



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
August 29, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 P.M.

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

Absent:

Special Orders of the Day

1. Resolutions 9620 Entitled, "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Steve Eglash," Resolution 9621 Entitled, "Resolution of the Council of the City of Palo Alto to Jonathan Foster" and Resolution 9622 Entitled, "Resolution of the Council of the City of Palo Alto to Garth Hall Upon Completion of Their Terms as Utilities Advisory Commissioners."

MOTION: Council Member Kniss moved, seconded by Council Member Filseth to adopt the Resolutions of Appreciation for Steve Eglash, Jonathan Foster and Garth Hall.

MOTION PASSED: 9-0

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the August 15, 2016 Council Meeting.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve the Action Minutes for the August 15, 2016 Council Meeting.

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MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 3-8.

3. Resolution 9623 Entitled, "Resolution of the Council of the City of Palo Alto Approving an Assignment, Assumption and Consent Agreement With Mercuria Energy America Inc. and EDF North America LLC, and Finding That the Agreement's Approval is not a Project Requiring California Environmental Quality Act Review."
4. Approve and Authorize the City Manager to Execute a Contract With Advanced Design Consultants, Inc., in an Amount Not-to-Exceed \$160,701 for Design Services for the Ventura Building, Capital Improvements Program Project PE-15011.
5. Acceptance of the Palo Alto Fire Department Quarterly Performance Report for the Fourth Quarter of Fiscal Year 2016.
6. Approval of a Contract With Golden Bay Fence Plus Iron Works, Inc. in the Amount of \$1,755,510 for the Palo Alto Airport Perimeter Fence and Gate Upgrades, CIP Project AP-16003; Approval of Amendment Number 2 With C&S Engineers, Inc. Contract Number C15155208A to Increase the Contract by \$208,329 for a Total Not-to-Exceed Amount of \$1,108,329 for Engineering and Design Services; Approval of a Budget Amendment in the Airport Enterprise Fund; and Adoption of Findings That the Project Satisfies the Requirements of the National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA).
7. Approval of a Contract With Engineering/Remediation Resources Group, Inc. in the Amount Not-to-Exceed \$180,007 for the Municipal Services Center Fuel Station Demolition and Excavation Capital Improvements Program Project VR-14002 and Approval of a Budget Amendment in the Vehicle Replacement and Maintenance Fund.
8. Ordinance 5387 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 2.30 [Contracts and Purchasing Procedures] of the Palo Alto Municipal Code to Establish Contracting and Purchasing

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Procedures and to Define the Contracting Authority of City Officers and Employees (FIRST READING: August 15, 2016 PASSED: 9-0)."

MOTION PASSED: 9-0

Action Items

9. Resolution 9624 Entitled, "Resolution of the Council of the City of Palo Alto Proposing a Storm Water Management Fee of \$13.65 per Equivalent Residential Unit (ERU) to Replace the Existing Storm Drainage Fee, Calling a Public Hearing for October 24, 2016 With Respect to Such Fee, and Adopting Procedures Relating to the Conduct of a Protest Hearing and Mail Ballot Election."

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to adopt a Resolution:

- A. Proposing a monthly Storm Water Management Fee of \$13.65 per Equivalent Residential Unit (ERU) to replace the existing storm drainage fee of \$13.03 per ERU; and
- B. Calling a public hearing for October 24, 2016 with respect to such fee; and
- C. Adopting procedures relating to the conduct of a protest hearing and a mail ballot election in conformance with Proposition 218; and
- D. Adopting a categorical exemption under Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

MOTION PASSED: 9-0

10. Policy Discussion on Comprehensive Plan Update Environmental Impact Report Scenarios 5 & 6 (Continued From August 22, 2016).

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to direct Staff to move forward with Scenarios 5 and 6 as outlined in Tables 2-5.

AMENDMENT: Council Member DuBois moved, seconded by Council Member XX to add to the Motion, "with the following changes to Scenario 5:

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A. Add:

- i. County Expressway implementation; and
- ii. In the Community Commercial 2 (CC-2) district, the allowable 2.0 FAR would be reduced to an FAR of 1.5 near California Avenue; and

B. Subtract:

- i. Remove 'Mitigation and sustainability measures would be adopted to minimize impacts...' Remove performance-based zoning – retain density-based zoning; and
- ii. Remove 'Remove constraints on the addition of ADUs;' and
- iii. Remove 'development by right" language in Table 3."

AMENDMENT SEPARATED FOR THE PURPOSE OF VOTING

AMENDMENT A: Council Member DuBois moved, seconded by Council Member XX to add to the Motion, "with the following changes to:

A. Scenario 5:

- i. Add to Table 4 Row 8, 'County Expressway implementation.'"

