

# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting October 19, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:02 P.M.

Present: Berman arrived at 5:05 P.M., DuBois, Filseth, Holman, Kniss,

Scharff, Schmid, Wolbach

Absent: Burt

#### **Closed Session**

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

**MOTION PASSED:** 7-0 Berman, Burt absent

Council went into Closed Session at 5:03 P.M.

#### CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Suzanne Mason, Kathy Shen, Dania Torres Wong, Molly Stump, Alison Hauk)

Employee Organizations: Palo Alto Police Officers Association (PAPOA); Palo Alto Police Manager's Association (PAPMA); Palo Alto Fire Chiefs' Association (FCA); International Association of Fire Fighters (IAFF), Local 1319; Service Employees International Union, (SEIU) Local 521; Management, Professional and Confidential Employees; Utilities Management and Professional Association of Palo Alto (UMPAPA) Authority: Government Code Section 54957.6(a).

Council returned from Closed Session at 6:17 P.M.

Mayor Holman announced no reportable action.

## Special Orders of the Day

2. Recognition and Acknowledgement of Palo Alto Firefighters for Their Response to Numerous Wildland Fires in California During the 2015 Fire Season.

## Study Session

- 3. Potential List of Topics for the Study Session With Assembly Member Rich Gordon.
- 4. Council Update on Staff Actions in Preparation for 2015-16 Winter Storm Season.

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

5. May 4, 2015, May 6, 2015, and May 11, 2015.

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Schmid to approve the May 4, 6, and 11, 2015 Minutes.

MOTION PASSED: 8-0 Burt absent

#### Consent Calendar

**MOTION:** Council Member Scharff moved, seconded by Mayor Holman, Third by Council Member Kniss to remove Agenda Item Number 19- SECOND READING: Adoption of an Ordinance Adding Chapter 4.62...Minimum Wage... from the Consent to be heard as the first Action Item.

Council Member Kniss advised she would not be participating in Agenda Item Number 15- Approval of Annual Williamson Act Contracts... because she and her husband own property which falls under the Williamson Act.

**MOTION:** Council Member Scharff moved, seconded by Mayor Holman to approve Agenda Item Numbers 6-18, including changes to the contract number outlined in the At Place Memorandum for Agenda Item Number 11-Approval of Change Order Number One to Construction Services...

- 6. Approval and Authorization for the City Manager to Execute an Electric Enterprise Fund Construction Contract With PAR Electrical Contractors, Inc. for a Total Not to Exceed Amount of \$1,095,179 for the 2015 Pole Replacement Project 3, Which Involves Construction Maintenance Work on the City's Electric Distribution System Throughout the City.
- 7. Approval of a Contract With Pierce Manufacturing Inc. in the Amount of \$657,394 for the Purchase of a Triple Combination 1500 GPM Fire Pumper; and <u>Budget Amendment Ordinance 5350</u> Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto in the Amount of \$289,265 to Fund the Purchase of a Fire Pumper Offset by a Transfer From the General Fund and Corresponding Reduction to the Budget Stabilization Reserve (Scheduled Vehicle and Equipment Replacement Capital Improvement Program CIP VR-15000)."
- 8. Approval of a Purchase Order With Leader Industries in an Amount Not to Exceed \$500,471 for the Purchase of Two 2015 Chevrolet G4500 Type III Ambulances and <u>Budget Amendment Ordinance 5351</u> Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2016 in the Amount of \$500,471 in the Vehicle Replacement Fund, Offset by a Transfer From the General Fund and Corresponding Reduction to the Budget Stabilization Reserve (Scheduled Vehicle and Equipment Replacement Capital Improvement Program CIP VR-15000)."
- 9. Approval of a Record of Land Use Action for a Site and Design Application of a One-Story 1,735 Sq. Ft. Single Family Home With an Attached One-Car Garage and Associated Site Improvements on a Vacant 11.04 Acre Parcel of Land in the Open Space (OS) Zoning District Located at 5061 Skyline Boulevard. Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act per Section 15303.
- 10. Approval of the Purchase of Underground Cable From the Okonite Company in the Amount of \$350,000 per Year for Five Years, for a Total Not to Exceed Amount of \$1,750,000.

