



## CITY OF PALO ALTO OFFICE OF THE CITY CLERK

December 11, 2017

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

### **Approval of Action Minutes for the November 27 and December 4, 2017 Council Meetings**

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

#### **ATTACHMENTS:**

- Attachment A: 11-27-17 DRAFT Action Minutes (DOCX)
- Attachment B: 12-04-17 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
November 27, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:04 P.M.

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

Absent:

## Utilities Advisory Commission

Present: Ballantine, Danaher, Forssell arrived at 6:30 P.M.; Schwartz, Segal

Absent: Johnston, Trumbull

## 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:** 9-0

Council went into Closed Session at 5:04 P.M.

Council returned from Closed Session at 6:17 P.M.

## Study Session

2. Joint Study Session of the City Council and the Utilities Advisory Commission.

**NO ACTION TAKEN.**

Council took a break at 6:59 P.M. and returned at 7:08 P.M.

# DRAFT ACTION MINUTES

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) (Continued From October 30, 2017).

## **NO ACTION TAKEN.**

### Minutes Approval

4. Approval of Action Minutes for the November 6 and 7, 2017 Council Meetings

**MOTION:** Council Member Fine moved, seconded by Council Member Wolbach to approve the Action Minutes

**MOTION PASSED:** 9-0

### Consent Calendar

Council Member Tanaka noted he would vote no on Agenda Item Number 7.

Council Member Filseth noted he would vote no on Agenda Item Number 7.

Council Member Holman noted she would vote no on Agenda Item Number 7.

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member DuBois to approve Agenda Item Numbers 5-9.

5. Approval of Change Order Number 1 to Contract Number S17165567 With Monterey Mechanical Co. Adding \$300,000 in Compensation for a Total Not-to-Exceed Amount of \$550,000 for the On-call Emergency Construction Services Project Funded in Wastewater Treatment Enterprise Fund Capital Improvement Program, Project WQ-04011 at the Regional Water Quality Control Plant.
6. Approval of a Purchase Order With Peterson Caterpillar in the Amount of \$534,857 for the Purchase of Four 2017 Caterpillar Model 420F2 HRC Backhoe Loaders.
7. Approval of a Contract With Strawn Construction, Inc. in the Amount of \$5,944,000 for the Fire Station No. 3 Replacement Project; Authorization for the City Manager to Negotiate and Execute Related Change Orders Not-to-Exceed \$594,400 in Total Value; Approval of Amendment Number 1 to Contract Number C16163034 With Nova

# DRAFT ACTION MINUTES

Partners, Inc. to Increase Compensation by \$359,264 for Construction Management Services for Fire Station No. 3; and Approval of a Budget Amendment in the Capital Improvement Fund.

8. Resolution 9723 Entitled, "Resolution of the Council of the City of Palo Alto to Designate an Aleppo Pine at 1231 Parkinson Avenue as Heritage Tree Number 8."
9. Ordinance 5421 Entitled, "Ordinance of the Council of the City of Palo Alto Establishing Speed Limits for Certain Streets Pursuant to the California Vehicle Code and Amending Palo Alto Municipal Code Chapter 10.56 (Special Speed Zones) to Establish Such Speed Limits, Including Increased Speed Limits of 40 MPH on two Roadway Segments and Reduced Speed Limits of 20 MPH Within School Zones During School Hours When Children are Present (FIRST READING: November 7, 2017 PASSED: 8-0 DuBois absent)."

