



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

February 12, 2018

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

Approval of Action Minutes for the January 22 and January 29, 2018 Council Meetings

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

ATTACHMENTS:

- Attachment A: 01-22-18 DRAFT Action Minutes (DOCX)
- Attachment B: 01-29-18 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
January 22, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:02 P.M.

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

Absent:

Closed Session

1. 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: Vice Mayor Filseth moved, seconded by Mayor Kniss to go into Closed Session.

MOTION PASSED: 9-0

Council went into Closed Session at 5:03 P.M.

Council returned from Closed Session at 6:08 P.M.

Mayor Kniss announced no reportable action.

Minutes Approval

3. Approval of Action Minutes for the December 11, 2017 and January 8, 2018 Council Meetings.

MOTION: Council Member Scharff moved, seconded by Council Member Wolbach to approve the Action Minutes for the December 11, 2017 and January 8, 2018 Council Meetings.

MOTION PASSED: 9-0

Consent Calendar

Lorena Guadiana spoke regarding Agenda Item Number 10.

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Rita Vrhel spoke regarding Agenda Item Number 10.

MOTION: Council Member Filseth moved, seconded by Council Member Holman to approve Agenda Item Numbers 4-11.

4. Resolution 9731 Entitled "Resolution of the Council of the City of Palo Alto Vacating Public Utility Easement at 693 Arastradero Road."
5. Adoption of 2018 Utilities Legislative Policy Guidelines and City Legislative Priorities.
6. Ordinance 5423 Entitled "Ordinance of the Council of the City of Palo Alto 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" (FIRST READING: December 4, 2017 PASSED: 8-0 Fine absent).
7. Ordinance 5424 Entitled "Ordinance of the Council of the City of Palo Alto Amending Chapter 2.11 of Title 2 of the Palo Alto Municipal Code to Reauthorize Public, Education, and Government (PEG) Access Fees That Will Apply to Comcast as it Provides Service Under its State Video Franchise" (FIRST READING: December 11, 2017 PASSED: 8-0 Fine absent).
8. Ordinance 5425 Entitled "Ordinance of the Council of the City of Palo Alto Amending Chapter 16.28 of Title 16 of the Palo Alto Municipal Code to Revise the Requirements for Dewatering During Construction of Below Ground Structures" (FIRST READING: December 11, 2017 PASSED: 8-0 Fine absent).
9. Review and Acceptance of Annual Status Report on Developers' Fees for Fiscal Year 2017; and Adoption of the Resolution 9732 Entitled "Resolution of the Council of the City of Palo Alto Making Findings Regarding Unexpended Community Center Development Fees in the Amount of \$822,873, Library Development Fees in the Amount of \$537,983, and Park Development Fees in the Amount of \$430,859."
10. Approval of a Construction Contract With Federal Solutions Group in the Amount of \$745,000 for the City Hall Floors 4 and 5 Remodel and Elevator Control Panel Upgrade Project (CIP Numbers PF-01003, PE-12017, PE-17008, and PE-17009).

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11. Approval of a License Agreement With GTE Mobilnet of California Limited Partnership D/B/A Verizon Wireless for Placement of Telecommunications Facilities on City Owned Property Located at 1082 Colorado Avenue.

MOTION PASSED: 9-0

Action Items

12. PUBLIC HEARING: on Objections to Weed Abatement and Adoption of a Resolution 9733 Entitled "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

Public Hearing opened at 7:03 P.M.

Public Hearing closed at 7:05 P.M.

MOTION: Council Member Scharff moved, seconded by Council Member DuBois to adopt a Resolution ordering the abatement of weed nuisances in the City of Palo Alto, with an amendment to reflect an objection was raised and will be addressed.

MOTION PASSED: 9-0

13. Review the Revised City Comment Letter on the Draft Environmental Impact Report (EIR) for the Stanford General Use Permit (GUP) Application to Santa Clara County (County) and Authorize the Mayor to Sign and Staff to Transmit the Letter to the County.

MOTION: Council Member Scharff moved, seconded by Council Member Fine to authorize the Mayor to sign and transmit a revised comment letter on the Draft Environmental Impact Report for Stanford University's 2018 General Use Permit Application to Santa Clara County before the County's February 2, 2018 deadline.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "include a tone of positive partnership with Stanford; and support Stanford's no new net trips and TDM efforts; and include comments about the need for Stanford to engage in conversations about Caltrain and TMA funding."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Provide Open Space protections until 2050."

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SUBSTITUTE MOTION: Council Member DuBois moved, seconded by Council Member Holman to direct Staff to take Council comments into consideration, provide a revised letter on Thursday for review, and Council will provide City Manager with comments by Friday if they wish to pull it from the Consent Calendar.

