



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

November 13, 2017

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

Approval of Action Minutes for the October 30, 2017 Council Meeting

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

ATTACHMENTS:

- Attachment A: 10-30-17 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
October 30, 2017

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, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Special Orders of the Day

1. Introduction of Lord Mayor, Professor, Dr. Eckart Wuerzner of Heidelberg, Germany and the Heidelberg Delegation.

Council took a break from 5:19 P.M. to 5:53 P.M.

Action Items

- 1A. Discussion and Consideration of the Planning & Transportation Commission's Recommendations Regarding the Comprehensive Plan Update and Adoption of Resolutions Certifying the Final Environmental Impact Report (EIR) for the Comprehensive Plan Update; Adopting Findings Pursuant to the California Environmental Quality Act (CEQA), and Adopting the Updated Comprehensive Plan Dated June 30, 2017 With Desired Corrections and Amendments, Which Comprehensively Updates and Supersedes the City's 1998-2010 Comprehensive Plan (Two Public Hearings Will Be Held: October 23, 2017 and November 13, 2017. On October 23, 2017, the City Council may Consider Action on the Planning & Transportation Commission's Recommendations, Providing Direction to Staff, and Certification of the Final EIR. Other Actions Will be Deferred Until the Hearing on November 13, 2017.) (CONTINUED FROM OCTOBER 23, 2017).

Public Hearing Continued at 5:57 P.M. from October 23, 2017.

Public Hearing closed at 6:33 P.M.

DRAFT ACTION MINUTES

MOTION: Mayor Scharff moved, seconded by Council Member Filseth to thank the Planning and Transportation Commission for their input and thoughtful consideration of changes to the Comprehensive Plan.

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to:

- A. Thank the Planning and Transportation Commission for their input and thoughtful consideration of changes to the Comprehensive Plan; and
- B. Replace Program L1.3.1 with Policy L-1.4, "commit to creating an inventory of below market rate housing for purchase and rental. Work with neighbors... that is affordable so that the City consistently attains the quantified goals for housing production in the adopted Housing Element."

SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Council Member Filseth to:

- A. Thank the Planning and Transportation Commission for their input and thoughtful consideration of changes to the Comprehensive Plan; and
- B. Upgrade Program L1.3.1 to Policy L-1.4.

SUBSTITUTE MOTION PASSED: 6-3 Fine, Kniss, Wolbach no

MOTION: Council Member DuBois moved, seconded by Council Member Kou to:

- A. Replace in Program L4.8.2, "for retail at Stanford" with "for non-profit office, small medical office, or retail uses at Stanford;" and
- B. Move Policy B-2.1, Program B4.2.1, Program B4.2.2, Program B4.6.2, and Program B4.6.3 to the Land Use Element under Goal L-4 and renumber the Business and Economics Element and Land Use Element accordingly.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A, "on non-ground floor" after "retail uses."

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MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member Kou to:

- A. Replace in Program L4.8.2, “for retail at Stanford” with “for non-profit office, small medical office, or retail uses on non-ground floor at Stanford;” and
- B. Move Policy B-2.1, Program B4.2.1, Program B4.2.2, Program B4.6.2, and Program B4.6.3 to the Land Use Element under Goal L-4 and renumber the Business and Economics Element and Land Use Element accordingly.

MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Kou to move Policy B-2.1, Program B4.2.1, Program B4.2.2, Program B4.6.2, and Program B4.6.3 to the Land Use Element under Goal L-4 and renumber the Business and Economics Element and Land Use Element accordingly.

MOTION PASSED: 9-0

MOTION: Council Member Fine moved, seconded by Council Member Wolbach to add a new Program L2.4.8, “identify development opportunities for Below Market Rate housing and more affordable market rate housing on publicly owned properties in a way that is integrated with and enhances existing neighborhoods.”

AMENDMENT: Council Member Kou moved, seconded by Vice Mayor Kniss to remove “market rate” after “more affordable” from the Motion.

AMENDMENT FAILED: 4-5 DuBois, Filseth, Kniss, Kou yes

MOTION PASSED: 6-3 Filseth, Holman, Kou no

MOTION: Vice Mayor Kniss moved, seconded by Council Member XX to implement the Planning and Transportation Commission Priority 4 changes.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Vice Mayor Kniss moved, seconded by Council Member Fine to add to Program L4.6.1, “the Coordinated Area Plan should include a study of the feasibility of converting parts of University Avenue to a pedestrian-only zone.”

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SUBSTITUTE MOTION: Mayor Scharff moved, seconded by Council Member Wolbach to add a new Program, "study the feasibility of converting parts of University Avenue to a pedestrian-only zone."

