



## **CITY OF PALO ALTO OFFICE OF THE CITY CLERK**

**November 27, 2017**

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

### **Approval of Action Minutes for the November 6 and 7, 2017 Council Meetings**

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

**ATTACHMENTS:**

- Attachment A: 11-06-17 DRAFT Action Minutes (DOCX)
- Attachment B: 11-07-17 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting  
November 6, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:04 P.M.

Present: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

## Closed Session

1. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: Cal River Watch v. City of Palo Alto  
United States District Court, Northern District of California  
Case No. C17-01126 MMC  
Authority: Government Code Section 54956.9(d)(1).

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

**MOTION PASSED:** 9-0

Council went into Closed Session at 6:04 P.M.

Council returned from Closed Session at 7:11 P.M.

Mayor Scharff announced no reportable action.

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

2. Approval of Action Minutes for the October 23, 2017 Council Meeting.

**MOTION:** Council Member DuBois moved, seconded by Mayor Scharff to approve the Action Minutes for the October 23, 2017 Council Meeting.

**MOTION PASSED:** 9-0

# DRAFT ACTION MINUTES

## Consent Calendar

**MOTION:** Mayor Scharff moved, seconded by Council Member Kou to approve Agenda Item Numbers 3-7.

3. Approval and Authorization for the City Manager to Execute Contract Amendment Number 1 With RMC Water and Environment to Extend the Term of the Agreement Three Additional Years to end November 9, 2020 for Professional Services Related to the Implementation of the Regional Water Quality Control Plant Long Range Facilities Plan CIP WQ-10001.
4. Approval of Contract Amendment Number 2 With Townsend Public Affairs for State Legislative Representation to Extend the Contract for Two-years Through December 31, 2019 and add \$204,000 for a Total Not-to-Exceed Amount of \$595,000.
5. Approval of a Contract With Van Scoyoc Associates Inc. for Federal Legislative Advocacy Services for a Term of Four-years, From January 1, 2018 to December 31, 2022, for a Total Not-to-Exceed Amount of \$331,200.
6. Approval of the Fiscal Year 2017 Re-appropriation Requests to be Carried Forward Into Fiscal Year 2018 and Approve Budget Amendments in Various Funds.
7. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of June 30, 2017.

**MOTION PASSED:** 9-0

## Action Items

8. Adoption of a Resolution Authorizing the Filing of an Application to the Metropolitan Transportation Commission for a Priority Development Area Grant for the North Ventura Coordinated Area Plan (CAP), Expressing Local Support and Committing any Necessary Matching Funds, and Stating Assurance to Complete the Project; and Approval and Authorization to the City Manager to Execute a Funding Agreement With the Sobrato Organization for Sobrato to Provide the Local Matching Funds and Additional Supporting Funds for Environmental Review in the Amount of \$250,000; and Initiation of the North Ventura Coordinated Area Plan Process. Environmental Assessment: Exempt Under California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) and 15262.

# DRAFT ACTION MINUTES

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

- A. Adopt a Resolution approving the filing of the application for a Priority Development Area grant for federal funding assigned to the Metropolitan Transportation Commission (MTC), expressing local support for preparation of a North Ventura Coordinated Area Plan, committing the necessary matching funds, and affirming the City's commitment to pursue to completion the planning effort; and
- B. Approve and authorize the City Manager to execute an agreement with the Sobrato Organization for \$112,000 in matching funds required by the grant and an additional \$138,000 to pay for environmental analysis; and
- C. Direct Staff to return to Council as soon as possible with a Grant Agreement and/or Resolution meeting requirements of the funding agency and making necessary budget adjustments; and
- D. Initiate the local planning process for a North Ventura Coordinated Area Plan in accordance with Palo Alto Municipal Code Section 19.10.020; and
- E. Direct Staff to return to Council for identification of goals, objectives, formal plan boundaries, and a schedule for preparation of the North Ventura Coordinated Area Plan; and
- F. Find these actions exempt from review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3) and Section 15262 (Feasibility and Planning Studies).

**MOTION PASSED:** 9-0

9. PUBLIC HEARING/QUASI-JUDICIAL. 425 Portage Avenue: Council Review of an Approval of the Planning and Community Environment Director's Determination to Authorize a Waiver From the Retail Preservation Ordinance. The City Council Will Approve, Deny or Modify the Director's Determination. Environmental Assessment: Exempt in Accordance With the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

Public Hearing opened at 8:50 P.M.