AMENDMENT A RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "with the following changes to:

A. Scenario 5:

- i. Add to Table 4 Row 8, 'with or without the addition of a High-Occupancy Vehicle (HOV) lane (the opposite of Scenario 2).'

AMENDMENT B: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "add to Proposed Zoning Code Amendments Row 8, 'in the Community Commercial 2 (CC-2) district, the

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allowable 2.0 FAR would be reduced to an FAR of 1.5 near California Avenue.'" (New Part A.ii.)

AMENDMENT C: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "remove from Table 4 Row 13, 'performance-based zoning' and retain density-based zoning." (New Part A.iii.)

AMENDMENT D: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "remove from Table 2 Row 7 'remove constraints on the addition of ADUs.'" (New Part A.iv.)

AMENDMENT D RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "replace in Table 2 Row 7, 'remove constraints on the addition of Accessory Dwelling Units (ADUs)' with 'reduce constraints on the addition of ADUs.'" (New Part A.iv.)

AMENDMENT E: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "remove 'development by right' language in Table 3." (New Part A.v.)

AMENDMENT E RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "replace in Table 3 Row 8 'development by right' with 'modified regulations.'" (New Part A.v.)

AMENDMENT F: Council Member Wolbach moved, seconded by Council Member DuBois to add to the Motion, "

B. Scenario 6:

- i. Add to Table 2 Scenario 6, 'reduce parking requirements for residential developments when in conjunction with Transportation Demand Management (TDM) and Residential Preferential Parking (RPP).'"

AMENDMENT F RESTATED: Council Member Wolbach moved, seconded by Council Member DuBois to add to the Motion, "

B. Scenario 6:

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- i. Add to Table 2 Scenario 6, 'reduce parking requirements for residential developments when in conjunction with Transportation Demand Management (TDM) and adjacent to on street parking restrictions.'"

AMENDMENT G: Council Member Wolbach moved, seconded by Vice Mayor Scharff to add to the Motion, "

C. Scenarios 5 and 6:

- i. Add to Table 3, 'Coordinated Area Plans, (Precise Plans) would be usable and a normal planning tool in Palo Alto.'"

AMENDMENT G RESTATED: Council Member Wolbach moved, seconded by Vice Mayor Scharff to add to the Motion, "

C. Scenarios 5 and 6:

- i. Add to Table 3, 'Coordinated Area Plans, (Precise Plans) would become a routine planning tool in Palo Alto.'"

AMENDMENT H: Council Member Wolbach moved, seconded by Mayor Burt to add to the Motion, "replace in Table 4 Row 9, 'in a trench' with 'at least.'" (New Part C.ii.)

AMENDMENT H RESTATED: Council Member Wolbach moved, seconded by Mayor Burt to add to the Motion, "replace in Table 4 Row 9, 'grade separation of Caltrain in a trench below Charleston and Meadow' with 'infrastructure investments to look at grade separations at all grade crossings and.'" (New Part C.ii.)

AMENDMENT I: Mayor Burt moved, seconded by Vice Mayor Scharff to add to the Motion, "

D. For Scenarios 5 and 6:

- i. Provide unbundled impacts of policies and programs to the degree that such information is used in the analysis."

AMENDMENT I RESTATED: Mayor Burt moved, seconded by Vice Mayor Scharff to add to the Motion, "

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D. For Scenarios 5 and 6, direct Staff to:

- i. Provide unbundled impacts of policies and programs to the degree that such information can be gleaned from the analysis."

AMENDMENT J: Council Member Schmid moved, seconded by Mayor Burt to add to the Motion, "where applicable, identify lead or responsible party for a given program." (New Part D.ii.)

AMENDMENT K: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, "add to Table 2 Row 9, 'potential' after 'regulations and.'" (New Part C.iii.)

AMENDMENT L: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, "add Urban Forest as infrastructure." (New Part C.iv.)

AMENDMENT L RESTATED: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, "add to Table 5, 'protecting and enhancing the urban forest as natural infrastructure.'" (New Part C.iv.)

AMENDMENT M: Council Member Holman moved, seconded by Council Member Schmid to add to the Motion, "replace in Table 1 Column 2, '2.7 million' with '2.4 million.'" (New Part C.v.)

AMENDMENT N: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "add to Table 2 Row 5, 'Scenario 5.'" (New Part C.vi.)

