



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

May 6, 2019

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

Approval of Action Minutes for the April 15 and April 22, 2019 Council Meetings

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

ATTACHMENTS:

- Attachment A: 04-15-2019 DRAFT Action Minutes (PDF)
- Attachment B: 04-22-2019 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
April 15, 2019

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

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka arrived at 5:21 P.M.

Absent:

Study Session

1. Annual Earth Day Report Study Session.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the April 1, 2019 Council Meeting.

MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to approve the Action Minutes for the April 1, 2019 Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Kniss moved, seconded by Mayor Filseth to pull Agenda Item Number 5- "Approval and Authorization for the City Manager or his Designee to Execute Utility Program Services Contract..." to be heard on April 22, 2019.

MOTION PASSED: 7-0

MOTION: Council Member DuBois moved, seconded by Council Member Kou, third by Council Member Cormack to pull Agenda Item Number 4- "Selection of Applicants to Interview on April 29, 2019 for one Position on the Architectural Review Board..." to be heard tonight as Agenda Item Number 5A.

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MOTION: Vice Mayor Fine moved, seconded by Mayor Filseth to approve Agenda Item Number 3.

3. Approval of a Professional Services Agreement With Professional Meters, Inc. in the Amount of \$483,722 Over a 12-Month Period to Perform a Comprehensive Utility Meter Field Survey of all Electric, Gas, and Water Meters in the Field, Including \$48,372 for Additional Services, for a Total Not-to-Exceed Amount of \$532,094; and Approval of Budget Amendments in the Electric Fund, Gas Fund, and Water Fund.
4. ~~Selection of Applicants to Interview on April 29, 2019 for one Position on the Architectural Review Board, two Positions on the Human Relations Commission, two Positions on the Library Advisory Commission, Three Positions on the Storm Water Management Oversight Committee, and Four Positions on the Utilities Advisory Commission.~~
5. ~~Approval and Authorization for the City Manager or his Designee to Execute Utility Program Services Contract Number C19171513 With CLEAResult Consulting, Inc. for a Total Compensation of \$737,000 and a Maximum Term of Five Years.~~

MOTION PASSED FOR AGENDA ITEM NUMBER 3: 7-0

Action Items

- 5A. (Former Agenda Item Number 4) Selection of Applicants to Interview on April 29, 2019 for one Position on the Architectural Review Board, two Positions on the Human Relations Commission, two Positions on the Library Advisory Commission, Three Positions on the Storm Water Management Oversight Committee, and Four Positions on the Utilities Advisory Commission.

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

- A. Interview all applicants, excluding the candidate for the Architectural Review Board (ARB); and
- B. Re-open the recruitment for the Architectural Review Board.

MOTION PASSED: 7-0

6. PUBLIC HEARING / QUASI-JUDICIAL: 190 Channing Avenue [18PLN-00274]: Request for Approval of a Vesting Tentative Map to Allow for Four Residential Condominium Units and two Office Units on

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One Parcel. Environmental Assessment: The Project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15315 (Minor Land Divisions). Zoning District: RT-35 SOFA II CAP (Residential Transition).

Public Hearing opened at 6:40 P.M.

Public Hearing closed at 6:43 P.M.

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

- A. Find the project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15315, Minor Land Divisions; and
- B. Approve the Vesting Tentative Map based on findings and subject to conditions of approval in the Draft Record of Land Use Action (RLUA).

MOTION PASSED: 7-0

Council took a break at 6:49 P.M. and returned at 7:17 P.M.

7. PUBLIC HEARING: Adoption of an Ordinance Amending Section 18.42.110 (Wireless Communication Facilities) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Update the Code to Reflect Recently Adopted Federal Communications Commission (FCC) Regulations. The Planning and Transportation Commission Recommended Approval of the Ordinance With Minor Modifications on March 27, 2019 (6-0 Roohparvar absent); and Adoption of a Resolution 9825 Entitled "Adopting Objective Aesthetic and Related Standards for Streetlight and Wood Utility Poles in the Public Rights of Way. Environmental Assessment: This Ordinance and Resolution are Exempt From Environmental Review Under the California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) and 15305."