Public Hearing closed at 9:04 P.M.

# DRAFT ACTION MINUTES

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Fine to accept the Director's decision approving the subject waiver request.

**SUBSTITUTE MOTION:** Council Member DuBois moved, seconded by Council Member Holman to modify the Director's determination to allow retail, retail-like, or warehouse uses.

**AMENDMENT:** Mayor Scharff moved, seconded by Council Member Fine that, if the site is redeveloped, the Retail Preservation Ordinance would not apply.

**AMENDMENT FAILED:** 4-5 Fine, Kniss, Scharff, Tanaka yes

**SUBSTITUTE MOTION PASSED:** 6-3 Fine, Kniss, Scharff no

10. Adoption of Annual Amendments to the Employment Agreements Between the City of Palo Alto and Council Appointed Officers (City Manager, City Attorney, City Auditor and City Clerk).

**MOTION:** Mayor Scharff moved, seconded by Vice Mayor Kniss to approve and authorize the Mayor to execute the following contract amendments for Council Appointed Officers:

- A. Amendment Number Seven to Employment Agreement between the City of Palo Alto and James R. Keene; and
- B. Amendment Number Five to Employment Agreement between the City of Palo Alto and Molly S. Stump; and
- C. Amendment Number Three to Employment Agreement between the City of Palo Alto and Harriet M. Richardson and; and
- D. Amendment Number Three to Employment Agreement between the City of Palo Alto and Beth D. Minor.

**MOTION PASSED:** 8-1 Tanaka no

11. Approval of a Contract With Nichols Consulting Engineers, Chtd. (NCE) in the Amount of \$191,300 for the Sidewalk Assessment Study to Determine Next Steps Following the Completion of the Sidewalk District Cycle for Capital Improvements Program Project PO-89003 (Continued from October 23, 2017).

**MOTION:** Mayor Scharff moved, seconded by Council Member DuBois to approve and authorize the City Manager or his designee to execute Contract No. C18168777 with Nichols Consulting Engineers, Chtd. (NCE) in an amount not-to-exceed \$191,300 for the Sidewalk Assessment Study including \$173,800 for basic services and \$17,500 for additional services for the

# DRAFT ACTION MINUTES

Sidewalk Assessment Study, Capital Improvement Program project PO-89003.

**MOTION PASSED:** 9-0

12. Colleagues' Memo Regarding Zoning Updates to Encourage Diverse Housing Near Jobs, Transit, and Services.

**MOTION:** Council Member Fine moved, seconded by Council Member Wolbach to recommend our colleagues refer this memo to Staff to return to Council with a Work Plan outlining the process, priorities, and Staff resources to study and implement the proposals listed in the Discussion Section (and other relevant recommendations to support the Objectives).

**AMENDMENT:** Council Member DuBois moved, seconded by Council Member Holman to include in the Work Plan exploration of a short term rental Ordinance and means to minimize empty houses.

**AMENDMENT FAILED:** 4-5 DuBois, Filseth, Holman, Kou yes

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Kou to include in the Work Plan evaluation of developing a predictable affordable market rate standard such as 120-160 percent of Santa Clara County Area Median Income (AMI).

**AMENDMENT FAILED:** 4-5 DuBois, Filseth, Holman, Kou yes

**AMENDMENT:** Council Member Filseth moved, seconded by Mayor Scharff to include in the Work Plan exploration of strategies to assist community based workers such as PAUSD and City Staff to reside in Palo Alto.

**AMENDMENT PASSED:** 7-2 Fine, Tanaka no

**AMENDMENT:** Council Member Kou moved, seconded by Council Member XX to direct Staff to report to Council on how the City would have effective Transportation Demand Management (TDM) measures in place.

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

**MOTION AS AMENDED RESTATED:** Council Member Fine moved, seconded by Council Member Wolbach to:

A. Refer this memo to Staff to return to Council with a Work Plan outlining the process, priorities, and staff resources to study and implement the

# DRAFT ACTION MINUTES

proposals listed in the Discussion Section (and other relevant recommendations to support the Objectives); and

- B. Include in the Work Plan exploration of strategies to assist community based workers such as PAUSD and City Staff to reside in Palo Alto.

**MOTION AS AMENDED PASSED: 9-0**

Inter-Governmental Legislative Affairs

None.

Adjournment: The meeting was adjourned at 11:55 P.M.





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
November 7, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:03 P.M.