**MOTION PASSED FOR AGENDA ITEM NUMBERS 5-6, 8-9:** 9-0

**MOTION PASSED FOR AGENDA ITEM NUMBER 7:** 6-3 Filseth, Holman, Tanaka no

## Action Items

10. PUBLIC HEARING / QUASI-JUDICIAL: Highway 101 Pedestrian/Bicycle Overpass and Adobe Creek Reach Trail Project [17PLN-00212]. Adoption of a Resolution Adopting the Mitigated Negative Declaration, Including the Mitigation, Monitoring and Reporting Program; Adoption of a Park Improvement Ordinance; and Approval of a Record of Land Use Action to Allow Construction of a Multi-use Pedestrian and Bicycle Overpass Structure Over Highway 101 Near San Antonio Road, Construction of the Adobe Creek Bridge and Adobe Creek Reach Trail, and Reconfiguration of the Adjacent Parking lot at 3600 West Bayshore Road. Environmental Assessment: An Initial Study/Mitigated Negative Declaration (IS/MND) was Circulated for Public Comment On September 1, 2017 and Ended on October 2, 2017. A Final IS/MND is Available for Review. (This Item was Previously Noticed for the November 13, 2017 Council Meeting).

Public Hearing opened at 8:53 P.M.

Public Hearing closed at 9:02 P.M.

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

# DRAFT ACTION MINUTES

- A. Adopt the Resolution Adopting the Draft Mitigated Negative Declaration including the Mitigation Monitoring and Reporting Plan; and
- B. Approve the Record of Land Use Action approving the proposed Site and Design application based on the findings and subject to conditions of approval; and
- C. Adopt the proposed Park Improvement Ordinance (PIO) for the design of the Highway 101 Pedestrian/Bicycle Overpass Capital Improvement Project (CIP; PE- 11011).

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "direct Staff to pursue other potential funding sources."

**AMENDMENT:** Council Member Kou moved, seconded by Council Member XX to add safety cameras to the design of the bridge.

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

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member Fine to direct Staff to explore sponsorship opportunities.

**AMENDMENT PASSED:** 7-2 Holman, Kou no

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

- A. Adopt the Resolution Adopting the Draft Mitigated Negative Declaration including the Mitigation Monitoring and Reporting Plan; and
- B. Approve the Record of Land Use Action approving the proposed Site and Design application based on the findings and subject to conditions of approval; and
- C. Adopt the proposed Park Improvement Ordinance (PIO) for the design of the Highway 101 Pedestrian/Bicycle Overpass Capital Improvement Project (CIP; PE- 11011); and
- D. Direct Staff to pursue other potential funding sources; and
- E. Direct Staff to explore sponsorship opportunities.

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

Adjournment: The meeting was adjourned at 10:32 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
December 4, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:13 P.M.

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

Absent: Fine

## Public Art Commission

Present: Gordon, Migdal, Miyaji, Shen

Absent: Ross, Taylor, Zelkha

## Study Session

1. Joint Meeting With the Public Art Commission - Discussion of Accomplishments and Future Initiatives.

Council took a break from 6:06 P.M. to 6:10 P.M.

## Agenda Changes, Additions and Deletions

**MOTION:** Mayor Scharff moved, seconded by Council Member Wolbach to remove Agenda Item Number 14- Consideration of Authorizing the Mayor to Sign a Letter of Support for the Dumbarton Rail Link... from the Agenda.

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

## Minutes Approval

2. Approval of Action Minutes for the November 13, 2017 Council Meeting.

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Filseth to approve the Action Minutes for the November 13, 2017 Council Meeting.

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

# DRAFT ACTION MINUTES

## Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 3-Adoption of a Resolution Approving the Verified Emission Reduction Agreement (VER Agreement)...

**MOTION:** Council Member Holman moved, seconded by Council Member Kou, third by Council Member DuBois to pull Agenda Item Number 9-Adoption of an Addendum to the Rail Committee Charter to be heard on a date uncertain.

