



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

October 1, 2018

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

Approval of Action Minutes for the September 10 and 17, 2018 Council Meetings

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

ATTACHMENTS:

- Attachment A: 09-10-18 DRAFT Action Minutes (DOCX)
- Attachment B: 09-17-18 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
September 10, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:12 P.M.

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

Absent:

Special Orders of the Day

1. Proclamation Declaring the Month of September Emergency Preparedness Month.

Study Session

2. Update From State Legislative Lobbyists on State Legislation.
3. 980 Middlefield Road [18PLN-00129]: Request for Prescreening of a Proposal to Amend the Existing Planned Community (PC) 2152 Zoning in Order to Change the Allowed use From Mortuary to a Private Club or Similar use (STAFF REQUESTS THIS ITEM BE CONTINUED TO OCTOBER 1, 2018).

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to continue this item to October 1, 2018.

MOTION PASSED: 9-0

Agenda Changes, Additions and Deletions

None.

Minutes Approval

4. Approval of Action Minutes for the August 20, 2018 Council Meeting.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to approve the Action Minutes for the August 20, 2018 Council Meeting.

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MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth, third by Council Member Wolbach to pull Agenda Item Number 10- SECOND READING: Adoption of an Ordinance to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS)... to be heard as Agenda Item Number 12A on Action.

MOTION: Council Member DuBois moved, seconded by Council Member Holman, third by Council Member Kou, fourth by Vice Mayor Filseth, fifth by Council Member Wolbach to pull Agenda Item Number 12- SECOND READING: Adoption of an Ordinance Amending Chapter 9.68 (Rental Housing Stabilization) of Title 9... to be heard on September 17, 2018.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to approve Agenda Item Numbers 5-9, 11.

5. Resolution 9791 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the Bay Area Water Supply and Conservation Agency to Negotiate With the City and County of San Francisco to Amend the 2009 Water Supply Agreement."
6. QUASI-JUDICIAL. 567 Maybell: Recommendation by the Palo Alto Historical Association for a new Street Name for a new 16-unit Subdivision, (Tract No. 10434). Environmental Assessment: Section 15061(b)(3) not Subject to California Environmental Quality Act(CEQA). Zoning Districts: Two-family Residential (R-2) and Low Density Multiple-Family Residence RM-15.
7. Approval of an Agreement With Santa Clara Valley Water District, in the Amount of \$227,000, for Concrete Channel Lining Repair Along Matadero Creek; and Approval of a \$227,000 Water Fund Operating Budget Amendment.
8. Policy and Services Committee Recommendation to Adopt an Ordinance Adding Sections 2.30.620 Through 2.30.690 to Title 2 of the Administrative Code to Establish Criteria and Procedures for Protecting Personal Privacy When Considering the Acquisition and use of Surveillance Technologies, and Provide for Ongoing Monitoring and Reporting.
9. Policy and Services Committee Recommendation to Approve the Status Update of the Community Services Department: Fee Schedule Audit.

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10. ~~SECOND READING: Adoption of an Ordinance to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto to Implement the Share of Employer Contribution in Accordance With Section 20516 of the California Government Code (FIRST READING: August 20, 2018 PASSED: 9-0).~~
11. Ordinance 5448 Entitled, "Ordinance of the Council of the City of Palo Alto Adding Chapter 10.62 to Title 10 (Vehicles and Traffic) of the Municipal Code to Regulate Unnecessary Idling of Vehicles (Continued From April 2, 2018 and June 12, 2018) (FIRST READING: July 30, 2018 PASSED: 9-0)."
12. ~~SECOND READING: Adoption of an Ordinance Amending Chapter 9.68 (Rental Housing Stabilization) of Title 9 (Public Peace, Morals, and Safety) of the Palo Alto Municipal Code to Require Relocation Assistance for No-fault Eviction for Multifamily Housing Developments Containing 50 or More Rental Units (FIRST READING: August 27, 2018 PASSED 7-1 Tanaka no, Fine Absent).~~

MOTION PASSED: 8-1 Holman no

Action Items

- 12A. Ordinance 5449 Entitled, "Ordinance of the Council of the City of Palo Alto to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto to Implement the Share of Employer Contribution in Accordance With Section 20516 of the California Government Code (FIRST READING: August 20, 2018 PASSED: 9-0)."

MOTION: Council Member DuBois moved, seconded by Council Member Wolbach to adopt an Ordinance amending the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto to Implement the Share of Employer Contribution.

