

# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting May 11, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 P.M.

Present: Berman arrived at 6:02 P.M., Burt, DuBois, Filseth, Holman,

Kniss, Scharff, Schmid, Wolbach

Absent:

#### **Closed Session**

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Schmid to go into Closed Session.

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

Council went into Closed Session at 6:00 P.M.

#### CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Allyson Hauk, Val Fong, Christine Paras, Molly Stump) Employee Organization: Utilities Management and Professional Association of Palo Alto (UMPAPA)

Authority: Government Code Section 54957.6(a).

The Council reconvened from the Closed Session at 7:10 P.M.

Mayor Holman announced no reportable action.

#### Special Orders of the Day

- 2. Community Partnership Presentation Palo Alto Medical Foundation linkAges TimeBank Program.
- 3. Proclamation Recognizing the Week of May 10, 2015 as Police Week/National Peace Officers Memorial Day.
- 4. Presentation on the American Public Works Association (APWA) Accreditation Process.

#### Agenda Changes, Additions and Deletions

None.

#### Minutes Approval

**MOTION:** Vice Mayor Schmid moved, seconded by Council Member DuBois to approve the Minutes of March 23 and April 6, 2015 with changes to the April 6, 2015 Minutes as requested by Bob Moss.

**MOTION PASSED**: 9-0

#### Consent Calendar

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Schmid to approve Agenda Item Numbers 6-12.

- 6. Approval of a Contract with Schaaf & Wheeler Consulting Civil Engineers in the Amount of \$600,000 for Design Services for the Matadero Creek Storm Water Pump Station Improvement Project, Capital Improvement Program Project SD-13003.
- 7. Approval of a Lease Agreement Between City of Palo Alto and Palo Alto Players-Peninsula Center Stage for Office Space Use at Lucie Stern Community Center Located at 1305 Middlefield Road, Palo Alto.
- 8. Approval of Six Contract Amendments: (a) Amendment No. 3 to 4Leaf, Inc. Contract C13149364, Increasing Compensation by \$2,100,000 to \$5,100,000; (b) Amendment No. 3 to Kutzmann & Associates, Inc. Contract C13149368, Increasing Compensation by \$250,000 to

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\$976,000; (c) Amendment No. 3 to Interwest Consulting Group Contract C13149365, Increasing Compensation by \$25,000 to \$175,000; (d) Amendment No. 2 to CSG Consulting Contract C13149366, Increasing Compensation by \$20,000 to \$120,000; (e) Amendment No. 2 to TRB & Associates Contract C13149369, Increasing Compensation by \$20,000 to \$120,000; and (f) Amendment No. 2 to West Coast Code Consultants Contract C13149367, Increasing Compensation by \$118,000 to \$888,000, to Renew Contracts and Amend Scope of Work Each for a One-Year Term Extension for On-Call Inspection, Plan Check Services, and Capital Improvement Costs.

- 9. Utilities Advisory Commission Recommendation that Council Approve Changes to the Performance Measures and Strategic Initiatives of the 2011 Utilities Strategic Plan.
- 10. Resolution 9509 entitled, "Resolution of the Council of the City of Palo Alto Amending the City's 2010 Urban Water Management Plan in Compliance with the State Water Resources Control Board's March 17, 2015 Emergency Water Conservation Regulations."
- 11. Ordinance 5324 and Ordinance 5326 entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapters 16.14, 16.17, and 16.18 of the Palo Alto Municipal Code to Adopt Local Amendments to the California Green Building Code and the California Energy Code (First Reading April 20, 2015 PASSED: 9-0)."
- 12. Amended <u>Ordinance 5300</u> entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 9.14 (Smoking and Tobacco Regulations) of the Palo Alto Municipal Code to Establish New Outdoor Smoking Restrictions in Commercial Areas and Outdoor Dining (First Reading: April 20, 2015 PASSED: 9-0)."

