



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
October 24, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:37 P.M.

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

Absent: DuBois

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS.

This Item removed from the Agenda.

Study Session

2. Partner Presentation and Discussion With Palo Alto Housing Corporation.

Agenda Changes, Additions and Deletions

MOTION: Vice Mayor Scharff moved, seconded by Council Member Holman to continue Agenda Item Number 14- PUBLIC HEARING: Adoption of an Ordinance Approving Revisions to the Architectural Review Findings... to a date uncertain.

MOTION PASSED: 7-0 Berman not participating, DuBois absent

Consent Calendar

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve Agenda Item Numbers 3-8.

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3. Finance Committee Recommendation That the City Council Approve the Proposed Low Carbon Fuel Standard Credit Program, Including the use of Revenues From the Sale of Low Carbon Fuel Standard Credits.
4. Approval of a Contract With Anderson Pacific Engineering Construction, Inc. (APEC) in the Total Amount of \$2,746,563 for the Old Pumping Plant (OPP) Rehabilitation Project at the Regional Water Quality Control Plant - Capital Improvement Program Project WQ-80021.
5. Resolution 9633 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utilities Rate Schedule E-15 (Electric Service Connection Fees) and Utilities Rule and Regulations 2 (Definitions and Abbreviations) and 18 (Utility Service Connections and Facilities on Customer Premises) to Implement the Low Carbon Fuel Standard Program."
6. Nine Ordinances to Adopt 2016 California Building Codes, Local Amendments, and Related Updates: Ordinance 5389 Entitled, "Ordinance of the Council of the City of Palo Alto (1) Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2016 Editions, and Local Amendments and Related Findings;" Ordinance 5390 Entitled, "Ordinance of the Council of the City of Palo Alto (2) Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.05, California Mechanical Code, 2016 Edition, and Local Amendments and Related Findings;" Ordinance 5391 Entitled, "Ordinance of the Council of the City of Palo Alto (3) Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.06, California Residential Code, 2016 Edition, and Local Amendments and Related Findings;" Ordinance 5392 Entitled, "Ordinance of the Council of the City of Palo Alto (4) Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.08, California Plumbing Code, 2016 Edition, and Local Amendments and Related Findings;" Ordinance 5393 Entitled, "Ordinance of the Council of the City of Palo Alto (5) Repealing Chapter 16.14 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.14, California Green Building Standards Code, 2016 Edition, and Local Amendments and Related Findings;" Ordinance 5394 Entitled, "Ordinance of the Council of the City of Palo Alto (6) Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a new Chapter 16.16, California Electrical Code, 2016 Edition, and Local Amendments

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and Related Findings;" Ordinance 5395 Entitled, "Ordinance of the Council of the City of Palo Alto (7) Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2016 Edition, and Local Amendments and Related Findings;" and Ordinance 5396 Entitled, "Ordinance of the Council of the City of Palo Alto (8) Adopt a new Title 16, Chapter 16.18 Private Swimming Pool and Spa Code, 2016 Edition and Local Amendments and Related Findings;" and Ordinance 5397 Entitled, "Ordinance of the Council of the City of Palo Alto (9) Amending Title 16, Chapters 16.36 House Numbering and 16.40 Unsafe Buildings for Local Amendments and Related Findings (FIRST READING: October 4, 2016 PASSED: 9-0)."

7. Policy and Services Committee Recommends That the City Council Approve its Motions Regarding the Cable Franchise and Public, Education, and Government (PEG) Fees Audit.
8. Resolution 9634 Entitled, "Resolution of the Council of the City of Palo Alto to Amend and Correct Salary Schedules for: Managers and Professional Employees, Service Employees International Union, Local 521 (SEIU); Service Employees International Union Hourly, Local 521 (SEIU - H); Limited Hourly, Local 521 (HRLY); International Association of Fire Fighters, Local 1319; and Utilities Managers of Palo Alto Professional Association (UMPAPA); and Amend the Table of Organization in the City Manager's Office General Fund and Utilities Department Enterprise Funds."