SUBSTITUTE MOTION FAILED: 3-6 Dubois, Holman, Kou yes

AMENDMENT: Council Member DuBois moved, seconded by Council Member XX to clarify the City's intention on trip credits.

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "include square footage for dwelling units."

AMENDMENT: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "request there be inclusion of a maximum build out plan."

AMENDMENT PASSED: 5-4 Fine, Scharff, Tanaka, Wolbach no

AMENDMENT: Council Member DuBois moved, seconded by Council Member Wolbach to add to the Motion, "include a reference to the language that affordable housing funds be used within six miles of campus in the details section."

AMENDMENT PASSED: 8-1 Fine no

AMENDMENT: Council Member Dubois moved, seconded by Council Member XXX to ensure the removal of the parking exemption for faculty and staff housing.

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, "request that peak period be analyzed in lieu of peak hour."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "that an appropriate job multiplier be verified in analyzing job creation in the DEIR."

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to attach community comments to the city comment letter.

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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 language in the cover letter and attachment calling on Stanford to provide informational and financial support of TMAs in communities proximate to Stanford."

AMENDMENT: Council Member Wolbach moved, seconded by Council Member Kou to add to the Motion, "Stanford should provide sufficient housing to address the full demand created by growth."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Amendment, "and that such housing should be added to the campus or proximate to campus."

AMENDMENT AS AMENDED RESTATED: Council Member Wolbach moved, seconded by Council Member Kou to add to the Motion, "Stanford should provide sufficient housing to address the full demand created by growth, and that such housing should be added to the campus or proximate to campus."

COUNCIL MEMBER KOU WITHDREW HER SECOND

AMENDMENT AS AMENDED 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, "ask Stanford to be more transparent regarding Marguerite shuttle usage."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "the letter should emphasize how we measure trip reduction and provide the flexibility for Stanford on implementation."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to strike out the term "affordable" on Page 2 of the comment letter.

MOTION AS AMENDED RESTATED: Council Member Scharff moved, seconded by Council Member Fine to authorize the Mayor to sign and transmit the January 22, 2018 revised comment letter on the Draft Environmental Impact Report for Stanford University's 2018 General Use Permit Application to Santa Clara County before the County's February 2, 2018 deadline, with the following changes:

- A. Include a tone of positive partnership with Stanford; and

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- B. Support Stanford's no new net trips and TDM efforts; and
- C. Include comments about the need for Stanford to engage in conversations about Caltrain and TMA funding; and
- D. Provide Open Space protections until 2050; and
- E. Include square footage for dwelling units; and
- F. Request there be inclusion of a maximum build out plan; and
- G. Include a reference to the language that affordable housing funds be used within six miles of campus in the details section; and
- H. Request that peak period be analyzed in lieu of peak hour; and
- I. That an appropriate job multiplier be verified in analyzing job creation in the DEIR; and
- J. Add language in the cover letter and attachment calling on Stanford to provide informational and financial support of TMAs in communities proximate to Stanford; and
- K. Ask Stanford to be more transparent regarding Marguerite shuttle usage; and
- L. The letter should emphasize how we measure trip reduction and provide the flexibility for Stanford on implementation; and
- M. Strike out the term "affordable" on Page 2 of the comment letter.

MOTION AS AMENDED PASSED: 9-0

At this point Council heard Agenda Item Number 15.

- 15. Infrastructure Plan and Projects: Status Update on Infrastructure Plan Projects, Anticipated Costs and Funding Levels; Recommendation and Possible Action to Remove the Second Basement Level From the California Avenue Parking Garage to Reduce Costs; and Discussion and Council Direction on Project Priorities, Timing and Potential Funding Options to Achieve a Fully Funded Infrastructure Plan.

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

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- A. Direct Staff to move expeditiously forward with the original program for the California Avenue Parking Garage project (PE-18000) resulting in 636 parking spaces; and
- B. Direct the Finance Committee to review and provide options and recommendations to Council regarding the Infrastructure Funding Plan; and
- C. Direct Staff to return to Council with any concerns they have with any direction they receive from the Architectural Review Board, if any.

AMENDMENT: Council Member Tanaka moved, seconded by Council Member Wolbach to direct Staff to explore the addition of mechanical lifts for employee parking.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end of the amendment, "as an alternative to a second floor basement."

AMENDMENT AS AMENDED FAILED: 3-6 Fine, Tanaka, Wolbach yes

MOTION PASSED: 8-1 Fine no

At this point Council heard Agenda Item Number 14.

- 14. Approval of a Construction Contract With Ranger Pipelines, Incorporated, in the Amount of \$16,371,586 for the Upgrade Downtown Project, Funded Through Capital Improvement Program Projects GS-12001, WS-12001, PL-16001, PL-15004, FO-10001, PO-89003, and PE-86070; Authorization for the City Manager to Negotiate and Execute Related Change Orders Not-to-Exceed \$1,637,159 in Total Value; and Approval of Budget Amendments in the Capital Improvement Fund, Fiber Optics Fund, Gas Fund, and Water Fund.