- 11. Approval of Change Order Number One to Construction Services Contract Number C15155783 With Pacheco Line Builders, Inc. to Increase Not-to-Exceed Amount by \$500,000 Annually to \$1,500,000 Per Year, for a Total Not-to-Exceed Amount of \$4,500,000 for Increased Costs Associated With Maintenance and Repair Work for the City's Electric Overhead Distribution System, and <u>Budget Amendment Ordinance 5352</u> Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2016 Appropriating a Total of \$1,000,000 From the Electric Distribution Fund Operations Reserve."
- 12. Approval of Amendment Number Two to the Agreement Between the City of Palo Alto and the Purissima Hills Water District for a Limited Emergency Water Supply Intertie.
- 13. Approval of the Change in Direction by Friends of the Junior Museum & Zoo's Regarding Operation of the New Building.
- 14. Approval of a Contract With TransPac Systems, LLC in the Amount of \$106,590, Contract C16160857 for Consulting and Implementation Services for the City's Police Department's Information Technology Systems.
- 15. Approval of Annual Williamson Act Contracts Within the City of Palo Alto.
- 16. Resolution 9554 Entitled, "Resolution of the Council of the City of Palo Alto Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution Nos. 9410 and 9535."
- 17. Ordinance 5353 Entitled, "Ordinance of the Council of the City of Palo Alto Adding Section 16.63 to the Municipal Code Relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems (FIRST READING: September 28, 2015 PASSED: 9-0)."
- 18. Ordinance 5354 Entitled, "Ordinance of the Council of the City of Palo Alto Changing the End of Term Date for Commissioners Serving on the Human Relations Commission, Library Advisory Commission, Public Art Commission and Utilities Advisory Commission From April 30 to May 31 of Various Years and Making Minor Non-substantive Language

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Changes (FIRST READING: August 24, 2015 PASSED: 8-1 DuBois no)."

19. SECOND READING: Adoption of an Ordinance Adding Chapter 4.62 to Title 4 (Business Licenses and Regulations) of the Palo Alto Municipal Code to Adopt a Citywide Minimum Wage for Palo Alto Employees (FIRST READING: August 24, 2015, PASSED 9-0).

MOTION FOR AGENDA ITEM NUMBERS 6-14, 16-18 PASSED: 8-0 Burt absent

**MOTION FOR AGENDA ITEM NUMBER 15 PASSED:** 7-0 Kniss not participating, Burt absent

#### Action Items

19. SECOND READING: Adoption of an <u>Ordinance 5355</u> Entitled, "Ordinance of the Council of the City of Palo Alto Adding Chapter 4.62 to Title 4 (Business Licenses and Regulations) of the Palo Alto Municipal Code to Adopt a Citywide Minimum Wage for Palo Alto Employees (FIRST READING: August 24, 2015, PASSED 9-0)."

**MOTION:** Council Member Scharff moved, seconded Council Member Kniss to adopt the Ordinance and direct the Policy and Services Committee to discuss exploring the option of excluding tipped employees as soon as possible.

**AMENDMENT:** Council Member Wolbach moved, seconded by Council Member Berman to remove from the Motion, "and direct the Policy and Services Committee to discuss exploring the option of excluding tipped employees as soon as possible."

AMENDMENT FAILED: 3-5 Berman, Schmid, Wolbach yes, Burt absent

**AMENDMENT:** Council Member Berman moved, seconded by Council Member Wolbach to replace in the Motion, "exploring the option of excluding tipped employees" with "potential exemptions to the Ordinance."

**AMENDMENT FAILED:** 2-6 Berman, Wolbach yes, Burt absent

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

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20. PUBLIC HEARING: <u>Resolution 9555</u> Entitled, "Resolution of the Council of the City of Palo Alto Confirming Additional Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein."

Public Hearing opened and closed without public comment at 9:28 P.M.