MOTION PASSED: 7-0 Wolbach not participating, DuBois absent

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9. PUBLIC HEARING: Proposition 218 Storm Water Management Fee Protest Hearing; Resolution 9635 Entitled, "Resolution of the Council of the City of Palo Alto Calling a Mail Ballot Election for April 11, 2017 to Submit a Storm Water Management Fee to Owners of Parcels of Real Property Subject to the Fee;" and Resolution 9636 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rule and Regulation 25."

Public Hearing opened at 7:54 P.M.

Public Hearing closed at 8:02 P.M.

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MOTION: Council Member Schmid moved, seconded by Council Member Filseth to adopt:

- A. A Resolution calling a mail ballot election for Tuesday, April 11, 2017 to allow owners of parcels subject to the Storm Water Management Fee to vote on whether the Fee should be imposed; and
- B. A Resolution modifying Section 8(C) of Utility Rule and Regulation 25 (Special Storm and Surface Water Drainage Utility Regulations) to exempt certain developed parcels which do not impact City storm drainage facilities, and to clarify how the Fee applies to parcels which only partially drain to the City's storm drain system.

MOTION PASSED: 8-0 DuBois absent

Council took a break from 8:19 P.M. to 8:26 P.M.

- 10. PUBLIC HEARING: Resolution 9637 Entitled, "Resolution of the Council of the City of Palo Alto Adopting the Professorville Historic District Design Guidelines. The Project is Exempt From the Provisions of CEQA per Class 8 Categorical Exemption (Actions Taken by Regulatory Agencies to Protect the Environment) (Continued From September 12, 2016)."

Public Hearing opened at 8:30 P.M.

Public Hearing closed at 8:42 P.M.

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

- A. A Resolution adopting the Professorville Historic District Design Guidelines (Guidelines) with the list of corrections and edits provided in the Staff Report; and
- B. A finding that this action is exempt from review under the California Environmental Quality Act (CEQA) per Section 15308 (Actions By Regulatory Agencies for the Protection of the Environment).

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to add

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references to incentives to the Guidelines and reference to the State of California Historic Building Code.” (New Part C)

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

- A. A Resolution adopting the Professorville Historic District Design Guidelines (Guidelines) with the list of corrections and edits provided in the Staff Report; and
- B. A finding that this action is exempt from review under the California Environmental Quality Act (CEQA) per Section 15308 (Actions By Regulatory Agencies for the Protection of the Environment); and
- C. Direct Staff to add references to incentives to the Guidelines and reference to the State of California Historic Building Code.

MOTION AS AMENDED PASSED: 7-1 Holman no, DuBois absent

MOTION: Council Member Holman moved, seconded by Mayor Burt to direct Staff to return with:

- A. A Zoning Code change to apply Individual Review (IR) to single-story homes in Professorville; and
- B. A definition of demolition.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “draft language for Council consideration regarding” after “direct Staff to return with.”

MOTION RESTATED: Council Member Holman moved, seconded by Mayor Burt to direct Staff to return with draft language for Council consideration regarding:

- A. A Zoning Code change to apply Individual Review (IR) to single-story homes in Professorville; and
- B. A definition of demolition.

MOTION AS AMENDED PASSED: 7-1 Wolbach no, DuBois absent

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At this time Council heard Agenda Item Numbers 11 and 12.

11. Adoption of an Emergency Ordinance of the Council of the City of Palo Alto Adding Chapter 9.17 (Personal Cultivation of Marijuana) to Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code to Prohibit Outdoor Cultivation of Marijuana and Informational Update on Proposition 64 and Finding the Amendment Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to State CEQA Guidelines Section 15061(b)(3).
12. Ordinance Entitled, "Ordinance of the Council of the City of Palo Alto Adding Chapter 9.17 (Personal Cultivation of Marijuana) to Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code to Prohibit Outdoor Cultivation of Marijuana and Informational Update on Proposition 64 and Finding the Amendment Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to State CEQA Guidelines Section 15061(b)(3)."

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

- A. An Ordinance adding Chapter 9.17 (Personal Cultivation of Marijuana) to Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code to prohibit outdoor marijuana cultivation in Palo Alto; and
- B. A finding that this amendment is exempt from review under the California Environmental Quality Act; and
- C. Direct Staff to return within twelve months to Council following public outreach for potential changes to this Ordinance.

