



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
September 26, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:34 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

Special Orders of the Day

1. Proclamation Honoring Cybersecurity Awareness Month.
2. Proclamation Honoring The Christmas Bureau's 60th Anniversary.

Agenda Changes, Additions and Deletions

MOTION: Council Member Kniss moved, seconded by Council Member DuBois to hear Agenda Item Number 9- Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances... as the last Action Item tonight.

MOTION PASSED: 5-4 Berman, Burt, Filseth, Wolbach, no

Minutes Approval

3. Approval of Action Minutes for the September 12, 2016 Council Meeting.

MOTION: Council Member Schmid moved, seconded by Council Member Wolbach to approve the Action Minutes for the September 12, 2016 Council Meeting.

MOTION PASSED: 9-0

ACTION MINUTES

Consent Calendar

Council Member Filseth registered a no vote on Agenda Item Number 5-Approval and Authorization for the City Manager or his Designee to Execute two Energy Efficiency Program Contract Amendments...

MOTION: Council Member Kniss moved, seconded by Council Member Berman to approve Agenda Item Numbers 4-7.

4. Approval of the Termination of a Funding Agreement With the City of East Palo Alto for the East Palo Alto Shuttle Route at the Request of the City of East Palo Alto; Approval of an Exemption Under Section 15301 of the California Environmental Quality Act Guidelines; and Approval of a Budget Amendment to the General Fund.
5. Approval and Authorization for the City Manager or his Designee to Execute two Energy Efficiency Program Contract Amendments: (1) Amendment Number 3 to a Contract With BASE Energy, Inc. for the Administration of the Third-Party Non-residential new Construction Program Contract Number C11141002 Extending the Term for two Additional Years; and (2) Amendment Number 1 to Eagle Systems International, Inc. DBA Synergy Companies Contract Number C15159125 for the Multifamily Residence Plus Program Increasing Compensation by \$500,000 From \$450,000 for a Total Not-to-Exceed Amount of \$950,000.
6. Approval of Change Order Number One to Contract Number S16159273 With Penhall Company for Concrete Saw Cutting Services to Extend the Contract Time to Three Years (2015-2018) and to Increase the Total Not-to-Exceed Amount From \$168,705 to \$506,115 Over Three Years; and Finding That Approval of the Contract's Change Order is Categorically Exempt From California Environmental Quality Act Review Under Section 15301(c) of the CEQA Guidelines.
7. Approval of a Contract Amendment With Global Learning Solution Inc. to Extend the Term Through June 30, 2017 and add \$125,000 for a Total Not-to-Exceed Amount of \$375,000 for the Support of Human Resources SAP Modules and Business Processes Improvements.

MOTION FOR AGENDA ITEM NUMBER 5 PASSED: 8-1 Filseth, no

MOTION FOR AGENDA ITEM NUMBERS 4, 6-7 PASSED: 9-0

ACTION MINUTES

Action Items

8. Direction to Expand Community Use of Upcoming Space at Cubberley Community Center Following Foothill College's Planned Move and Approval of Exemption Under California Environmental Quality Act.

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

- A. Authorize Staff to amend the 1991 Cubberley Master Plan to provide for additional uses in Buildings A, B, C, D, I, J, K, and P currently occupied by Foothill Community College (educational use) and apply for necessary planning entitlements to allow additional community oriented uses; and
- B. Adopt a finding that these actions are exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines.

SECOND WITHDRAWN BY THE SECONDER

MOTION FAILED DUE TO THE LACK OF A SECOND

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

- A. Authorize Staff to amend the 1991 Cubberley Master Plan to provide for additional uses in Buildings A, B, C, D, I, J, K, and P currently occupied by Foothill Community College (educational use) and apply for necessary planning entitlements to allow additional community oriented uses; and
- B. Authorize the City Manager to accept a lease rate of \$1.00 per square foot for Avenidas to occupy up to 10,000 square feet at the Cubberley Community Center to operate a temporary senior center during the renovations at 450 Bryant Street; and
- C. Adopt a finding that these actions are exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines.

ACTION MINUTES

MOTION PASSED: 9-0

Council took a break from 7:21 P.M. to 7:32 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member DuBois to hear Agenda Item Number 9- Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances... at this time.

MOTION PASSED: 9-0

9. Review and Direction Regarding Interpretation of Planned Community (PC) Ordinances Governing Three of the Four City Parking Garages Proposed for Rooftop Solar Installations at 445 Bryant Street, 520 Webster Street, and 275 Cambridge Avenue and Regarding the Architectural Review Procedure for the Three PC Zoned Garages and the Fourth Parking Garage at 475 Cambridge Which is Zoned Public Facilities (PF), Including a Finding That the Project is Exempt From Review Under the California Environmental Quality Act (CEQA).

Vice Mayor Scharff advised he will not participate in this Agenda Item because he owns real property near the subject properties.

Council Member Kniss advised she will not participate in this Agenda Item because she owns real property near the subject properties.

Council Member Kniss and Vice Mayor Scharff left the meeting at 7:37 P.M.