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member XX to add to the Substitute Motion, "or California Avenue" after "University Avenue."

AMENDMENT TO THE SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Fine moved, seconded by Council Member XX to replace in the Motion, "pedestrian-only" with "non-motorized only."

AMENDMENT TO THE SUBSTITUTE MOTION RESTATED: Council Member Fine moved, seconded by Council Member XX to replace in the Motion, "pedestrian-only" with "bike and pedestrian-only."

AMENDMENT TO THE SUBSTITUTE MOTION WITHDRAWN BY THE MAKER

SUBSTITUTE MOTION RESTATED: Mayor Scharff moved, seconded by Council Member Wolbach to add a new Program, "study the feasibility of converting parts of University Avenue to a pedestrian zone."

SUBSTITUTE MOTION PASSED: 9-0

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Kniss to add a new Program T1.2.5, "pursue full participation of Palo Alto employers in the Palo Alto Transportation Management Association."

MOTION PASSED: 9-0

MOTION: Council Member Filseth moved, seconded by Council Member DuBois to:

- A. Update Goal L-1 to "a compact and resilient city prioritizing diverse and vibrant neighborhoods and compatibility with shopping and services, work places, public facilities, parks, and open spaces;" and
- B. Renumber Policy L-1.2 to Policy L-1.1 and replace "strengthen" with "prioritize;" and

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C. Move and renumber Policy L-1.1 to L-1.2.

AMENDMENT: Council Member Wolbach moved, seconded by Mayor Scharff to remove Part A from the Motion.

AMENDMENT PASSED: 7-2 Holman, Kou no

MOTION AS AMENDED RESTATED: Council Member Filseth moved, seconded by Council Member DuBois to:

A. Renumber Policy L-1.2 to Policy L-1.1 and replace "strengthen" with "prioritize;" and

B. Move and renumber Policy L-1.1 to L-1.2.

MOTION AS AMENDED PASSED: 9-0

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Kniss to replace in Policy L-1.3, "promote infill development" with "Palo Alto has a preference for infill housing. Infill development" and "that is compatible" with "should be compatible."

MOTION PASSED: 5-4 Filseth, Fine, Holman, Kou no

MOTION TO RECONSIDER: Council Member DuBois moved, seconded by Mayor Scharff to reconsider the last Motion.

MOTION PASSED BY ACCLAMATION

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Kniss to replace in Policy L-1.3, "promote infill development" with "Palo Alto has a preference for infill housing. Infill development" and "that is compatible" with "should be compatible."

MOTION FAILED: 2-7 Kniss, Wolbach yes

MOTION: Council Member Wolbach moved, seconded by Council Member DuBois to add to the Introduction under the "Maintaining and Enhancing Community Character" heading, "in residential neighborhoods, commercial centers, and employment districts" after "best features" and "foster inviting pedestrian-scale commercial centers and distinctive employment districts" after "preserve neighborhoods."

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, “distinctive” with “distinct.”

MOTION AS AMENDED RESTATED: Council Member Wolbach moved, seconded by Council Member DuBois to add to the Introduction under the Maintaining and Enhancing Community Character heading, “in residential neighborhoods, commercial centers, and employment districts” after “best features” and “foster inviting pedestrian-scale commercial centers and distinct employment districts” after “preserve neighborhoods.”

MOTION AS AMENDED PASSED: 9-0

MOTION: Council Member DuBois moved, seconded by Council Member Holman to add a targeted list of Community Indicators as identified by the Comprehensive Plan Update Citizens Advisory Committee.

SUBSTITUTE MOTION: Council Member Fine moved, seconded by Mayor Scharff to add a targeted list of Community Indicators including:

- A. Measure, greenhouse gas emissions; Metric, 80 percent below 1990 emissions by 2030 (Sustainability and Climate Action Plan goal); Recommended Monitoring Frequency, annually as part of Earth Day Report; and
- B. Measure, Vehicle Miles Traveled (VMT) per capita; Metric, decrease per year; Recommended Monitoring Frequency, annually as part of Earth Day Report; and
- C. Measure, Jobs/Housing balance (expressed as a ratio of jobs to employed residents); Metric, Ratio of jobs to employed residents; Recommended Monitoring Frequency, every 4 years; and
- D. Measure, Below Market Rate (BMR) units; Metric, number of units; Recommended Monitoring Frequency, annually as part of report to California Department of Housing and Community Development (HCD); and
- E. Measure, progress toward Housing Element goals; Metric, annual report to HCD; Recommended Monitoring Frequency, annually as part of report to HCD.