SUBSTITUTE MOTION: Mayor Burt moved, seconded by Council Member XX, if Proposition 64, Marijuana Legalization is adopted, to direct Staff to schedule a Council discussion of a regular Ordinance to provide restrictions of outdoor cultivation of marijuana.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "the second reading will take place after the November 8, 2016 election." (New Part D)

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "incorporate a twelve month sunset into the Ordinance." (New Part E)

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

- A. An Ordinance adding Chapter 9.17 (Personal Cultivation of Marijuana) to Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code to prohibit outdoor marijuana cultivation in Palo Alto; and
- B. A finding that this amendment is exempt from review under the California Environmental Quality Act; and
- C. Direct Staff to return within twelve months to Council following public outreach for potential changes to this Ordinance; and
- D. The second reading will take place after the November 8, 2016 election; and
- E. Incorporate a twelve month sunset into the Ordinance.

MOTION AS AMENDED PASSED: 7-1 Burt no, DuBois absent

- 13. Review and Direction on Formation of a Stakeholder Committee to Advise the Council Regarding a Potential Local Tax to Raise Funds for Transportation Programs and Projects.

MOTION: Mayor Burt moved, seconded by Council Member Kniss to form a stakeholder advisory committee, appointed by the Council, to advise the Council regarding a potential future ballot measure; the Committee will be comprised of the following:

- A. Membership criteria:
 - i. Stanford Research Park Transportation Management Association (organization selection); and
 - ii. Palo Alto Downtown Transportation Management Association (organization selection); and

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- iii. Stanford Healthcare and Stanford Shopping Center (organization selection); and
 - iv. Commercial Property Owner; and
 - v. Small Business Owner from elsewhere; and
 - vi. Medium or Large Sized Business Owner from elsewhere; and
 - vii. Transit advocate or Expert (preferably a Palo Alto Resident); and
 - viii. Bicycling advocate or Expert (preferably a Palo Alto Resident); and
 - ix. Non-Profit (preferably a Palo Alto Resident); and
 - x. Affordable Housing (preferably a Palo Alto Resident); and
 - xi. Palo Alto Unified School District (organization selection); and
 - xii. North or South Downtown Resident; and
 - xiii. Resident One (not representing other criteria groups); and
 - xiv. Resident Two (not representing other criteria groups); and
- B. Ex Officio Membership criteria:
- i. Planning and Transportation Commission; and
 - ii. City of East Palo Alto.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "(including at least one representative be a Member of the Chamber of Commerce)" after "Membership criteria."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Part A.iii. with:

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- iii. Stanford Healthcare (organization selection); and
- iv. Stanford Shopping Center (organization selection); and

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "all applicants to be committed to the outcome of determining a funding plan that will achieve significant reductions in congestion and single occupancy vehicle trips in the community and that an anticipation that the total funding for these outcomes will come from a local tax measure and other sources including paid parking revenue, grants, the Valley Transportation Authority (VTA) sales tax." (New Part C)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part C, "(with a particular focus on business license tax)" after "from local funding measures."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct the Committee to look at trip reductions both from measures that would support alternatives for employees and measures that would reduce overall car trips in the community." (New Part D)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part A.vi. and Part A.vii., "from elsewhere" with "from other than the organizations listed above."

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion Part A.vi. "two" before "Small Business."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Part A.vi. with, "

- vi. Small Business Owner from other than the organizations listed above; and
- vii. Small Business Owner from Downtown."

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part C, "and improve mobility for residents and workers" after "in the community."

AMENDMENT: Council Member Schmid moved, seconded by Council Member XX to add to the Motion, "that all members will get a full description of the annual Stanford Medical Center Traffic Mitigation Program."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part D, "the Committee will look at best TMA practices from within the Palo Alto/Stanford community and elsewhere" after "trips in the community."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct the Committee to return to Council by November 2017." (New Part E)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part C, "a local tax measure" with "local funding measures."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to explore priority transportation needs, identify funding requirements and explore various funding options and develop a funding plan" after "future ballot measure."