MOTION: Council Member DuBois moved, seconded by Council Member XX to direct Staff to remove the fiber optics from this project.

MOTION FAILED DUE TO THE LACK OF A SECOND

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

- A. Approve and authorize the City Manager, or his designee, to execute the attached contract with Ranger Pipelines, Inc. in an amount not to exceed \$16,371,586 for the Upgrade Downtown Project funded through Capital Improvement Program Projects Gas Main Replacement Project 22 (GS-

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12001), Water Main Replacement Project 26 (WS-12001), Fiber Optics Network System Improvements Project (FO-10001), Street Maintenance Project (PE-86070), Downtown Mobility and Safety Improvements Project (PL-16001), and Sidewalk Repairs Project (PO-89003); and

- B. Approve and authorize the City Manager or his designee to negotiate and execute one or more changes to the contract with Contractor for related additional but unforeseen work, which may develop during the project, the total value of which shall not exceed \$1,637,159 or 10 percent of the contract amount; and
- C. Direct Staff to return with options for cost allocations.

MOTION PASSED: 7-2 Holman, Tanaka no

Inter-Governmental Legislative Affairs

None.

Adjournment: The meeting was adjourned at 11:50 P.M.



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
January 29, 2018

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:

Special Orders of the Day

1. Introduction of Mayor Helena Balthammar of Linköping, Sweden and the Linköping Delegation.

NO ACTION TAKEN

Closed Session

2. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Santa Clara County Superior Court, Case No. 17CV309030
Subject: John Tze and Edgewood SC LLC v. City of Palo Alto et al.
Authority: Government Code Section 54956.9(d)(1).

MOTION: Council Member Kou moved, seconded by Council Member Wolbach to go into Closed Session.

MOTION PASSED: 8-0 Holman not present

Council went into Closed Session at 6:16 P.M.

Council returned from Closed Session at 7:56 P.M.

Mayor Kniss announced that the Council voted 7-2 (Kniss, Tanaka no) to authorize the City Attorney to appeal the decision in the Edgewood Plaza matter, at the appropriate time.

Agenda Changes, Additions and Deletions

MOTION: Council Member Scharff moved, seconded by Council Member Holman to continue Agenda Item Number 12 "PUBLIC HEARING: Adoption of

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a Resolution to Continue the Evergreen Park Mayfield Residential Preferential Parking Program (RPP) With Modifications..." to February 5, 2018.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to approve Agenda Item Numbers 3-9.

3. Adoption of a Park Improvement Ordinance for Peers Park Dog Off-leash Exercise Area.
4. Resolution 9734 Entitled "Resolution of the Council of the City of Palo Alto to Establish a One-time Contribution of \$17,100 to the Art in Public Spaces Fund and Approve Budget Amendments in the Capital Improvement Funds for the Art in Public Spaces Capital Improvement Program Project (AC-86017) to Purchase Already Installed Creative Seating Elements on University Avenue."
5. Adoption of an Ordinance Amending Section 2.08.120 of Chapter 2.08 and Section 2.30.270 of Chapter 2.30 of Title 2 of the Palo Alto Municipal Code to Update job Titles of Attorneys in the City Attorneys' Office to Conform With Changes Adopted by Council in the FY 2018 Annual Budget.
6. Approval and Authorization for the City Manager to Execute Contract Number C18168129 With Kennedy/Jenks Consultants in the Total Amount Not-to-Exceed \$715,369 to Provide Design Services for Primary Sedimentation Tanks Rehabilitation and Equipment Room Electrical Upgrade Project at the Regional Water Quality Control Plant - Capital Improvement Program Project WQ-14003.
7. Approval to Submit a National Endowment for the Arts Grant Application Requesting \$25,000 to Animate the Cubberley Community Center Campus Through Public Art.
8. Adoption of a Successor Memorandum of Agreement Between the City of Palo Alto and SEIU Local 521 Hourly Unit for a Four-year Term Expiring June 30, 2021.
9. Finance Committee Recommendation to Accept Macias Gini & O'Connell's (MGO) Audit of the City of Palo Alto's Financial Statements as of June 30, 2017, and Management Letter.

MOTION PASSED: 9-0

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10. Approval of the Fiscal Year (FY) 2017 Comprehensive Annual Financial Report (CAFR) and Approval of Conforming Amendments to FY 2017 Budget in Various Funds; Acceptance of the FY2019 - FY2028 Long Range Financial Forecast; and Discussion and Potential Direction Regarding Budgeting for City Pension Liabilities.