**MOTION:** Mayor Scharff moved, seconded by Vice Mayor Kniss to approve Agenda Item Numbers 3-8, 10.

3. Resolution 9725 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Verified Emission Reduction Agreement (VER Agreement) With the Integrative Organization of Oaxaca Indigenous and Agricultural Communities to Purchase 17,000 Tons of CO2e for a Total Purchase Price of \$136,000."
4. Approval of an Agreement With Peninsula Corridor Joint Powers Board in the Amount of \$83,838 for 2018 Caltrain Go Pass Program.
5. Finance Committee Recommendation That the City Council Approve a Second Allocation of FY2018/19 Human Services Resource Allocation Process (HSRAP) Funding in the Amount of \$311,118.
6. Approval of the Purchase of Mobile and Portable Radios for the Police, Fire, Public Works, Utilities, and Community Services Departments in an Amount Not-to-Exceed \$800,000.
7. Resolution 9726 Entitled, "Resolution of the council of the City of Palo Alto 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."
8. Adoption of an Ordinance Amending Section 2.040.160 (City Council Minutes) of the Palo Alto Municipal Code to Provide for Action Minutes and Video/Audio Recordings as the Official Record of Council Business, and Directing the Clerk to Prepare Sense Summaries of Council and Council Standing Committee Meetings for the use and Convenience of Council and the Public.
9. ~~Adoption of an Addendum to the Rail Committee Charter.~~



# DRAFT ACTION MINUTES

10. Policy and Services Recommendation to Accept the Accuracy of Water Meter Billing Audit.

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

**MOTION FOR AGENDA ITEM NUMBERS 4-8, 10 PASSED:** 8-0 Fine absent

## Action Items

11. PUBLIC HEARING / QUASI-JUDICIAL, 1451 Middlefield Road [17PLN-00147]: Council Approval of: (1) Resolution 9727 Entitled, "Resolution of the Council of the City of Palo Alto Adopting the Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program (MMRP), and Rinconada Long Range Plan"; (2) a Record of Land Use Action (RLUA) for the Junior Museum and Zoo (JMZ) Architectural Review Application; (3) a Park Improvement Ordinance for Improvements to the JMZ Within the Rinconada Park Long Range Plan Area; (4) Amend the Fiscal Year 2018 Budget Appropriation Ordinance for the Capital Improvement Fund by Increasing Other Revenue by \$270,124 and Increasing the JMZ Renovation Project (AC-18001) by \$270,124; and add a Part-time Unbenefited 0.48 FTE Position Limit Dated Through September 30, 2020.

Public Hearing opened and closed at 7:20 P.M. without public comment.

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

- A. Adopt a Resolution approving the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) for the Junior Museum and Zoo (JMZ) project and Rinconada Park Long Range Plan (RPLRP); the Resolution also approves the Rinconada Park Long Range Plan; and
- B. Approve a Record of Land Use Action (RLUA) referencing the Resolution and approving the Architectural Review application for replacement of the existing JMZ with a new JMZ and site improvements including reconfiguration of the Lucie Stern Community Center parking lot, vehicular driveways, enhancement of pedestrian and bicycle circulation routes through the site; and

# DRAFT ACTION MINUTES

- C. Adopt a Park Improvement Ordinance (PIO) referencing the Resolution and approving improvements to the JMZ, within the Rinconada Park Long Range Plan area; and
- D. Amend the Fiscal Year 2018 Budget Appropriation Ordinance for the Capital Improvement Fund by:
  - i. Increasing Other Revenue by \$270,124; and
  - ii. Increasing the JMZ Renovation Project (AC-18001) in the amount of \$270,124; and
- E. Approve the addition of a part-time unbenefited 0.48 FTE position limit dated through September 30, 2020.

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

Council took a break from 7:58 P.M. to 8:07 P.M.

- 12. Review and Provide Direction to Staff Regarding City Comments on the Draft Environmental Impact Report for the Stanford General Use Permit (GUP) Application to Santa Clara County.

## **NO ACTION TAKEN**

- 13. Discussion and Direction to Staff Regarding the State Housing Bills Effective January 1, 2018.