MOTION RESTATED: Mayor Burt moved, seconded by Council Member Kniss to form a stakeholder advisory committee, appointed by the Council to advise the Council regarding a potential future ballot measure to explore priority transportation needs, identify funding requirements and explore various funding options and develop a funding plan; the Committee will be comprised of the following:

- A. Membership criteria (including at least one representative be a Member of the Chamber of Commerce):
 - i. Stanford Research Park Transportation Management Association (organization selection); and

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- ii. Palo Alto Downtown Transportation Management Association (organization selection); and
 - iii. Stanford Healthcare (organization selection); and
 - iv. Stanford Shopping Center (organization selection); and
 - v. Commercial Property Owner; and
 - vi. Small Business Owner from other than the organizations listed above; and
 - vii. Small Business Owner from Downtown; and
 - viii. Medium or Large Sized Business Owner from other than the organizations listed above; and
 - ix. Transit advocate or Expert (preferably a Palo Alto Resident); and
 - x. Bicycling advocate or Expert (preferably a Palo Alto Resident); and
 - xi. Non-Profit (preferably a Palo Alto Resident); and
 - xii. Affordable Housing (preferably a Palo Alto Resident); and
 - xiii. Palo Alto Unified School District (organization selection); and
 - xiv. North or South Downtown Resident; and
 - xv. Resident One (not representing other criteria groups); and
 - xvi. Resident Two (not representing other criteria groups); and
- B. Ex Officio Membership criteria:
- v. Planning and Transportation Commission; and
 - vi. City of East Palo Alto; and

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- C. All applicants to be committed to the outcome of determining a funding plan that will achieve significant reductions in congestion and single occupancy vehicle trips in the community and improve mobility for residents and workers and that an anticipation that the total funding for these outcomes will come from local funding measures (with a particular focus on business license tax) and other sources including paid parking revenue, grants, the Valley Transportation Authority (VTA) sales tax; and
- D. Direct the Committee to look at trip reductions both from measures that would support alternatives for employees and measures that would reduce overall car trips in the community. The Committee will look at best TMA practices from within the Palo Alto/Stanford community and elsewhere; and
- E. Direct the Committee to return to Council by November 2017.

MOTION AS AMENDED PASSED: 8-0 DuBois absent

- 14. ~~PUBLIC HEARING: Adoption of an Ordinance Approving Revisions to the Architectural Review Findings in Palo Alto Municipal Code Chapter 18.76 and Approval of an Exemption Under Sections 15061 and 15305 of the California Environmental Quality Act (CEQA) Guidelines. The Planning and Transportation Commission Recommended Council Approval of the Ordinance (Continued from September 12, 2016)~~
~~STAFF REQUESTS THIS ITEM BE CONTINUED TO A DATE UNCERTAIN.~~

This Agenda Item continued to a date uncertain.

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Mayor Burt reported on the San Francisquito Creek Joint Powers Authority (JPA) Retreat. The JPA is working on a project to provide protection from "50-year" flooding. This includes work at the Pope-Chaucer Bridge, Newell Road Bridge, and other choke points along the Creek. He reported that protection from a "100-year" flood would require upstream detention, bypass, floodwalls, or a combination of these measures. The JPA is drafting

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an Environmental Impact Report (EIR) to study alternatives. The JPA received a report from the Santa Clara Valley Water District, which stated that the flooding that occurred in 1998 in Palo Alto is thought to be a "60-year" floor. He reported that the JPA is considering prioritizing work on the East Bayshore portion of the Creek. Historically, creek flooding begins at this point. He reported his attendance at the United Nations Association Film Festival. He hopes the Festival can be further promoted so that additional community members are aware of and attend the Festival.

Council Member Holman reported on her attendance along with other Council Members at the inauguration of Leland Stanford Junior University's eleventh President, Marc Tessier-Lavigne this past Friday.

Vice Mayor Scharff announced that the Cities Association of Santa Clara County is holding a Holiday Party at LinkedIn in Sunnyvale on December 1, 2016.

Adjournment: The meeting was adjourned at 11:29 P.M.