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

- A. Approve the City's 2017 Comprehensive Annual Financial Report (CAFR); and
- B. Approve conforming amendments to the Fiscal Year 2017 Budget Appropriation for various funds; and
- C. Accept the Fiscal Year 2019 to 2028 General Fund Long Range Financial Forecast (Base Case); and
- D. Provide direction on assumptions informing the City's calculation of pension liabilities and annual contribution goals and implications to the City Manager's FY 2019 Proposed Budget.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return to the Finance Committee to look at ways to arrest the growth of liabilities.

MOTION AS AMENDED RESTATED: Vice Mayor Filseth moved, seconded by Council Member Scharff to:

- A. Approve the City's 2017 Comprehensive Annual Financial Report (CAFR); and
- B. Approve conforming amendments to the Fiscal Year 2017 Budget Appropriation for various funds; and
- C. Accept the Fiscal Year 2019 to 2028 General Fund Long Range Financial Forecast (Base Case); and
- D. Provide direction on assumptions informing the City's calculation of pension liabilities and annual contribution goals and implications to the City Manager's FY 2019 Proposed Budget; and

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- E. Direct Staff to return to the Finance Committee to look at ways to arrest the growth of liabilities.

MOTION AS AMENDED PASSED: 9-0

- 11. Adoption of a Resolution 9735 Entitled "Resolution of the Council of the City of Palo Amending the Southgate Residential Preferential Parking Program (RPP) by Adjusting the Number of Employee Permits and Making Clarifying Modifications;" and a Resolution 9736 Entitled "Resolution of the Council of the City of Palo Alto Establishing a Two-hour Parking Restriction in the Commercial Zones Adjacent to 1515 El Camino Real and 1681 El Camino Real (Continued from December 11, 2017)."

MOTION: Council Member Tanaka moved, seconded by Mayor Kniss to

- A. Continue the pilot program as is; and
- B. Add Southgate RPP Parking along the west-side of El Camino Real after obtaining permission from CalTrans.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Motion Part A to state, "re-assess the pilot program at the end of six months."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Motion Part B to state, "direct Staff to return to Council as soon as possible with a Resolution adding Southgate RPP parking along the west-side of El Camino Real and clarifying the language on re-parking."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Forward the Resolution to CalTrans to authorize the addition of the parking and, upon approval by CalTrans, an additional 15 employee permits will be released"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Direct Staff to explore options to reduce the bunching of employee parking."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part B., "...and clarifying the language on re-parking."

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AMENDMENT: Vice Mayor Filseth moved, seconded by Council Member XX to add 12 spaces on the east side of El Camino Real and north of Churchill Avenue to the RPP Southgate District.

AMENDMENT WITHDRAWN BY THE MAKER

MOTION AS AMENDED RESTATED: Council Member Tanaka moved, seconded by Mayor Kniss to:

- A. Re-assess the pilot program at the end of six months; and
- B. Direct Staff to return to Council as soon as possible with a Resolution adding Southgate RPP parking along the west-side of El Camino Real and clarifying the language on re-parking; and
- C. Forward the Resolution to CalTrans to authorize the addition of the parking and, upon approval by CalTrans, an additional 15 employee permits will be released; and
- D. Direct Staff to explore options to reduce the bunching of employee parking

MOTION AS AMENDED PASSED: 9-0

- ~~12. PUBLIC HEARING: Adoption of a Resolution to Continue the Evergreen Park Mayfield Residential Preferential Parking Program (RPP) With Modifications; a Resolution Establishing Two-hour Parking Along a Portion of El Camino Real Between College Avenue and Park Boulevard; and Finding the Action Exempt From the California Environmental Quality Act (CEQA) (Continued from December 11, 2017) **STAFF REQUESTS THIS ITEM BE CONTINUED TO FEB. 5, 2018**~~
- 13. PUBLIC HEARING: Adoption of an Ordinance Amending Section 18.42.040 of Title 18 (Zoning) to Conform With new State Laws Regarding Accessory Dwelling Units (ADU) and Finding the Changes Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b), 15301, 15303 and 15305. The Planning & Transportation Commission Recommended Approval of These Amendments on November 29, 2017.

Public Hearing opened at 11:48 P.M.

Public Hearing closed at 11:53 P.M.

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MOTION: Council Member DuBois moved, seconded by Council Member Fine to adopt an Ordinance amending Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to comply with new State laws regarding Accessory Dwelling Units (ADU) and find the action exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b), 15301, 15303 and 15305.

SUBSTITUTE MOTION: Council Member Holman moved, seconded by Council Member XX to direct Staff to consider comments from Council tonight, make appropriate changes to the Ordinance, and put it on next week's Consent Calendar for approval.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 8-1 Holman no

Adjournment: The meeting was adjourned at 12:07 A.M.