



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

**October 29, 2018**

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

### **Approval of Action Minutes for the October 1, 2018 Council Meeting**

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

**ATTACHMENTS:**

- Attachment A: 10-01-18 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting  
October 1, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:07 P.M.

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

Absent:

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATIONS.

**THIS ITEM HAS BEEN REMOVED.**

## Special Orders of the Day

2. Proclamation Honoring Cybersecurity Awareness Month

## Study Session

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 With Collaborative Office Workspaces and Areas for Workshops and Special Events. The Study Session Will Give the Council and the Community an Opportunity to Comment on the Applicant's Proposal Prior to Submittal of a Formal Application. Environmental Assessment: Not a Project; any Subsequent Formal Application Would be Subject to the California Environmental Quality Act (CEQA). Zoning District: PC 2152 (Continued From September 10, 2018).

**NO ACTION TAKEN.**

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

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

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**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to approve the Action Minutes for the September 10 and 17, 2018 Council Meetings.

**MOTION PASSED:** 9-0

## Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Numbers 7, 9, 11, 12a.

Council Member DuBois registered a no vote on Agenda Item Number 7.

Council Member Kou registered a no vote on Agenda Item Number 7.

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to approve Agenda Item Numbers 5-12A.

5. Approval of an Extension of the Pilot Phase of the Southgate Residential Preferential Parking Program (RPP) for a Period of six Months.
6. Approval of Contract Number C19171565 With Brown and Caldwell in the Total Amount Not-to-Exceed \$2,923,357 to Provide Design Services for Secondary Treatment Process Upgrades (WQ-19001) at the Regional Water Quality Control Plant.
7. Approval of Contract Amendment Number 2 With Verizon Wireless Through June 30, 2019, Utilizing the Western State Contracting Alliance (WSCA), California Participating Addendum for Wireless, Voice and Broadband Services, Accessories, and Equipment.
8. Resolution 9792 Entitled "Resolution of the Council of the City of Palo Alto Approving and Attesting to the Veracity of the 2017 Annual Power Source Disclosure Report."
9. Resolution 9793 Entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Purchase a Portion of the City's Verified Emission Reductions Requirements From ClimeCo Corporation Under Specified Terms and Conditions During Calendar Years 2018 Through 2027, Inclusive."
10. Approval of Contract Number C19173445 With Charles Sowers Studio, LLC in the Not-to-Exceed Amount of \$175,000 for the Fabrication and Delivery of Artwork Associated With the Junior Museum and Zoo (JMZ); Acceptance of Fund Contributions From the Friends of JMZ; and Approval

# DRAFT ACTION MINUTES

of a Budget Amendment in the Art in Public Places Capital Project (AC-86017) in the Capital Improvement Fund.

11. Adoption of a new Memorandum of Agreement With the Palo Alto Police Management Association (PAPMA), International Association of Fire Fighters (IAFF), Local 1319, and Palo Alto Fire Chiefs' Association (PAFCA); and Approval of a Budget Amendment in the General Fund.
12. Ordinance 5450 Entitled "Ordinance of the Council of the City of Palo Alto 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 (FIRST READING: September 10, 2018 PASSED: 8-1, Holman no)."
- 12A. Ordinance 5451 Entitled "Ordinance of the Council of the City of Palo Alto 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 (Adopted on FIRST READING on September 17, 2018 (PASSED 8-1 Tanaka no))."

**MOTION PASSED FOR AGENDA ITEM NUMBERS 5-6, 8, 10, 12:** 9-0

**MOTION PASSED FOR AGENDA ITEM NUMBER 7:** 6-3 DuBois, Kou, Tanaka no

**MOTION PASSED FOR AGENDA ITEM NUMBERS 9, 11, and 12A:** 8-1 Tanaka no

**MOTION TO RECONSIDER THE CONSENT CALENDAR:** Council Member Scharff moved, seconded by Council Member Wolbach to reconsider approval of the Consent Calendar.

**MOTION TO RECONSIDER PASSED:** 9-0

## Consent Calendar

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to approve Agenda Item Numbers 5-12A.

5. Approval of an Extension of the Pilot Phase of the Southgate Residential Preferential Parking Program (RPP) for a Period of six Months.