Public Hearing opened at 7:38 P.M.

Public Hearing closed at 8:40 P.M.

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

- A. Adopt the Staff recommendation to approve the Resolution and an interim Ordinance;

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- B. Direct Staff to come back as soon as possible, but no more than six months, with an updated Ordinance that includes:
- i. An explicit hierarchy of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchy should include:
 - a. by zoning type;
 - b. local context including characteristics such as visibility, street size and type, and existing foliage;
 - c. by installation type;
 - d. a clear definition infeasibility as suggested in the Staff Report;
 - ii. Define objective standards for underground vaults and for buildings;
 - iii. Create list of city-owned buildings that would be appropriate sites;
 - iv. Identify any private buildings that are appropriate sites in the midst of residential neighborhoods and approach for willingness to be on recommended list;
 - v. Architectural Review Board (ARB) and Staff to have workshop to create additional acceptable Wireless Communications Facilities (WCF) designs such as integrated street pole approaches;
 - vi. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
 - vii. Add a maintenance clause that includes damage, changes to appearance, paint, graffiti, rust, etc.;
 - viii. Strengthen the Replacement/Upgrade clause to include that replacement will be evaluated, at a minimum, when repairs are being made or a unit is being upgraded;
 - ix. Specify a higher price for street poles if FCC regulations are invalidated; and
- C. Review the effectiveness of the Ordinance in one year with Council.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Parts B. ii., B. iv., B. v., B. vii., B. viii., and B. ix.

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

- A. Adopt the Staff recommendation to approve the Resolution and an interim Ordinance;
- B. Direct Staff to come back as soon as possible, but no more than six months, with an updated Ordinance that includes:
 - i. An explicit hierarchy of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchy should include:
 - a. by zoning type;
 - b. local context including characteristics such as visibility, street size and type, and existing foliage;
 - c. by installation type;
 - d. a clear definition infeasibility as suggested in the Staff Report;
 - ii. Create list of city-owned buildings that would be appropriate sites;
 - iii. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
- C. Review the effectiveness of the Ordinance in one year with Council.

AMENDMENT: Council Member Kou moved, seconded by Council Member DuBois to return to Council within six months with best practices regarding inspections of antennas.

AMENDMENT PASSED: 5-1 Kniss no, Tanaka absent

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion "Direct Staff to do federal legislative advocacy related to wireless facilities regulations."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to make the word "hierarchy" plural in the Motion Part B. i.

AMENDMENT: Vice Mayor Fine moved, seconded by Mayor Filseth to amend the timeline to return to Council within one year.

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AMENDMENT PASSED: 4-2 DuBois, Kou no, Tanaka absent

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part A the word "interim," and change the Motion Part B to state "...an updated Ordinance/Resolution that considers."

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

- A. Adopt Staff recommendation to approve the Resolution and Ordinance;
- B. Direct Staff to come back as soon as possible, but no more than one year, with an updated Ordinance/Resolution that considers:
 - i. Explicit hierarchies of preferred location and preferred type of installation. Applicants must use most preferred solution unless demonstrated to be infeasible. Preferred hierarchies should include:
 - a. by zoning type;
 - b. local context including characteristics such as visibility, street size and type, and existing foliage;
 - c. by installation type;
 - d. a clear definition infeasibility as suggested in Staff Report;
 - ii. Create list of city-owned buildings that would be appropriate sites;
 - iii. Propose recommended distances from homes and schools and between installations to preserve aesthetics;
 - iv. Return to Council within one year with best practices regarding inspections of antennas;
- C. Review the effectiveness of the Ordinance in one year with Council; and
- D. Direct Staff to do federal legislative advocacy related to wireless facilities regulations.

MOTION AS AMENDED PASSED: 6-0 Tanaka absent

State/Federal Legislation Update/Action

Council took a break at 10:12 P.M. and returned at 10:21 P.M.

