



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
November 7, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:08 P.M.

Present: Berman, Burt arrived at 6:18 P.M., DuBois arrived at 6:29 P.M., Filseth, Holman arrived at 6:32 P.M., Kniss, Scharff, Schmid, Wolbach

Absent:

Agenda Changes, Additions and Deletions

None.

Minutes Approval

1. Approval of Action Minutes for the October 17 and 24, 2016 Council Meetings.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve the Action Minutes for the October 17 and 24, 2016 Council Meetings.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve Agenda Item Numbers 2-4.

2. Utilities Advisory Commission Recommendation That the Council Adopt the Net Energy Metering (NEM) Transition Policy and Resolution 9638 Entitled, "Resolution of the Council of the City of Palo Alto Revising the NEM Cap Calculation Methodology."

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3. Approval of Amendment Number 3 to Contract Number C15157271 With McGuire Pacific Construction to Extend the Term of the Contract for Downtown Residential Preferential Parking Sign Installation to September 1, 2018 With no Additional Costs.
4. Ordinance 5398 Entitled, "Ordinance of the Council of the City of Palo Alto to add Chapter 10.51 to the Palo Alto Municipal Code to Permanently Implement the Crescent Park No Overnight Parking Program and Expand the Boundaries of the Program (FIRST READING: December 7, 2015 PASSED: 7-0 Scharff Not Participating, Burt Absent)."

MOTION PASSED: 9-0

Action Items

5. Resolution 9639 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 Number 9554 (Continued From October 4, 2016)."

MOTION: Council Member Kniss moved, seconded by Vice Mayor Scharff to adopt a Resolution amending the Administrative Penalty Schedule to update the penalty amounts for certain violations of the Palo Alto Municipal Code with the following change:

- A. Increase the penalty for violations of Municipal Code Section 18.38.020 to \$2,500.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Municipal Code Section 16.49.050; 'historic' after 'exterior alteration of downtown.'" (New Part B)

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "remove Municipal Code Section 16.49.090 and replace in Municipal Code Section 16.49.060, 'significant downtown' with 'downtown historic.'"

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AMENDMENT RESTATED: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "remove 'downtown' from Municipal Code Section 16.49.090."

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "increase the penalty for violations of Municipal Code Sections 16.49.050, 16.49.060, 16.49.070, 16.49.080, and 16.49.090 to \$10,000." (New Part C)

AMENDMENT: Council Member Schmid moved, seconded by Council Member XX to add to the Motion, "increase the penalty for violations of Municipal Code Section 18.52.050 to \$1,000."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "increase the penalty for violations of Municipal Code Section 18.52.050 to \$1,000 and \$4,000 beginning the 181st day following notice of violation." (New Part D)

MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Vice Mayor Scharff to adopt a Resolution amending the Administrative Penalty Schedule to update the penalty amounts for certain violations of the Palo Alto Municipal Code with the following changes:

- A. Increase the penalty for violations of Municipal Code Section 18.38.020 to \$2,500; and
- B. Add to Municipal Code Section 16.49.050; "historic" after "exterior alteration of downtown;" and
- C. Increase the penalty for violations of Municipal Code Sections 16.49.050, 16.49.060, 16.49.070, 16.49.080, and 16.49.090 to \$10,000; and
- D. Increase the penalty for violations of Municipal Code Section 18.52.050 to \$1,000 and \$4,000 beginning the 181st day following notice of violation.

MOTION AS AMENDED PASSED: 9-0

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Council took a break from 8:24 P.M. to 8:31 P.M.

6. Review and Potential Direction to add Optional Enhancements and Associated Costs for the Adobe Creek/Highway 101 Pedestrian Overcrossing Project, Capital Improvements Program Project PE-11011.

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

- A. Direct Staff to amend the contract with Biggs Cardoso Associates, Inc.; and
- B. Increase the budget for the Adobe Creek/Highway 101 Pedestrian Overcrossing Project, Capital Improvements Program (CIP) Project PE-11011.

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

- C. Accept the \$1 million contribution from Google to use towards contingency funds; and
- D. Incorporate "Enhanced Amenities" for an additional cost of \$0.13 million."

MOTION AS AMENDED RESTATED: Council Member Wolbach moved, seconded by Vice Mayor Scharff to:

- A. Direct Staff to amend the contract with Biggs Cardoso Associates, Inc.; and
- B. Increase the budget for the Adobe Creek/Highway 101 Pedestrian Overcrossing Project, Capital Improvements Program (CIP) Project PE-11011; and
- C. Accept the \$1 million contribution from Google to use towards contingency funds; and
- D. Incorporate "Enhanced Amenities" for an additional cost of \$0.13 million.