MOTION PASSED: 8-0 Kou not participating

13. Approval of Response to the Grand Jury Report on the Affordable Housing Crisis and Discussion of Establishing a Regional Housing Needs Assessment (RHNA) Sub-region.

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

- A. Approve the draft responses to the Santa Clara County Civil Grand Jury regarding the report entitled "Affordable Housing Crisis: Density Is Our Destiny" dated June 21, 2018; and
- B. Support, along with the Cities Association Board of Directors, the participation of the City in a Regional Housing Needs Allocation (RHNA) sub-region.

MOTION PASSED: 8-1 Fine no

- 14. Colleagues' Memo From Council Members DuBois, Holman, Kou and Wolbach Regarding Strengthening Renter Protection for Palo Alto Residents (Previous Colleagues' Memo Heard on October 16, 2017).

Mayor Kniss advised she will not participate in this Agenda Item due to a financial interest that generates rental income. She left the meeting at 9:00 P.M.

Council took a break from 9:00 P.M. to 9:10 P.M.

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

- A. Direct Staff to immediately return to Council with specific proposals to adjust the current renter protection Ordinance potentially as an emergency Ordinance regarding: reasonable eviction mitigations such as relocation provisions for tenants facing displacement; and
- B. Refer this memo to the Policy and Services Committee for review. The review should include at least the following:
 - i. Review of the existing renter protection Ordinance and comparable ordinances in the San Francisco Bay Area;
 - ii. Evaluate reasonable relocation assistance to be provided for tenants of properties with 5 or more units displaced due to change of use, sizable rental increases, or eviction without just cause, while protecting the fair rights of property owners;
 - iii. Strengthened enforcement measures to ensure compliance with and penalties for violations of Palo Alto's existing requirement to offer an annual lease to tenants;

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- iv. Consider other updates to existing renter protections and mediation program as needed to continue a healthy and diverse community; and
- v. Discuss the full range of renter protections. Discussion topics to include just cause evictions and rent stabilization among other protections.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part B.ii., "5 or more" with "2 or more."

AMENDMENT: Council Member Wolbach moved, seconded by Council Member Fine to remove Part B.v. from the Motion.

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

SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member Scharff to conduct a detailed expert economic analysis including effect on crime, amount of housing generated, quality of rental protected housing, detailed study of other cities with rent control, and effect on age diversity, new resident versus existing resident diversity in the City.

SUBSTITUTE MOTION PASSED: 6-2 Kou, Wolbach no, Kniss absent

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

- A. Direct Staff to immediately return to Council with specific proposals to adjust the current renter protection Ordinance potentially as an emergency Ordinance regarding: reasonable eviction mitigations such as relocation provisions for tenants facing displacement; and
- B. Refer this memo to the Policy and Services Committee for review. The review should include at least the following:
 - i. Review of the existing renter protection Ordinance and comparable ordinances in the San Francisco Bay Area;
 - ii. Evaluate reasonable relocation assistance to be provided for tenants of properties with 2 or more units displaced due to change of use, sizable rental increases, or eviction without just cause, while protecting the fair rights of property owners;

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- iii. Strengthened enforcement measures to ensure compliance with and penalties for violations of Palo Alto's existing requirement to offer an annual lease to tenants;
- iv. Consider other updates to existing renter protections and mediation program as needed to continue a healthy and diverse community; and
- v. Discuss the full range of renter protections. Discussion topics to include just cause evictions and rent stabilization among other protections.

AMENDMENT: Council Member Fine moved, seconded by Council Member Tanaka to add to the Motion, "the best renter protection is more supply."

AMENDMENT PASSED: 5-3 Filseth, Holman, Kou no, Kniss absent

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

- A. Direct Staff to immediately return to Council with specific proposals to adjust the current renter protection Ordinance potentially as an emergency Ordinance regarding: reasonable eviction mitigations such as relocation provisions for tenants facing displacement; and
- B. Refer this memo to the Policy and Services Committee for review. The review should include at least the following:
 - i. Review of the existing renter protection Ordinance and comparable ordinances in the San Francisco Bay Area;
 - ii. Evaluate reasonable relocation assistance to be provided for tenants of properties with 2 or more units displaced due to change of use, sizable rental increases, or eviction without just cause, while protecting the fair rights of property owners;
 - iii. Strengthened enforcement measures to ensure compliance with and penalties for violations of Palo Alto's existing requirement to offer an annual lease to tenants;
 - iv. Consider other updates to existing renter protections and mediation program as needed to continue a healthy and diverse community;