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AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Filseth moved, seconded by Council Member XX to direct Staff to propose a list of Community Indicators.

AMENDMENT RESTATED AND INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "direct Staff to propose up to three additional Community Indicators." (New Part F)

SUBSTITUTE MOTION AS AMENDED RESTATED: Council Member Fine moved, seconded by Mayor Scharff to add a targeted list of Community Indicators including:

- A. Measure, greenhouse gas emissions; Metric, 80 percent below 1990 emissions by 2030 (Sustainability and Climate Action Plan goal); Recommended Monitoring Frequency, annually as part of Earth Day Report; and
- B. Measure, Vehicle Miles Traveled (VMT) per capita; Metric, decrease per year; Recommended Monitoring Frequency, annually as part of Earth Day Report; and
- C. Measure, Jobs/Housing balance (expressed as a ratio of jobs to employed residents); Metric, Ratio of jobs to employed residents; Recommended Monitoring Frequency, every 4 years; and
- D. Measure, Below Market Rate (BMR) units; Metric, number of units; Recommended Monitoring Frequency, annually as part of report to California Department of Housing and Community Development (HCD); and
- E. Measure, progress toward Housing Element goals; Metric, annual report to HCD; Recommended Monitoring Frequency, annually as part of report to HCD; and
- F. Direct Staff to propose up to three additional Community Indicators.

SUBSTITUTE MOTION AS AMENDED PASSED: 9-0

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to continue Agenda Item Numbers 3- 285 Hamilton [17PLN-00309]... and 11- PUBLIC HEARING/QUASI-JUDICIAL: 999 Alma... to a date uncertain.

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MOTION: 9-0

Council took a break from 8:40 P.M. to 8:53 P.M.

At this time Council took up Agenda Item Numbers 4-10.

Minutes Approval

4. Approval of Action Minutes for the October 16, 2017 Council Meeting.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Wolbach to approve the Action Minutes for the October 16, 2017 Council Meeting.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to approve Agenda Item Numbers 5-9.

5. Resolution 9715 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Regulate Operation of Personal Delivery Devices, Also Known as Autonomous Robots Within the City of Palo Alto for an Approximate 1-year Period."
6. Approval of Amendment Number 1 to Contract Number S18169410 With Dixon Resources Unlimited in the Amount of \$69,862 for a Total Not-to-Exceed Amount of \$100,762 to Conduct the California Avenue Parking Management Study and Approval of a Budget Amendment in the California Avenue Parking Permit Fund.
7. Approval of Salary Schedule Amendments for Service Employees International Union (SEIU), Local 521 and the Utilities Management Professional Association of Palo Alto (UMPAPA).
8. Approval of a 5-year Contract With EnvisionWare, Inc. for Maintenance of the Automated Materials Handling Systems (AMHS) at Rinconada and Mitchell Park Libraries for a Not-to-Exceed Amount of \$448,634.
9. Approval of a Professional Services Agreement With BKF Engineers for the Amount of \$450,000 Over a 3-year Term for On-call Surveying and Design Support Services.

MOTION PASSED: 9-0

DRAFT ACTION MINUTES

Action Items (Continued)

10. Adoption of an Ordinance of the Council of the City of Palo Alto Repealing Chapter 9.17 (Personal Cultivation of Marijuana) of Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code; Repealing Ordinance No. 4422; and Amending Chapters 18.04 (Definitions) and 18.42 (Standards for Special Uses) of Title 18 (Zoning) to Prohibit Medical Cannabis Dispensaries and Prohibit Commercial Cannabis Activities, Except for Deliveries. Environmental Assessment: The Ordinance is Exempt in Accordance With Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

MOTION: Mayor Scharff moved, seconded by Council Member Filseth to:

- A. Find the proposed Ordinance exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3); and
- B. Adopt an Ordinance prohibiting medical cannabis dispensaries and prohibiting commercial cannabis activities in the City of Palo Alto except for deliveries. The Ordinance would also repeal the temporary ban on outdoor cultivation due to new State law that regulates outdoor cultivation for personal use.

AMENDMENT: Council Member Fine moved, seconded by Council Member Wolbach to add to the Motion, "using commercial cannabis regulations in nearby cities and our existing Public Peace, Morals, and Safety Codes as guides, direct Staff to return to Council within 6 months with options that would:

- i. Permit commercial cultivation, testing, manufacture, retail, and distribution of cannabis; and
- ii. Distinguish between sale and use on site; and
- iii. Create a monitoring mechanism.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT MAKER AND SECONDER to remove from the Amendment Part i, "cultivation, testing, manufacture."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT MAKER AND SECONDER to add to the Amendment, "distinguish between consumption by smoking versus other types of consumption." (New Part iv)

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INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Amendment, "distinguish between medical and recreational use." (New Part v)

AMENDMENT TO THE AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to replace "within 6 months" to "in 6 to 12 months."