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8. Colleagues Memo on the Santa Clara County Cities Association's Position on Housing in Relation to State Legislative Initiatives.

MOTION: Mayor Filseth moved, seconded by Council Member Kou to:

- A. Support the Santa Clara County Cities Association's Position Paper on housing; and
- B. Communicate accordingly on legislation unless specified.

MOTION PASSED: 4-2 Fine, Kniss no, Tanaka absent

Adjournment: The meeting was adjourned at 11:07 P.M.



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
April 22, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:01 P.M.

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

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: Council Member Cormack moved, seconded by Vice Mayor Fine to go into Closed Session.

MOTION PASSED: 6-0 Kniss absent

Council went into Closed Session at 5:02 P.M.

Council returned from Closed Session at 6:00 P.M.

Mayor Filseth announced no reportable action.

Special Orders of the Day

2. Resolution 9826 Entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Stacey Henderson Upon her Retirement."

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to approve a Resolution expressing appreciation to Stacey Henderson upon her retirement.

MOTION PASSED: 7-0

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Study Session

3. Presentation of the City Manager's Proposed Fiscal Year (FY) 2019/20 Budget

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to move "State/Federal Legislation Update/Action" forward, to be heard at this time.

MOTION PASSED: 7-0

State/Federal Legislation Update/Action

NO ACTION TAKEN

Minutes Approval

4. Approval of Action Minutes for the April 8, 2019 Council Meeting.

MOTION: Vice Mayor Fine moved, seconded by Mayor Filseth to approve the Action Minutes for the April 8, 2019 Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 11.

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

5. Resolution 9827 Entitled, "Resolution of the Council of the City of Palo Alto Amending the City of Palo Alto's Deferred Compensation Plan for Regular Employees, and Incorporating an Employer Contribution Provision and Loan Provision by Adoption of the Amended Deferred Compensation Plan and Trust Document."
6. Approval of Amendment Number 3 to Contract Number C16158064 With BKF Engineers to Extend the Term to June 30, 2019 and Increase Compensation by \$44,885 for a Maximum Not-to-Exceed Amount of \$583,432 for Additional Design Services Related to the Embarcadero Road at El Camino Real Intersection Improvements Project (PL-15001).

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7. Approval of Amendment Number 2 to Contract Number S17167994 With MuniServices, LLC for Sales Tax Consulting Services to Increase the Amount by \$40,000 for a new Not-to-Exceed Amount of \$125,000 and to Extend the Term Through August 31, 2019.
8. Adoption of a Memorandum of Agreement Between the City of Palo Alto and Service Employees International Union (SEIU) Local 521.
9. Finance Committee Recommends the City Council Approve the 2019 Workplan to Address the City Council Priority, "Fiscal Sustainability"; and Review an Update Regarding the Fiscal Year (FY) 2019 Adopted Budget Referral to Identify \$4 Million in General Fund Savings.
10. Ordinance 5461 Entitled "Ordinance of the Council of the City of Palo Alto Amending the Setback Map of the City of Palo Alto to Eliminate the 50-foot Special Setback Along Hansen Way for 3200 El Camino Real." (FIRST READING: April 1, 2019 PASSED: 7-0)."
11. Ordinance 5462 Entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.18.120 (Grandfathered Uses and Facilities) of the Palo Alto Municipal Code to Adjust Regulations Pertaining to Noncomplying Facilities. California Environmental Quality Act (CEQA): This Ordinance is Within the Scope of the Comprehensive Plan. Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution No. 9720; the Ordinance is Also Exempt From Environmental Review Under CEQA Guidelines Sections 15061(b)(3) and 15305." (FIRST READING: April 1, 2019 PASSED: 6-1 Kou no)."

MOTION PASSED FOR AGENDA ITEM NUMBERS 5-10: 7-0

MOTION PASSED FOR AGENDA ITEM NUMBER 11: 6-1 Kou no

Council took at break at 7:22 P.M. and returned at 7:33 P.M.