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- v. Discuss the full range of renter protections. Discussion topics to include just cause evictions and rent stabilization among other protections; and

C. The best renter protection is more supply.

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

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

- A. Direct Staff to immediately return to Council with specific proposals to adjust the current renter protection Ordinance potentially as an emergency Ordinance regarding: reasonable eviction mitigations such as relocation provisions for tenants facing displacement; and
- B. Refer this memo to the Policy and Services Committee for review. The review should include at least the following:
 - i. Review of the existing renter protection Ordinance and comparable ordinances in the San Francisco Bay Area;
 - ii. Evaluate reasonable relocation assistance to be provided for tenants of properties with 5 or more units displaced due to change of use, sizable rental increases, or eviction without just cause, while protecting the fair rights of property owners;
 - iii. Strengthened enforcement measures to ensure compliance with and penalties for violations of Palo Alto's existing requirement to offer an annual lease to tenants; and
 - iv. Consider other updates to existing renter protections and mediation program as needed to continue a healthy and diverse community.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part B.ii., "5 or more" with "2 or more" and add to the Motion, "the best renter protection is more supply."

MOTION AS AMENDED PASSED: 7-1 Tanaka no, Kniss absent

State/Federal Legislation Update/Action

Mayor Kniss returned to the meeting at 11:26 P.M.

DRAFT ACTION MINUTES

MOTION: Council Member Scharff moved, seconded by Council Member DuBois to hear Agenda Item Number 16 before Agenda Item Number 15.

MOTION PASSED: 9-0

16. Review and Potential Adoption of Positions on State and Local Measures on the November 6, 2018 Ballot.

MOTION: Mayor Kniss moved, seconded by Council Member Fine to oppose *Measure F*, City of Palo Alto Health Care Measure.

MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to support *Measure E*, City of Palo Alto Transient Occupancy Tax.

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

MOTION: Vice Mayor Filseth moved, seconded by Council Member Scharff to take no position on Measure A.

MOTION PASSED: 8-1 Wolbach no

MOTION: Council Member DuBois moved, seconded by Council Member Scharff to support *Measure Z*, Palo Alto Unified School District School Bond

MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Council Member Fine to take no position *Measure Y*, Palo Alto Unified School District Term Limits.

MOTION PASSED: 9-0

MOTION: Council Member DuBois moved, seconded by Council Member Holman to support *Proposition 1*, Authorizes Bonds to Fund Specified Housing Assistance Programs and *Proposition 2*, Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness.

MOTION PASSED: 6-2-1 Fine, Tanaka no, Kniss abstain

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to oppose *Proposition 6*, Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by The Electorate.

DRAFT ACTION MINUTES

MOTION PASSED: 9-0

MOTION: Council Member DuBois moved, seconded by Council Member Scharff to support *Proposition 3*, Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage.

MOTION PASSED: 8-0-1 Tanaka abstain

At this time Council heard Agenda Item Number 15.

15. Review and Approval of the Recommended City Positions for the 2018 League of California Cities Resolutions.

MOTION: Council Member Fine moved, seconded by Council Member Holman to authorize the City's voting delegate to vote on yes on the pest control resolution up for consideration at the annual League of California Cities conference in Long Beach from September 12 – 14, 2018.

MOTION PASSED: 9-0

MOTION: Council Member Fine moved, seconded by Mayor Kniss to authorize the City's voting delegate to vote on no on the local control resolution up for consideration at the annual League of California Cities conference in Long Beach from September 12 – 14, 2018.

SUBSTITUTE MOTION: Council Member Scharff moved, seconded by Council Member DuBois to authorize the City's voting delegate to vote on yes on the local control resolution up for consideration at the annual League of California Cities conference in Long Beach from September 12 – 14, 2018.

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

At this time Council returned to Agenda Item Number 16.

16. Review and Potential Adoption of Positions on State and Local Measures on the November 6, 2018 Ballot.

Mayor Kniss advised she will not participate in this Agenda Item as it relates to Proposition 10 due to a financial interest that generates rental income. She left the meeting at 12:19 A.M.

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to take no position on *Proposition 10*, Expands Local Governments' Authority to Enact Rent Control on Residential Property.

