165053 With Salas O'Brien, in an Amount Not-to-Exceed \$217,800 for Design Services for the Municipal Service Center Mechanical, Electrical, and Lighting Improvements, and Zero Waste Office Renovation Capital Improvements Program Project PF-16006.
9. ~~Adoption of a Resolution Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution Number 9554.~~

DRAFT ACTION MINUTES

- 9a. Appointment of Utilities General Manager (Director of Utilities)/Assistant City Manager, Approval of Amendment to Employment Agreement and Approval of Recommended Staffing Reorganization in the City Manager's Office and the Utilities Department.

MOTION FOR AGENDA ITEM NUMBERS 5-8, 9a PASSED: 9-0

Action Items

- 9b. (Former Agenda Item Number 9) Adoption of a Resolution Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution Number 9554.

NO ACTION TAKEN

10. PUBLIC HEARING: Adoption of Nine Ordinances to Adopt 2016 California Building Codes, Local Amendments, and Related Updates: (1) Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2016 Editions, and Local Amendments and Related Findings; (2) Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.05, California Mechanical Code, 2016 Edition, and Local Amendments and Related Findings; (3) Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.06, California Residential Code, 2016 Edition, and Local Amendments and Related Findings; (4) Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.08, California Plumbing Code, 2016 Edition, and Local Amendments and Related Findings; (5) Repealing Chapter 16.14 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.14, California Green Building Standards Code, 2016 Edition, and Local Amendments and Related Findings; (6) Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.16, California Electrical Code, 2016 Edition, and Local Amendments and Related Findings; (7) Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2016 Edition, and Local Amendments and Related Findings; and (8) Adopt a new Title 16, Chapter 16.18 Private

DRAFT ACTION MINUTES

Swimming Pool and Spa Code, 2016 Edition and Local Amendments and Related Findings; (9) Amending Title 16, Chapters 16.36 House Numbering and 16.40 Unsafe Buildings for Local Amendments and Related Findings. Adoption of Categorical Exemptions Under Sections 15305 and 15308 of the CEQA Guidelines.

Public Hearing opened and closed without public comment at 8:13 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Wolbach to:

- A. Adopt nine Ordinances, amending Title 16 of the Palo Alto Municipal Code:
 - i. Seven of the Ordinances adopt by reference and make local amendment to the various parts of the 2016 California Building Standards Code (CBSC), Title 24 of the California Code of Regulations, along with the necessary findings of fact supporting each local amendment; and
 - ii. An Ordinance adopting a new Chapter 16.18 Private Swimming Pool and Spa Code, 2016 Edition and Local Amendments; and
 - iii. An Ordinance making minor amendments to Chapter 16.36 (House Numbering) and Chapter 16.40 (Unsafe Buildings) to conform with state law; and
- B. Adopt categorical exemptions under sections 15305 and 15308 of the California Environmental Quality Act Guidelines.

MOTION PASSED: 9-0

- 11. PUBLIC HEARING: Faircourt #3 and #4 Single Story Overlay (SSO) Rezoning: Request for a Zone Change of the Faircourt #3 and #4 Tracts #1921 and #1816 From R-1 Single Family Residential (8000) to R-1(8000)(S) Single Family Residential With Single Story Overlay (SSO); Environmental Assessment: Exempt From the California Environmental Quality Act per Section 15305; Planning and Transportation Commission Recommended Denial of the SSO Request.

Public Hearing opened at 8:46 P.M.

DRAFT ACTION MINUTES

Public Hearing closed at 9:04 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to deny the request for a Single Story Overlay (SSO).

SUBSTITUTE MOTION: Council Member Schmid moved, seconded by Council Member DuBois to continue this Agenda Item to a date when Council can consider updates to the Single Story Overlay (SSO) process.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "or allow the neighborhood to decide if they would like to exclude the Ross Road properties."

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "and/or Louis Road properties."

SUBSTITUTE MOTION RESTATED: Council Member Schmid moved, seconded by Council Member DuBois to continue this Agenda Item to a date when Council can consider updates to the Single Story Overlay (SSO) process or allow the neighborhood to decide if they would like to exclude the Ross Road properties and/or Louis Road properties.

SUBSTITUTE MOTION AS AMENDED FAILED: 3-6 DuBois, Holman, Schmid, yes

MOTION RESTATED: Vice Mayor Scharff moved, seconded by Council Member Kniss to deny the request for a Single Story Overlay (SSO).

MOTION PASSED: 6-3 DuBois, Holman, Schmid, no

12. Review Options and Provide Direction for Citywide Bike Share System Operated by Motivate, LLC and Finding That the Project is Exempt From Review Under Sections 15061(b)(3) and 15303 of the California Environmental Quality Act Guidelines.

MOTION: Council Member DuBois moved, seconded by Vice Mayor Scharff to:

DRAFT ACTION MINUTES

- A. Direct Staff to return to the City Council with a contract to implement a 350-bicycle, Social Bicycles (SoBi) smart-bike system, operated by Motivate, LLC as part of the Bay Area Bike Share System (BABS); and
- B. Find the Project exempt from review under Sections 15061(b) (3) and 15303 of the California Environmental Quality Act Guidelines.

MOTION PASSED: 9-0

- 13. PUBLIC HEARING: Adoption of an Urgency Ordinance Amending the Urgency Interim Ordinance (Ordinance 5325 Extended by Ordinance 5330) Preserving Ground Floor Retail Uses on a Citywide Basis to Allow Educational Uses on the Ground Floor of Parcels Zoned RT-35 Along Alma Street and Finding the Amendment Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to State CEQA Guidelines Section 15061(b)(3).

Public Hearing opened and closed without public comment at 11:18 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Wolbach to adopt an Ordinance amending interim protections for ground floor retail uses to provide a limited exception permitting conversion to private educational facility, and finding the amendments exempt from review under the California Environmental Quality Act.

MOTION FAILED: 5-4 DuBois, Filseth, Holman, Schmid, no

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 11:25 P.M.