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

- A. Direct Staff to review and revise internal procedures to address application intake and processing; and
- B. Direct Staff to request funding from the California Department of Housing and Community Development (HCD) for planning and code revisions immediately after January 1, 2018; and
- C. Council receipt of draft Housing Work Plan (requested November 6) and consideration/direction regarding potential code changes in that context (tentatively scheduled for January 29, 2018); and

In addition to current items in draft Housing Work Plan, have Staff also propose an affordable housing goal to serve very low-, low-, and moderate-income households, including people with disabilities, special needs, and the homeless; and

# DRAFT ACTION MINUTES

- i. Establish a specific target percentage of permanently affordable units; and
  - ii. Establish clear funding priorities to accomplish the goal; and
  - iii. Identify or create new policies or funding resources to accelerate progress; and
- D. Direct Staff to prepare a draft Ordinance for review by the Planning and Transportation Commission and consideration by the City Council thereafter.

**AMENDMENT:** Council Member Wolbach moved, seconded by Mayor Scharff to remove Part C of the Motion.

**AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part C, "Council receipt of draft Housing Work Plan (requested November 6) and consideration/direction regarding potential code changes in that context (tentatively scheduled for January 29, 2018)."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part C, "propose an affordable housing goal to serve very low-, low-, and moderate-income households, including people with disabilities, special needs, and the homeless."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove Part D of the Motion.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "explore" after "direct Staff", replace in the Motion Part C.i., "establish" with "establishing", replace in the Motion Part C.ii., "establish" with "establishing", replace in the Motion Part C.iii., "identify" with "identifying."

**AMENDMENT:** Council Member Filseth moved, seconded by Mayor Scharff to remove Parts C.ii. and C.iii. from the Motion.

**AMENDMENT FAILED:** 4-4 DuBois, Holman, Kniss, Kou no, Fine absent

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

- A. Direct Staff to review and revise internal procedures to address application intake and processing; and

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- B. Direct Staff to request funding from the California Department of Housing and Community Development (HCD) for planning and code revisions immediately after January 1, 2018; and
- C. In addition to current items in draft Housing Work Plan, have Staff also explore:
  - i. Establishing a specific target percentage of permanently affordable units; and
  - ii. Establishing clear funding priorities to accomplish the goal; and
  - iii. Identifying or create new policies or funding resources to accelerate progress; and

**MOTION AS AMENDED FAILED:** 4-4 Filseth, Kniss, Scharff, Tanaka no, Fine absent

## Inter-Governmental Legislative Affairs

- 14. ~~Consideration of Authorizing the Mayor to Sign a Letter of Support for the Dumbarton Rail Link Item on the SamTrans Board Agenda on December 6, 2017.~~

## Council Member Questions, Comments and Announcements

Council Member Kou requested clarification regarding the procedure when a tie vote occurs when a body is electing a Chairperson and Vice Chairperson.

Molly Stump, City Attorney advised that local rules governing the specific body typically proscribe for such a scenario. She clarified that the City Council Procedures and Protocols Handbook details these rules for the City Council and that Palo Alto's Boards and Commissions are subject to separate procedures.

Council Member Kou requested information relating to Staff providing live Motion support at Board and Commission meetings.

Ms. Stump advised that this type of support is Staff intensive and not currently feasible for Boards and Commissions.

Council Member Kou suggested that this type of support would be helpful for Boards and Commissions, particularly the Architectural Review Board and the Planning & Transportation Commission.

# DRAFT ACTION MINUTES

Council Member Wolbach reported that the Holiday Tree Lighting Ceremony on Friday was a success and well attended. He shared his attendance, along with the attendance of Council Members DuBois, Holman, Kou, and Tanaka along with Mayor Scharff at the Buena Vista Mobile Home Park Posada on Saturday. He appreciated the joyous feeling of the Posada.

Council Member Holman also enjoyed the joyous nature of the Posada.

Mayor Scharff concurred that the Posada was a happy event this year and was impressed with the homework club at Buena Vista.

Adjournment: The meeting was adjourned at 10:33 P.M.