**MOTION PASSED**: 9-0

#### **Action Items**

13. PUBLIC HEARING: Adoption of an <u>Urgency Interim Ordinance 5325</u> entitled, "Urgency Interim Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Prohibit Conversion of Existing Ground Floor Retail and Retail-Like

Uses to Office or Other Uses on a Citywide Basis Effective Immediately."

Public Hearing opened at 8:20 P.M.

Public Hearing closed at 8:26 P.M.

The City Council decided all Motions and Amendments will require eight affirmative votes to pass due to the fact that eight affirmative votes are required to pass the Urgency Interim Ordinance.

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to adopt the proposed urgency interim Ordinance to prevent the conversion of ground floor retail and retail-like uses to other uses citywide.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add at the end of the Motion, "with the following changes: add to 18.85.101 'To qualify as a retail use, the use shall be open to the public.'"

**AMENDMENT:** Council Member Filseth moved, seconded by Mayor Holman to add to the Motion, "replace in Municipal Code Section 18.85.103(a) 'submitted to the City' with 'approved by the Director.'"

#### AMENDMENT WITHDRAWN BY THE MAKER AND SECONDER

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add automotive services, service stations and daycare facilities to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

#### AMENDMENT SEPARATED FOR THE PURPOSE OF VOTING

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois to add to the Motion, "to add daycare facilities to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT FO THE MAKER AND SECONDER to replace in the Amendment, "facilities" with "centers."

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

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add automotive services to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

AMENDMENT FAILED: 7-2 Berman, Scharff no

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add service stations to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

**AMENDMENT PASSED**: 9-0

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "replace in Municipal Code Section 18.85.102 'operating as of March 2, 2015' with 'permitted or operating as of March 2, 2015 or thereafter.'"

**AMENDMENT:** Council Member Burt moved, seconded by Mayor Holman to add to the Motion, "add to Municipal Code Section 18.85.102, prohibit the elimination of basement or mezzanine space currently in retail use or in retail supporting use to be converted to another use."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Municipal Code Section 18.85.102, prohibit the elimination of basement space currently in retail use or in retail supporting use to be converted to another use."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Municipal Code Section 18.85.103(a), 'submitted to the City' with 'approved by the Director.'"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "generally" after "shall be."

**AMENDMENT WITHDRAWN BY THE SECONDER**, to add to the Motion, "replace in Municipal Code Section 18.85.103(a) 'submitted to the City' with 'approved by the Director.'"

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to add automotive services to the definition of retail-like uses in Municipal Code Section 18.85.101(b)."

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

14. PUBLIC HEARING: Adoption of the Urban Forest Master Plan and Approval of a Negative Declaration.

Public Hearing opened at 11:11 P.M.

Public Hearing closed at 11:33 P.M.

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

- A. Approve the Palo Alto Urban Forest Master Plan; and
- B. Adopt the Negative Declaration of Environmental Impacts.

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

- C. To direct Staff to schedule a Study Session in six to nine months including, but not limited to the following issues with a second iteration of the Urban Forest Master Plan with greater discussion and emphasis on:
  - i. Native tree plant species: and
  - ii. Greater development of Goal Number 5; and
  - iii. Options for changing the Vision Statement; and
  - iv. Expanding canopy cover in South Palo Alto.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "exploration of the role of agricultural landscaping."

**AMENDMENT:** Council Member Burt moved, seconded by Mayor Holman to add to the Motion, "expansion of the role of local environmental groups in the Urban Forest Master Plan."

**AMENDMENT PASSED:** 7-2 Filseth, Scharff no

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part C, Subsection iii, "changing" with "strengthening."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "discuss support for habitat."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "address development impacts on trees."

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

Council Member Questions, Comments and Announcements

Council Member Burt reported that he and Council Member Wolbach attended a drought summit on Saturday. In comparison to other cities, Palo Alto has been very active in promoting drought friendly policies, yet there is more the City can do given the current drought.

Adjournment: The meeting was adjourned at 12:21 P.M.