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MOTION AS AMENDED PASSED: 9-0

7. PUBLIC HEARING: Finance Committee Recommendation That the Council Adopt an Ordinance Updating the Procedure for Collection of Impact Fees by Amending Palo Alto Municipal Code (PAMC) Title 16 (Building Regulations), Chapters 16.45 (Transportation Impact Fee for new Nonresidential Development in the Stanford Research Park/El Camino CS Zone), 16.46 (Approval of Projects With Impacts on Traffic in the San Antonio/West Bayshore Area), 16.47 (Approval of Projects With Impacts on Housing), 16.57 (In-Lieu Parking Fee for new Nonresidential Development in the Commercial Downtown (CD) Zoning District), 16.58 (Development Impact Fees), 16.59 (Citywide Transportation Impact Fee), 16.60 (Charleston Arastradero Corridor Pedestrian and Bicyclist Safety Impact Fee), 16.61 (Public Art for Private Developments), 16.64 (Development Fee and In-Lieu Payment Administration); and Title 21 (Subdivisions and Other Divisions of Land), Chapter 21.50 (Parkland Dedication or Fee In-Lieu Thereof), and Finding the Action Exempt From Review Under the California Environmental Quality Act (CEQA).

Public Hearing opened at 10:24 P.M.

Public Hearing closed at 10:27 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Mayor Burt to:

- A. Adopt an Ordinance which implements 2015 Parking Funds Audit recommendations, and updates and standardizes collection of impact fees by amending Palo Alto Municipal Code (PAMC) Titles 16, 18 and 21 including the following changes:
 - i. Add, "Section 16.64.070(d): the director may elect to appoint a designee to hear and decide a protest under this section;" and
 - ii. Replace the last paragraph of Section 16.64.110 with, "The existing rate for a fee shall remain in effect until the recalculated rate is adopted and effective pursuant to Section 16.64.050;" and
- B. Make a finding that the Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

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AMENDMENT: Council Member Schmid moved, seconded by Council Member DuBois to add to the Motion, "retain at the end of Municipal Code Section 16.57.070, 'on an annual basis following the enactment of this chapter, the chief transportation official shall review the estimated cost of the described parking, the continued need for that parking and the reasonable relationship between such need and the impacts of pending or anticipated nonresidential development within the assessment district. The chief transportation official shall report his or her findings to the city council at a noticed public hearing and recommend any adjustment to these requirements as may be needed.'"

AMENDMENT FAILED: 3-6 DuBois, Holman, Schmid yes

MOTION PASSED: 8-1 Schmid no

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Wolbach reported that he is drafting a Colleagues Memorandum regarding campaign finance reforms. Potential reforms would include local donation limits for individuals and organizations, total expenditure limits by campaigns, and disclosure requirements for campaign advertising. He continues to discuss support with other Council Members.

Council Member Holman reported Bol Park donkey Perry will return to Bol Park within the next week. Two donkeys are being considered to accompany Perry upon his return.

Council Member Schmid noted that the Plan Bay Area Report included a jobs to square footage ratio different than that used by the City. The City used 4 jobs per 1,000 square feet of office space. Plan Bay Area used 5.8-5.9 jobs per 1,000 square feet of office space. He requested that the jobs/square footage ratio and other assumptions included in Comprehensive Plan Update Scenarios 5 and 6 be clearly communicated to Council and the public, prior to the public comment period on the Scenarios. In particular, he requested information regarding assumptions made about the relationship between parking and square footage.

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Vice Mayor Scharff encouraged Council Members to attend the Santa Clara County Healthy Cities Conference. He reported that he will sit on a panel discussing tobacco during the Conference.

Council Member DuBois clarified that his understanding of Council's intent for Scenario 5 of the Comprehensive Plan Update would be to analyze a scenario with fewer jobs, not simply less office space. He expressed concern that this distinction may not have been communicated to the City's consultants.

Council Member Holman supported Council Member DuBois' understanding of Council's intent regarding Scenario 5.

James Keene, City Manager reported that the Council will hear an Agenda Item pertaining to the Land Use Element of the Comprehensive Plan Update. He believes that would be the time to discuss these clarifications.

Council Member DuBois wanted to make sure consultant time was not wasted studying an incorrect scenario.

Mayor Burt reported that he was joined by Council Members Berman, DuBois, Holman, and Schmid at the City's second Veterans Day Recognition Event. Lieutenant General Rex C. McMillian, Commander of Marine Forces Reserve and Marine Forces North was the featured speaker at the event. He felt the event was meaningful and successful. He reported the success of the United Nations Association (UNA) Film Festival and expressed his hope that the City can partner with UNA in support of future film festivals.

Adjournment: The meeting was adjourned at 10:44 P.M.