MOTION: Council Member Berman moved, seconded by Council Member Wolbach to make the following determinations:

- A. The installation of structural canopies to support solar panels will be consistent with the Planned Community (PC) Ordinances and approved development plans for three City garages located at 445 Bryant Street, 520 Webster Street, and 275 Cambridge Avenue, such that no amendments are needed to these PC ordinances; and
- B. The PC Ordinances for 445 Bryant Street and 520 Webster Street do not need to be modified to allow structural canopies to exceed the 50 foot high limit; and

ACTION MINUTES

- C. The proposed support structures for the photovoltaic panels at all four sites are considered "minor" projects subject to Staff Level Architectural Review in accordance with Palo Alto Municipal Code (PAMC) Section 18.76.020; and
- D. The recommended actions are exempt from review under the California Environmental Quality Act (CEQA) Sections 21080.35, 15303, and 15301 (existing facilities).

MOTION PASSED: 7-0 Kniss, Scharff not participating

- 10. Policy and Services Committee Recommends Adoption of an Ordinance Amending the City's Minimum Wage Ordinance to Align With the Santa Clara Cities Association Recommendation to Increase the Minimum Wage to \$15 per Hour in Three Steps: \$12 on 1/1/2017; \$13.50 on 1/1/2018, \$15.00 on 1/1/2019, and a Consumer Price Increase (CPI) Increase After 2019 Indexed to the Bay Area CPI With a 5 Percent Cap and no Exemption.

Vice Mayor Scharff and Council Member Kniss returned to the meeting at 8:56 P.M.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City's Minimum Wage Ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and commit to updating the City's Ordinance to exclude tipped employees if Labor Code Section 351 is updated to allow this exemption and the City will support advocating for this exemption at the state level.

SUBSTITUTE MOTION: Council Member Wolbach moved, seconded by Council Member Berman to adopt an Ordinance amending the City's Minimum Wage Ordinance to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on April 1, 2017; \$13.50 on January 1, 2018, \$15.00 on July 1, 2018, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute

ACTION MINUTES

Motion, "and direct the Policy and Services Committee to evaluate the concept of a tipped worker exemption and the impacts of advocating for this concept in Sacramento."

SUBSTITUTE MOTION RESTATED: Council Member Wolbach moved, seconded by Council Member Berman to adopt an Ordinance amending the City's Minimum Wage Ordinance to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on April 1, 2017; \$13.50 on January 1, 2018, \$15.00 on July 1, 2018, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and direct the Policy and Services Committee to evaluate the concept of a tipped worker exemption and the impacts of advocating for this concept in Sacramento.

SUBSTITUTE MOTION AS AMENDED FAILED: 2-7 Berman, Wolbach, yes

MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City's Minimum Wage Ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and commit to updating the City's Ordinance to exclude tipped employees if Labor Code Section 351 is updated to allow this exemption and the City will support advocating for this exemption at the state level.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "commit to" with "evaluate."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "the City will support advocating for this exemption at the state level" with "add this to the list of topics for the Policy and Services Committee to consider when reviewing the Legislative Policy Program."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "exclude" with "best address the issue of."

ACTION MINUTES

MOTION RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to adopt an Ordinance amending the City's Minimum Wage ordinance to align with the Cities Association recommendation to increase the minimum wage to \$15.00 per hour in three steps: \$12.00 on January 1, 2017; \$13.50 on January 1, 2018, \$15.00 on January 1, 2019, and a Consumer Price Index (CPI) increase after 2019 indexed to the Bay Area CPI with a 5 percent cap and no exemptions and evaluate updating the City's Ordinance to best address the issue of tipped employees if Labor Code Section 351 is updated to allow this exemption and add this to the list of topics for the Policy and Services Committee to consider when reviewing the Legislative Policy Program.

MOTION AS AMENDED PASSED: 9-0

11. PUBLIC HEARING: Resolution 9626 Entitled, "Resolution of the Council of the City of Palo Alto Confirming the Code Enforcement Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Properties Located at 220 Matadero Avenue and 18 Roosevelt Circle."

Public Hearing opened and closed without public comment at 10:50 P.M.

MOTION: Council Member Holman moved, seconded by Council Member Filseth to adopt a Resolution confirming the Code Enforcement Abatement Report and ordering abatement costs to be a special assessment on the properties specified in the Report.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Kniss reported her attendance at the League of California Cities, Peninsula Division Quarterly Meeting last Thursday. At this meeting, a presentation was given that included information on two projects that provide housing for teachers; Cañada Vista in San Mateo County and Casa de Maestro in Santa Clara. Both projects were funded by and built by local school districts without the assistance of tax credits.

ACTION MINUTES

Council Member DuBois reported his attendance at the NTD Health Expo at the Mitchell Park Community Center. He suggested that this event be coordinated with the annual health fair.

Mayor Burt reported his attendance at the recent San Francisquito Creek Joint Powers Authority (JPA) meeting. The JPA Received an update on efforts with Pacific Gas and Electric (PG&E) to align PG&E's gas line work along the Palo Alto Golf Course with JPA projects. City of Palo Alto Staff and Santa Clara Valley Water District Staff are engaged with this effort. He reported that the Peninsula Corridor Joint Powers Board's (Caltrain) Local Policy Maker Group is seeking a Metropolitan Transit Commission (MTC) grant to fund a system-wide grade separation study.

Adjournment: The meeting was adjourned at 11:00 P.M.