Present: Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent: DuBois

## Closed Session

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION  
Significant Exposure to Litigation Under Section 54956.9(d) (2)  
(One Potential Case, as Defendant) – Palo Alto-Stanford Fire  
Protection Agreement.

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

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

Council went into Closed Session at 6:04 P.M.

Council returned from Closed Session at 7:30 P.M.

Mayor Scharff announced no reportable action.

## Agenda Changes, Additions and Deletions

None.

## Action Items

2. 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 (Continued From October 30, 2017).

Public Hearing opened at 7:33 P.M.

# DRAFT ACTION MINUTES

Public Hearing closed at 7:44 P.M.

**MOTION:** Mayor Scharff moved, seconded by Council Member Fine to grant the proposed retail waiver request pursuant to the standards set forth in Palo Alto Municipal Code Section 18.40.180 (Retail Preservation), (c) (Waivers and Adjustments) to allow 5,000 square feet of medical office.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "and require non-retail uses at the rear of the building."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion, "and require non-retail uses."

**AMENDMENT:** Council Member Wolbach moved, seconded by Council Member XX to add to the Motion, "and residential" after "medical office."

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

**MOTION AS AMENDED RESTATED:** Mayor Scharff moved, seconded by Council Member Fine to grant the proposed retail waiver request pursuant to the standards set forth in Palo Alto Municipal Code Section 18.40.180 (Retail Preservation), (c) (Waivers and Adjustments) to allow 5,000 square feet of medical office at the rear of the building.

**MOTION AS AMENDED PASSED:** 6-2 Filseth, Holman no, DuBois absent

3. Adoption of an Ordinance to Increase the Posted Speed Limit on Deer Creek Road and a Segment of East Bayshore Road to Enable Radar Enforcement and to Reduce the Posted Speed Limit in School Zones Consistent With State Law; and Resolution 9718 Entitled, "Resolution of the Council of the City of Palo Alto Establishing Target Speeds for Certain Arterials and Residential Arterials." Environmental Assessment: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15301 (Continued From October 16, 2017).

**MOTION:** Vice Mayor Kniss moved, seconded by Mayor Scharff to:

- A. Adopt an Ordinance increasing the Posted Speed Limit from 35 miles per hour to 40 miles per hour on Deer Creek Road between western city limits and Arastradero Road and on East Bayshore Road between the Embarcadero Road Bicycle and Pedestrian Overcrossing and Adobe Creek to enable enforcement by radar pursuant to the California Vehicle Code; reducing the Posted Speed Limit within school zones,

# DRAFT ACTION MINUTES

consistent with State law; and amending Palo Alto Municipal Code Chapter 10.56, including changes presented in the Staff Memorandum and detailed by Staff; and

- B. Adopt a Resolution establishing Target Speeds for certain Arterials and Residential Arterials where the Operating Speed has been found to exceed the Posted Speed Limit in order to reduce the Operating Speed through roadway design; and
- C. Find the requested actions exempt from review under the California Environmental Quality Act (CEQA) as a minor alteration to existing facilities (Guidelines Section 15301, Class One, Existing Facilities).

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "direct Staff to return with an Ordinance addressing Posted Speed Limits near private schools." (New Part D)

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

- A. Adopt an Ordinance increasing the Posted Speed Limit from 35 miles per hour to 40 miles per hour on Deer Creek Road between western city limits and Arastradero Road and on East Bayshore Road between the Embarcadero Road Bicycle and Pedestrian Overcrossing and Adobe Creek to enable enforcement by radar pursuant to the California Vehicle Code; reducing the Posted Speed Limit within school zones, consistent with State law; and amending Palo Alto Municipal Code Chapter 10.56 including changes presented in the Staff Memorandum and detailed by Staff; and
- B. Adopt a Resolution establishing Target Speeds for certain Arterials and Residential Arterials where the Operating Speed has been found to exceed the Posted Speed Limit in order to reduce the Operating Speed through roadway design; and
- C. Find the requested actions exempt from review under the California Environmental Quality Act (CEQA) as a minor alteration to existing facilities (Guidelines Section 15301, Class One, Existing Facilities); and
- D. Direct Staff to return with an Ordinance addressing Posted Speed Limits near private schools.

**MOTION AS AMENDED PASSED:** 8-0 DuBois absent

# **DRAFT ACTION MINUTES**

## Inter-Governmental Legislative Affairs

None.

## Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 9:13 P.M.