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

AMENDMENT TO THE AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to replace "return to Council" with "return to the Policy and Services Committee, followed by the Planning and Transportation Commission, and then Council."

AMENDMENT TO THE AMENDMENT RESTATED AND INCORPORATED INTO THE AMENDMENT WITH CONSENT OF THE MAKER AND SECONDER to replace "return to Council" with "return to the Policy and Services Committee."

AMENDMENT AS AMENDED RESTATED: Council Member Fine moved, seconded by Council Member Wolbach to add to the Motion, "using commercial cannabis regulations in nearby cities and our existing Public Peace, Morals, and Safety Codes as guides, direct Staff to return to the Policy and Services Committee within 6 months with options that would:

- i. Permit commercial retail and distribution of cannabis; and
- ii. Distinguish between sale and use on site; and
- iii. Create a monitoring mechanism; and
- iv. Distinguish between consumption by smoking versus other types of consumption; and
- v. Distinguish between medical and recreational use.

AMENDMENT AS AMENDED FAILED: 2-7 Fine, Wolbach yes

MOTION PASSED: 9-0

At this time Council returned to Agenda Item Number 1A.

- 1A. Discussion and Consideration of the Planning & Transportation Commission's Recommendations Regarding the Comprehensive Plan

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Update and Adoption of Resolutions Certifying the Final Environmental Impact Report (EIR) for the Comprehensive Plan Update; Adopting Findings Pursuant to the California Environmental Quality Act (CEQA), and Adopting the Updated Comprehensive Plan Dated June 30, 2017 With Desired Corrections and Amendments, Which Comprehensively Updates and Supersedes the City's 1998-2010 Comprehensive Plan (Two Public Hearings Will Be Held: October 23, 2017 and November 13, 2017. On October 23, 2017, the City Council may Consider Action on the Planning & Transportation Commission's Recommendations, Providing Direction to Staff, and Certification of the Final EIR. Other Actions Will be Deferred Until the Hearing on November 13, 2017.) (CONTINUED FROM OCTOBER 23, 2017).

MOTION: Council Member DuBois moved, seconded by Council Member Filseth to implement Planning and Transportation Commission Consensus Item 1.

AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to remove the proposed revision to Policy L-1.6.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Policy L-1.6, 'such as' after 'plans to guide development.'"

MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member Filseth to implement Planning and Transportation Commission Consensus Item 1, and add to Policy L-1.6, "such as" after "plans to guide development."

MOTION AS AMENDED PASSED: 6-3 Fine, Kniss, Scharff no

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to accept no additional Planning and Transportation Commission Consensus Items.

MOTION RESTATED: Mayor Scharff moved, seconded by Vice Mayor Kniss to accept Planning and Transportation Commission Consensus Items 3, 6, 8, and 9 and no additional Consensus Items.

MOTION PASSED: 9-0

MOTION: Mayor Scharff moved, seconded by Council Member Fine to implement changes included in the Errata Table/Comp Plan Corrections and Clarifications.

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MOTION PASSED: 8-1 Holman no

MOTION: Mayor Scharff moved, seconded by Council Member Holman to continue this Item to November 13, 2017.

MOTION PASSED: 9-0

Agenda Changes, Additions and Deletions

None.

- ~~11. PUBLIC HEARING/QUASI-JUDICIAL. 999 Alma: Council Determination on a Waiver Request From the Retail Preservation Ordinance. Environmental Assessment: Exempt in Accordance With the California Environmental Quality Act (CEQA) Section 15061(b)(3) Guidelines (STAFF REQUESTS THIS ITEM BE CONTINUED TO A DATE UNCERTAIN).~~

Study Session

- ~~3. 285 Hamilton [17PLN-00309]: Applicant Requests a Prescreening Discussion for a Possible Text Amendment That Would Allow Development Exceptions for Rooftop Decks Within the Downtown Area, Including the Subject Property. Environmental Assessment: The Subject Request is not a Project in Accordance With the California Environmental Quality Act (CEQA).~~

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Holman requested an update regarding Council Contingency Fund support of disaster relief for the North Bay fires.

Council Member Wolbach reported his attendance at the Santa Clara Valley Transit Authority El Camino Real Rapid Transit Policy Advisory Committee. The Committee recommended each member city consider participating in a right-lane High Occupancy Vehicle (HOV) lane pilot along El Camino Real.

Adjournment: The meeting was adjourned at 11:03 P.M.