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6. Approval of Contract Number C19171565 With Brown and Caldwell in the Total Amount Not-to-Exceed \$2,923,357 to Provide Design Services for Secondary Treatment Process Upgrades (WQ-19001) at the Regional Water Quality Control Plant.
7. ~~Approval of Contract Amendment Number 2 With Verizon Wireless Through June 30, 2019, Utilizing the Western State Contracting Alliance (WSCA), California Participating Addendum for Wireless, Voice and Broadband Services, Accessories, and Equipment.~~
8. Resolution 9792 Entitled "Resolution of the Council of the City of Palo Alto Approving and Attesting to the Veracity of the 2017 Annual Power Source Disclosure Report."
9. Resolution 9793 Entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Purchase a Portion of the City's Verified Emission Reductions Requirements From ClimeCo Corporation Under Specified Terms and Conditions During Calendar Years 2018 Through 2027, Inclusive."
10. Approval of Contract Number C19173445 With Charles Sowers Studio, LLC in the Not-to-Exceed Amount of \$175,000 for the Fabrication and Delivery of Artwork Associated With the Junior Museum and Zoo (JMZ); Acceptance of Fund Contributions From the Friends of JMZ; and Approval of a Budget Amendment in the Art in Public Places Capital Project (AC-86017) in the Capital Improvement Fund.
11. Adoption of a new Memorandum of Agreement With the Palo Alto Police Management Association (PAPMA), International Association of Fire Fighters (IAFF), Local 1319, and Palo Alto Fire Chiefs' Association (PAFCA); and Approval of a Budget Amendment in the General Fund.
12. Ordinance 5450 Entitled "Ordinance of the Council of the City of Palo Alto 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 (FIRST READING: September 10, 2018 PASSED: 8-1, Holman no)."
- 12A. Ordinance 5451 Entitled "Ordinance of the Council of the City of Palo Alto 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

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Housing Developments Containing 50 or More Rental Units (Adopted on FIRST READING on September 17, 2018 (PASSED 8-1 Tanaka no)).”

**MOTION:** Council Member Scharff, moved seconded by Vice Mayor Filseth, third by Council Member Holman to remove Agenda Item Number 7 to be heard as Agenda Item Number 12B on Action.

Council Member Tanaka registered a no vote on Agenda Item Numbers 9, 11, 12A.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 5-6, 8, 10, 12:** 9-0

**MOTION PASSED FOR AGENDA ITEM NUMBERS 9, 11, 12A:** 8-1 Tanaka no

## Action Items

12B. (Former Agenda Item Number 7) Approval of Contract Amendment Number 2 With Verizon Wireless Through June 30, 2019, Utilizing the Western State Contracting Alliance (WSCA), California Participating Addendum for Wireless, Voice and Broadband Services, Accessories, and Equipment.

**MOTION:** Council Member Scharff moved, seconded by Council Member Holman to direct Staff to bring this item to the Finance Committee for consideration.

**MOTION PASSED:** 9-0

13. Recommendations From the Human Relations Commission (HRC) in Response to Council Resolution Number 9653 Reaffirming Palo Alto’s Commitment to a Diverse, Supportive, Inclusive, and Protective Community (Continued From August 27, 2018).

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

- A. Direct the City Manager to review the City’s policies, procedures and programs, make any adjustments that may be appropriate, and report to Council on the City’s alignment with SB54;
- B. Direct the City Manager to review the City’s policies, procedures and programs, make any adjustments that may be appropriate, and report to Council on the City’s alignment with SB31;

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- C. Send a letter of endorsement to California State Senator Kevin de Leon in recognition of the City's commitment to the values expressed in SB54;
- D. Send a letter of endorsement to California State Senator Ricardo Lara in recognition of City's commitment to the values expressed in the SB31;
- E. Adopt Amnesty International's resolution in support of Refugee Resettlement in Santa Clara County; and
- F. Direct Staff to study and return to Policy and Services Committee with options for a City ordinance endorsing the United Nations' Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Staff's work should include:
  - i. Affirming the City's commitment to the principals of the United Nations convention of the elimination of all forms of discrimination against women, and
  - ii. Discussion of the potential for a gender analysis, including potential focus, scope, and phasing of an analysis, and roles of City Staff, the HRC, and Council.

**AMENDMENT:** Council Member Scharff moved, seconded by Mayor Kniss to add to the Motion Part F:

- iii. Policy and Services Committee should return to Council with a recommendation of one to two areas to focus on;
- iv. Priorities should be given to areas where the City can make the greatest positive impact on the lives of the women and girls in Palo Alto; and
- v. Work generally within existing budgets, and City resources, and can accomplish goals within one to two years.

**INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to change the Motion Part F. iii to state "a recommendation with a prioritization of one or two areas of focus."

**AMENDMENT AS AMENDED PASSED:** 6-3 Kou, Tanaka, Wolbach no

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



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- A. Direct the City Manager to review the City's policies, procedures and programs, make any adjustments that may be appropriate, and report to Council on the City's alignment with SB54;
- B. Direct the City Manager to review the City's policies, procedures and programs, make any adjustments that may be appropriate, and report to Council on the City's alignment with SB31;
- C. Send a letter of endorsement to California State Senator Kevin de Leon in recognition of the City's commitment to the values expressed in SB54;
- D. Send a letter of endorsement to California State Senator Ricardo Lara in recognition of City's commitment to the values expressed in the SB31;
- E. Adopt Amnesty International's resolution in support of Refugee Resettlement in Santa Clara County; and
- F. Direct Staff to study and return to Policy and Services Committee with options for a City ordinance endorsing the United Nations' Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Staff's work should include:
  - i. Affirming the City's commitment to the principals of the United Nations convention of the elimination of all forms of discrimination against women;
  - ii. Discussion of the potential for a gender analysis, including potential focus, scope, and phasing of an analysis, and roles of City staff, the HRC, and Council;
  - iii. Policy and Services Committee should return to Council with a prioritization of one or two areas of focus;
  - iv. Priorities should be given to areas where the City can make the greatest positive impact on the lives of the women and girls in Palo Alto; and
  - v. Work generally within existing budgets, and City resources, and can accomplish goals within one to two years.