Action Items

12. PUBLIC HEARING: Adoption of an Ordinance Amending Title 16 of the Palo Alto Municipal Code to Modify and Increase the Citywide Transportation Impact Fee (Chapter 16.59) and Suspend Application of the Existing Area-specific Transportation Impact Fees for the Stanford Research Park/El Camino Real CS Zone (Chapter 16.45) and the San Antonio/West Bayshore Area (Chapter 16.46), and Amending the Municipal Fee Schedule to Update the City's Transportation Impact Fees in Accordance With These Changes, all in Furtherance of Implementation

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of the Comprehensive Plan. The Citywide Transportation Impact Fee is a One-time fee on new Development and Redevelopment Throughout Palo Alto to Fund Transportation Improvements to Accommodate and Mitigate the Impacts of Future Development in the City. This Ordinance is Within the Scope of the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution No. 9720.

Public Hearing opened and closed without public comment at 7:42 P.M.

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

- A. Find the Ordinance to be within the scope of the Comprehensive Plan Environmental Impact Report (EIR) certified and adopted on November 13, 2017 by Council Resolution Number 9720;
- B. Accept the Transportation Impact Fee (TIF) Nexus Study and adopt the Ordinance modifying and increasing the Citywide Transportation Impact Fee, clarifying the updated TIF exemptions, suspending collection of two area-specific transportation impact fees, and amending the Fiscal Year 2019 Municipal Fee Schedule; and
- C. Direct Staff to evaluate changing the metric for the fee assessment to be charged based on square footage, add back exemption for City and Public buildings, and bring this back to Council.

SUBSTITUTE MOTION: Vice Mayor Fine moved, seconded by Council Member Kniss to:

- A. Find the Ordinance to be within the scope of the Comprehensive Plan Environmental Impact Report (EIR) certified and adopted on November 13, 2017 by Council Resolution Number 9720;
- B. Accept the Transportation Impact Fee (TIF) Nexus Study and adopt the Ordinance modifying and increasing the Citywide Transportation Impact Fee, clarifying the updated TIF exemptions, including the addition of an exemption for public buildings, suspending collection of two area-specific transportation impact fees, and amending the Fiscal Year 2019 Municipal Fee Schedule.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part B. "...schools and all ADUs..."

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INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "Amend the Ordinance Section 16.59.020 (h) to state "...gross floor area, or involves a change in use that requires a Use and Occupancy Permit."

SUBSTITUTE MOTION AS AMENDED: Vice Mayor Fine moved, seconded by Council Member Kniss to:

- A. Find the Ordinance to be within the scope of the Comprehensive Plan Environmental Impact Report (EIR) certified and adopted on November 13, 2017 by Council Resolution Number 9720;
- B. Accept the Transportation Impact Fee (TIF) Nexus Study and adopt the Ordinance modifying and increasing the Citywide Transportation Impact Fee, clarifying the updated TIF exemptions, including the addition of an exemption for public buildings, schools and all ADUs, suspending collection of two area-specific transportation impact fees, and amending the Fiscal Year 2019 Municipal Fee Schedule; and
- C. Amend the Ordinance Section 16.59.020 (h) to state "...gross floor area, or involves a change in use that requires a Use and Occupancy Permit."

SUBSTITUTE MOTION AS AMENDED PASSED: 5-2 DuBois, Kou no

- 13. Approval of a Workplan for Potential Revenue Generating Proposals, Including Consideration of a Ballot Measure, in Support of the 2019 Fiscal Sustainability Council Priority.

MOTION: Mayor Filseth moved, seconded by Vice Mayor Fine to approve the draft workplan for addressing elements M and N of the 2019 Fiscal Sustainability Workplan.

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to add to the Motion "The money from the business tax would go to solving transportation and parking issues."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to add to the Motion "Create a stakeholder group to be made up of primarily business owners."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 6-1 Tanaka no

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Council took a break at 9:35 P.M. and returned at 9:44 P.M.