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SUBSTITUTE MOTION: Council Member Scharff moved, seconded by Council Member Tanaka to oppose *Proposition 10*, Expands Local Governments' Authority to Enact Rent Control on Residential Property.

SUBSTITUTE MOTION FAILED: 3-5 Fine, Scharff, Tanaka yes, Kniss absent

MOTION PASSED: 8-0 Kniss absent

Adjournment: The meeting was adjourned at 12:41 A.M.



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
September 17, 2018

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 arrived at 5:15 P.M., Kniss, Kou, Scharff; Tanaka arrived at 5:09 P.M., Wolbach

Absent:

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (James Keene, Ed Shikada, Kiely Nose, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Molly Stump, Terence Howzell, and Michelle Flaherty)
Employee Organizations: 1) Service Employees International Union, (SEIU) Local 521; 2) Palo Alto Fire Chiefs' Association (FCA); 3) International Association of Fire Fighters (IAFF), Local 1319; 4) Utilities Management Professional Association of Palo Alto (UMPAPA); and 5) Palo Alto Police Managers' Association (PAPMA)
Authority: Government Code Section 54957.6(a).

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

MOTION PASSED: 7-0 Holman, Tanaka absent

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

Council returned from Closed Session at 6:20 P.M.

Mayor Kniss announced no reportable action.

Special Orders of the Day

2. Proclamation Honoring Mary D. Gordon.

DRAFT ACTION MINUTES

3. Recognition of Businesses Participating in the Clean Water Action "Rethink Disposable" Program.

Agenda Changes, Additions and Deletions

None.

Study Session

4. Study Session on Airplane Noise.

THIS ITEM IS CONTINUED TO A DATE UNCERTAIN.

5. Request for a Pre-screening of a Proposal to Rezone the Property at 788 San Antonio Road From Service Commercial (CS) to Multiple-Family Residential (RM-40) and to Redevelop the Site With a Three-story, Approximately 46,000 Square Foot, 48-unit (Including Five Below Market Rate Units) Residential Project and a Below-grade Parking Garage. Environmental Assessment: Not a Project; any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA).

THIS ITEM IS CONTINUED TO A DATE UNCERTAIN.

6. Review of Public Safety Building Design and Project Status.

Minutes Approval

7. Approval of Action Minutes for the August 27, 2018 Council Meeting.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to approve the Action Minutes for the August 27, 2018 Council Meeting.

MOTION PASSED: 9-0

Consent Calendar

Council Members Holman and Kou registered no votes on Agenda Item Number 8- Approval of a Contract With the Empowerment Institute...

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to approve Agenda Item Numbers 8-9.

8. Approval of a Contract With the Empowerment Institute for \$25,000 for the Community Engagement Block Program (Continued From April 2, 2018).

DRAFT ACTION MINUTES

9. Approval of Amendment Number 1 to Contract Number C16161210 With Shah Kawasaki Architects, Inc., in an Amount Not-to-Exceed \$97,626 to Provide Continued Construction Administration and LEED Certification Services for Fire Station 3 Replacement Project (PE-15003), for a new Total Not-to-Exceed Amount of \$696,678, and to Extend the Term Through May 17, 2019.

MOTION FOR AGENDA ITEM NUMBER 8 PASSED: 7-2 Holman, Kou no

MOTION FOR AGENDA ITEM NUMBER 9 PASSED: 9-0

Action Items

10. Adoption of an Ordinance Amending Chapter 9.68 (Rental Housing Stabilization) of Title 9 (Public Peace, Morals, and Safety) of the Palo Alto Municipal Code to Require Relocation Assistance for No-fault Eviction for Multifamily Housing Developments Containing 50 or More Rental Units, Either on SECOND READING of the Ordinance Adopted on FIRST READING on August 27, 2018 (PASSED 7-1 Tanaka no, Fine absent), or on FIRST READING of a Modified Ordinance on the Same Topic (Removed From Consent on September 10, 2018).

MOTION: Council Member Fine moved, seconded by Council Member Wolbach to adopt, on First Reading, a revised Ordinance (Staff Report, Attachment B) amending Chapter 9.68 (Rental Housing Stabilization) of the Palo Alto Municipal Code to require relocation assistance payments for no-fault evictions for Multifamily Housing Developments containing 50 or more rental units.

MOTION PASSED: 8-1 Tanaka no

Adjournment: The meeting was adjourned at 11:09 P.M.