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Schmid to adopt a Resolution confirming the Weed Abatement Report and ordering abatement costs to be a special assessment on the properties specified in the report.

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

21. Direction to Provide Financial Support of \$5 Million for the Avenidas Construction Project That Will Expand the Capacity of Senior Programs and Services Provided by Avenidas at 450 Bryant Street, Pending Environmental Review and Approval of Final Project Design by City Boards, Commissions and Council.

**MOTION:** Council Member Berman moved, seconded by Council Member Scharff to hear Agenda Item Number 24- Colleagues Memo Regarding Studying Policy to Increase Accessory Dwelling Units (ADU's) before Agenda Item Number 23- PUBLIC HEARING: Adoption of an Ordinance to Amend Chapter 18.79...Development Project Preliminary Review... and make every effort to complete the Agenda this evening.

MOTION PASSED: 7-1 Filseth no, Burt absent

MOTION: Council Member Kniss moved, seconded by Council Member DuBois to contribute financial support of \$5 million dollars from revenue sources to be determined by Staff towards the \$18 million Avenidas capital campaign to make necessary seismic and other improvements to the existing building, the actual funding will occur in the next two Fiscal Years; the Avenidas plan will require subsequent environmental review and Approval of Final Project Design by City Boards, Commissions and Council.

**AMENDMENT:** Council Member Scharff moved, seconded by Mayor Holman to replace in the Motion, "to be determined by Staff" with "which shall consist of Transferable Development Rights (TDRs) and Community Center Impact Fee Funds."

AMENDMENT FAILED: 4-4 DuBois, Filseth, Kniss, Schmid no, Burt absent

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, "towards the \$18 million Avenidas capital campaign."

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

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "will require subsequent" with "pending."

MOTION AS AMENDED PASSED: 8-0 Burt absent

22. Recommendation to Direct Staff to Develop and Plan for Election to Authorize Continuation of Storm Drain Fees to Fund Capital Improvements and Operations After Current Fees Sunset in 2017, Including Appointment of a Citizen Advisory Committee and a Potential 2016 Property Owner All-Mail Election.

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

- A. Direct Staff to work towards a Fall 2016 property owner vote-by-mail election to authorize imposition of property-related fees to fund the Storm Drainage Enterprise Fund beyond the funding term of the previous storm drain measure, which property owners approved in 2005 and which sunsets in June 2017; and
- B. Direct the City Manager to appoint a Citizen Advisory Committee to assist Staff with the development of the 2016 funding measure, including a list of operational programs and capital improvement projects to be funded by the fees.

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

24. Colleagues Memo Regarding Studying Policy to Increase Accessory Dwelling Units (ADU's).

**MOTION:** Council Member Wolbach moved, seconded by Council Member Scharff to refer this matter to the Planning and Transportation Commission.

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois to add to the Motion, "the Policy and Services Committee prior to" after "refer this matter to."

**AMENDMENT FAILED:** 4-4 Berman, Scharff, Wolbach, Kniss no, Burt absent

**MOTION PASSED:** 7-1 DuBois no, Burt absent

**MOTION:** Council Member Kniss moved, seconded by Council Member Wolbach to continue Agenda Item Number 23- PUBLIC HEARING: Adoption of an Ordinance to Amend Chapter 18.79 of the Palo Alto Municipal Code Related to Development Project Preliminary Review Procedures... to October 26, 2015.

MOTION PASSED: 8-0 Burt absent

23. PUBLIC HEARING: Adoption of an Ordinance to Amend Chapter 18.79 of the Palo Alto Municipal Code Related to Development Project Preliminary Review Procedures. Environmental Assessment: Exempt From the California Environmental Quality Act (CEQA) Pursuant to Section 15305 of the CEQA Guidelines (Continued from August 24, 2015).

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Wolbach voiced his support for the Study Session with the Planning and Transportation Commission on November 30, 2015.

Council Member DuBois reported his attendance at the second Joint Recycled Water Advisory Committee Meeting. The Committee is exploring projects to potentially fund.

Adjournment: The meeting was adjourned at 11:50 P.M.

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