14. Connecting Palo Alto Work Plan for Selection of Preferred Solutions to Rail Grade Separation Needs: Approval of Structure and Membership of an Expanded Community Working Group, Work Plan, and Revisions to Alternatives for Further Study; and Direction to Staff to Return to Council With Associated AECOM Contract Amendment.

Mayor Filseth advised he will not participate in this Agenda Item because he lives within 500 feet of the Caltrain right of way. He left the meeting at 9:35 P.M.

Council Member Kniss advised she will not participate in this Agenda Item because she has a real property interest within 500 feet of Caltrain right of way. She left the meeting at 9:35 P.M.

MOTION: Vice Mayor Fine moved, seconded by Council Member Cormack to:

- A. Approve the Rail Grade Separation Work Plan as a follow up to the March 18th Committee of the Whole recommendation including a timeline and process by which the City Council would select a preferred solution to begin environmental review;
- B. Approve Alternatives to be studied by the Community Working Group; and
- C. Direct Staff to return to Council with an amendment to contract C18171057 with AECOM to reflect scope changes and extension to October 2019 for Council selection of a preferred solution.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKOR AND SECONDER to add to the Motion:

- A. Add more check-ins with Council. Redefine the Working Group (WG) meetings to cover more ground;
- B. Alternatives:
 - i. Allow the WG to brainstorm some alternatives such as Embarcadero, Palo Alto Avenue, Meadow and Charleston;
 - ii. Remove city-wide tunnel;
 - iii. Minimize viaducts/elevated trains located behind people's homes; and

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- iv. Consider the trench alternative minimizes construction impacts

MOTION AS AMENDED RESTATED: Vice Mayor Fine moved, seconded by Council Member Cormack to:

- A. Approve the Rail Grade Separation Work Plan as a follow up to the March 18th Committee of the Whole recommendation including a timeline and process by which the City Council would select a preferred solution to begin environmental review;
- B. Add more check-ins with Council. Redefine the Working Group (WG) meetings to cover more ground;
- C. Approve Alternatives to be studied by the Community Working Group including:
 - i. Allow the WG to brainstorm some alternatives such as Embarcadero, Palo Alto Avenue, Meadow and Charleston;
 - ii. Remove city-wide tunnel;
 - iii. Minimize viaducts/elevated trains located behind people's homes; and
 - iv. Consider the trench alternative minimizes construction impacts
- D. Direct Staff to return to Council with an amendment to contract C18171057 with AECOM to reflect scope changes and extension to October 2019 for Council selection of a preferred solution.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to delete Part C. iii. from the Motion.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part C. i. "Palo Alto Avenue."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part C. "...by the Community Working Group..."

AMENDMENT: Council Member Tanaka moved, seconded by Council Member Kou to remove Part C. ii. from the Motion.

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INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to minimize viaducts/elevated trains located behind people's homes.

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part C. ii and add to the Motion "Direct Staff to return to Council with an update on the city-wide tunnel."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Motion Part C. ii. to change the word "consider" to "ensure."

MOTION AS AMENDED: Vice Mayor Fine moved, seconded by Council Member Cormack to:

- A. Approve the Rail Grade Separation Work Plan as a follow up to the March 18th Committee of the Whole recommendation including a timeline and process by which the City Council would select a preferred solution to begin environmental review;
- B. Add more check-ins with Council. Redefine the Community Working Group (WG) meetings to cover more ground;
- C. Approve Additional Alternatives to be studied including:
 - i. Allow WG to brainstorm some alternatives such as Embarcadero, Meadow and Charleston;
 - ii. Ensure the trench alternative minimizes construction impacts;
- D. Direct Staff to return to Council with an amendment to contract C18171057 with AECOM to reflect scope changes and extension to October 2019 for Council selection of a preferred solution; and
- E. Direct Staff to return to Council with an update on the citywide tunnel.

MOTION PASSED: 5-0 Filseth, Kniss recused

Adjournment: The meeting was adjourned at 11:51 P.M.