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

Council took a break at 9:39 P.M. and returned at 9:52 P.M.

- 14. PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Section 18.42.040 Related to Accessory and

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Junior Accessory Dwelling (ADU/JADU) Units to Clarify or Modify Various Provisions Including Setback Requirements for Detached ADU Basements, Allowance for Setback and Daylight Plane Encroachments for Detached ADUs, Bonus Lot Coverage and Floor Area Eligibility, Bonus Floor Area Amount to Match Minimum Unit Size as Established by Building Code, Reduced Height Limit for Detached ADUs Located Within Identified Eichler Tracts, Replacement Parking Provisions as Applicable to JADUs, Allowance for Replacement Parking to be Located Within Driveways Located in Street-side Setbacks, Allowance for Existing Driveways to be Expanded to Accommodate Replacement Parking, Allowance for Noncomplying Structures to be Rebuilt as Part of Conversion to ADU, and Applicable Zoning Districts That Allow ADU Development; Finding the Ordinance Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3); and Discussion of Other Potential ADU-related Regulations. The Planning & Transportation Commission Recommended Approval of the Ordinance (Continued from August 27, 2018).

Public Hearing was opened at 10:03 P.M.

Public Hearing was closed at 10:17 P.M.

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

- A. Find the proposed Ordinance exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3); and
- B. Adopt an Ordinance amending Palo Alto Municipal Code Section 18.42.040, Accessory and Junior Accessory Dwelling Units.

**AMENDMENT 1:** Council Member Scharff moved, seconded by Council Member Fine to remove “the minimum lot size for the establishment of an accessory dwelling unit of 5,000 feet” from the Ordinance.

**AMENDMENT 2:** Council Member Scharff moved, seconded by Council Member Fine to remove the Owner Occupancy provision from the Ordinance, Section 18.42.040 a.10.E.

## **MOTION SPLIT FOR THE PURPOSE OF VOTING**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to investigate private ADU financing that would provide financing in exchange for deed restricted affordable ADUs.

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**AMENDMENT 3:** Council Member Tanaka moved, seconded by Council Member Fine to add to the Motion, “clarify that basements are permitted in the 20-foot rear yard setbacks for detached ADUs”.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion “eliminate the development fees for JADUs or for garage conversions.”

**AMENDMENT 4:** Council Member Wolbach moved, seconded by Council Member Fine to refer to Staff and the Planning and Transportation Commission to study the following:

- A. Perform additional financial analysis to understand the impacts of waiving fees;
- B. Establish a few ADU template plans that provide an “off the shelf” approvable project;
- C. Create a partnership program that identifies architects who specialize in ADUs who can be engaged by home owners to streamline the permit review process;
- D. Allow an opt-out provision for homeowners that no longer want to continue to provide their unit as affordable and require payment of fees that were waived; and
- E. Utilize a third party (e.g. Palo Alto Housing) to administer the program.

**AMENDMENT 4 PASSED:** 8-1 Kou no

**AMENDMENT 3 FAILED:** 3-6 Fine, Scharff, Tanaka yes

**AMENDMENT 2 FAILED:** 4-5 Fine, Kniss, Scharff, Tanaka yes

**AMENDMENT 1 PASSED:** 5-4 Filseth, Holman, Kniss, Kou no

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

- A. Find the proposed Ordinance exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3);
- B. Adopt an Ordinance amending Palo Alto Municipal Code Section 18.42.040, Accessory and Junior Accessory Dwelling Units;

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- C. Direct Staff to investigate private ADU financing that would provide financing in exchange for deed restricted affordable ADUs;
- D. Eliminate the development fees for JADUs or for garage conversions;
- E. Remove “the minimum lot size for the establishment of an accessory dwelling unit of 5,000 feet” from the Ordinance; and
- F. Refer to Staff and the Planning and Transportation Commission to study the following:
  - i. Perform additional financial analysis to understand the impacts of waiving fees;
  - ii. Establish a few ADU template plans that provide an “off the shelf” approvable project;
  - iii. Create partnership program that identifies architects who specialize in ADUs who can be engaged by home owners to streamline the permit review process;
  - iv. Allow an opt-out provision for homeowners that no longer want to continue to provide their unit as affordable and require payment of fees that were waived; and
  - v. Utilize a third party (e.g. Palo Alto Housing) to administer the program.

**MOTION AS AMENDED PASSED:** 8-1 Kou no

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