AMENDMENT N WITHDRAWN BY THE MAKER

AMENDMENT I RESTATED: Mayor Burt moved, seconded by Vice Mayor Scharff to add to the Motion, "in the Final Environmental Impact Report (FEIR) direct Staff to:

- i. Provide unbundled impacts of policies and programs to the degree that such information can be gleaned from the analysis."

AMENDMENT D RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, "replace in Table 2 Row 7, 'remove constraints on the addition of Accessory Dwelling Units (ADUs)' with 'reduce constraints on the addition of ADUs.'" (New Part C.vi.)

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AMENDMENT K RESTATED: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, “add to Table 2 Row 9, ‘potentially’ after ‘regulations and.’” (New Part C.iii.)

AMENDMENT B RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, “add to Proposed Zoning Code Amendments Row 8 ‘in the Community Commercial 2 (CC-2) district, the allowable 2.0 FAR would be reduced to an FAR of 1.5 near California Avenue.’” (New Part A.ii.)

AMENDMENT B PASSED: 5-4 Berman, Kniss, Scharff, Wolbach no

AMENDMENT C RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, “remove from Table 3 Row 13 ‘performance-based zoning.’” (New Part A.iii.)

AMENDMENT C PASSED: 5-4 Berman, Kniss, Scharff, Wolbach no

AMENDMENT E RESTATED: Council Member DuBois moved, seconded by Council Member Holman to add to the Motion, “in Table 3 Row 8, replace ‘development by right’ with ‘with modified regulations.’” (New Part C.vii.)

AMENDMENT E AS AMENDED PASSED: 7-2 Berman, Wolbach no

MOTION RESTATED: Vice Mayor Scharff moved, seconded by Council Member Kniss to direct Staff to move forward with Scenarios 5 and 6 as outlined in Tables 2-5 with the following changes to:

A. Scenario 5:

- i. Add to Table 4 Row 8, “with or without the addition of a High-Occupancy Vehicle (HOV) lane (the opposite of Scenario 2);” and
- ii. Add to Proposed Zoning Code Amendments Row 8, “in the Community Commercial 2 (CC-2) district, the allowable 2.0 FAR would be reduced to an FAR of 1.5 near California Avenue;” and
- iii. Remove from Table 4 Row 13, “performance-based zoning”; and

B. Scenario 6:

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- ii. Add to Table 2 Scenario 6, 'reduce parking requirements for residential developments when in conjunction with Transportation Demand Management (TDM) and adjacent to on street parking restrictions;" and
- C. Scenarios 5 and 6:
 - i. Add to Table 3, "Coordinated Area Plans, (Precise Plans) would become a routine planning tool in Palo Alto;" and
 - ii. Replace in Table 4 Row 9, "grade separation of Caltrain in a trench below Charleston and Meadow" with "infrastructure investments to look at grade separations at all grade crossings and;" and
 - iii. Add to Table 2 Row 9, "potentially" after "regulations and;" and
 - iv. Add to Table 5, "protecting and enhancing the urban forest as natural infrastructure;" and
 - v. Replace in Table 1 Column 2, "2.7 million" with "2.4 million;" and
 - vi. Replace in Table 2 Row 7, "remove constraints on the addition of Accessory Dwelling Units (ADUs)" with "reduce constraints on the addition of ADUs;" and
 - vii. Replace in Table 3 Row 8 "development by right" with "modified regulations;" and
- D. In the Final Environmental Impact Report (FEIR) direct Staff to:
 - i. Provide unbundled impacts of policies and programs to the degree that such information can be gleaned from the analysis; and
 - ii. Where applicable, identify lead or responsible party for a given program.

MOTION AS AMENDED PASSED: 9-0

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Inter-Governmental Legislative Affairs

Mayor Burt reported that the Caltrain Local Policy Maker Group (LPMG) is considering requesting a grant of close to \$1 million from the Metropolitan Transit Commission to study grade separations along the Caltrain corridor with the goal of ensuring collaboration between cities and to share lessons learned during past grade separation projects. He intends to support this project unless any Council Members request this topic be agendaized for future Council discussion.

Council Member Questions, Comments and Announcements

Vice Mayor Scharff reported his attendance at the Santa Clara County Airport Land Use Commission meeting. He learned that more than 2 million square feet of office space are planned in Sunnyvale near Moffett Federal Airfield.

Council Member Kniss reported the passing of Gladys "Laddie" Hughes. Laddie was very involved in local politics for a number of years.

Council Member Holman reported the passing of former Mayor Kirke Comstock. He was an advocate for preserving open space and played a role in the City's efforts to preserve the Baylands and the acquisition of Foothills Park.

Adjournment: The meeting was adjourned in honor of Laddie Hughes and former Mayor Kirke Comstock at 11:39 P.M.