



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
October 4, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman arrived at 5:07 P.M.,
Kniss arrived at 7:01 P.M., Scharff, Schmid, Wolbach

Absent:

Library Advisory Commission

Present: Chin, Hagan, Loy, McDougall, Moss arrived at 6:10 P.M.

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY
Existing Litigation - 1 Matter
Authority: Government Code Section 54956.9(d)(1)
Eileen Staats v. City of Palo Alto
Santa Clara County Superior Court, Case No. 1:15-cv-284956.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Filseth to go into Closed Session.

MOTION PASSED: 7-0 Holman, Kniss absent

Council went into Closed Session at 5:06 P.M.

Council returned from Closed Session at 6:00 P.M.

Mayor Burt announced no reportable action.

ACTION MINUTES

Study Session

2. Potential List of Topics for Joint Meeting With the City Council and the Library Advisory Commission (LAC).

Special Orders of the Day

3. Appointment of two Candidates to the Planning and Transportation Commission for Terms Ending December 15, 2020 and one Candidate to the Planning and Transportation Commission for an Unexpired Term Ending December 15, 2018.

First Round of voting for two positions on the Planning and Transportation Commission with terms ending December 15, 2020:

Voting For Rebecca Eisenberg:

Voting For Claude Ezran:

Voting For Przemek Gardias: Burt, Kniss

Voting For Brian Hamachek:

Voting For David Hirsch:

Voting For Frank Ingle:

Voting For Natasha Kachenko:

Voting For Gabriel Kralik:

Voting For Michelle Kraus: Berman, Kniss, Scharff, Wolbach

Voting For Ed Lauing: Burt, DuBois, Filseth, Holman, Schmid

Voting For Christian Pease:

Voting For Jessica Resmini:

Voting For Reshma Singh: Berman, Scharff, Wolbach

ACTION MINUTES

Voting For Srinivasan Subramanian:

Voting For Doria Summa: DuBois, Filseth, Holman, Schmid

Beth Minor, City Clerk announced that Ed Lauing with 5 votes was appointed to the Planning and Transportation Commission.

Second Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2020:

Voting For Przemek Gardias: Burt, Scharff

Voting For Reshma Singh: Berman, Wolbach

Voting For Doria Summa: DuBois, Filseth, Holman, Kniss, Schmid

Beth Minor, City Clerk announced that Doria Summa with 5 votes was appointed to the Planning and Transportation Commission.

First Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2018:

Voting For Przemek Gardias: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Beth Minor, City Clerk announced that Przemek Gardias with 9 votes was appointed to the Planning and Transportation Commission.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

4. Approval of Action Minutes for the September 19, 2016 Council Meeting.

MOTION: Council Member DuBois moved, seconded by Council Member Schmid to approve the Action Minutes for the September 19, 2016 Council Meeting.

ACTION MINUTES

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Holman moved, seconded by Mayor Burt, third by Council Member Filseth to pull Agenda Item Number 9- Adoption of a Resolution Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules... to be heard as Agenda Item Number 9b tonight and be continued to November 7, 2016 for full discussion.

MOTION: Council Member Kniss moved, seconded by Council Member Berman to approve Agenda Item Numbers 5-8, 9a.

5. Resolution 9627 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing the City Manager or his Designee to Approve a Base Contract for Sale and Purchase of Natural Gas With Sequent Energy Management, LP, and to Purchase a Portion of the City's Natural Gas Requirements Under Specified Terms and Conditions During Calendar Years 2016 Through 2022."
6. Resolution 9628 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Standard Form Natural Gas Purchase and Sales Agreement With Special Terms and Conditions ("Standard Form Master Agreement")."
7. Approval of a two Year Professional Services Contract Number C16163563 With Mott MacDonald Group for Rail Program Management Services to Allow for Multiple Specific Task Orders With a Total Not-to-Exceed Amount of \$1,614,763.
8. Approve and Authorize the City Manager to Execute Contract Number C17165053 With Salas O'Brien, in an Amount Not-to-Exceed \$217,800 for Design Services for the Municipal Service Center Mechanical, Electrical, and Lighting Improvements, and Zero Waste Office Renovation Capital Improvements Program Project PF-16006.
9. ~~Adoption of a Resolution 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.~~

ACTION MINUTES

- 9a. Appointment of Utilities General Manager (Director of Utilities)/Assistant City Manager, Approval of Amendment to Employment Agreement and Approval of Recommended Staffing Reorganization in the City Manager's Office and the Utilities Department.

MOTION FOR AGENDA ITEM NUMBERS 5-8, 9a PASSED: 9-0

Action Items

- 9b. (Former Agenda Item Number 9) Adoption of a Resolution 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.

NO ACTION TAKEN

10. PUBLIC HEARING: Adoption of Nine Ordinances to Adopt 2016 California Building Codes, Local Amendments, and Related Updates: (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; (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; (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; (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; (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; (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 and Related Findings; (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 (8) Adopt a new Title 16, Chapter 16.18 Private

ACTION MINUTES

Swimming Pool and Spa Code, 2016 Edition and Local Amendments and Related Findings; (9) Amending Title 16, Chapters 16.36 House Numbering and 16.40 Unsafe Buildings for Local Amendments and Related Findings. Adoption of Categorical Exemptions Under Sections 15305 and 15308 of the CEQA Guidelines.

Public Hearing opened and closed without public comment at 8:13 P.M.

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

- A. Adopt nine Ordinances, amending Title 16 of the Palo Alto Municipal Code:
 - i. Seven of the Ordinances adopt by reference and make local amendment to the various parts of the 2016 California Building Standards Code (CBSC), Title 24 of the California Code of Regulations, along with the necessary findings of fact supporting each local amendment; and
 - ii. An Ordinance adopting a new Chapter 16.18 Private Swimming Pool and Spa Code, 2016 Edition and Local Amendments; and
 - iii. An Ordinance making minor amendments to Chapter 16.36 (House Numbering) and Chapter 16.40 (Unsafe Buildings) to conform with state law; and
- B. Adopt categorical exemptions under sections 15305 and 15308 of the California Environmental Quality Act Guidelines.

MOTION PASSED: 9-0

- 11. PUBLIC HEARING: Faircourt #3 and #4 Single Story Overlay (SSO) Rezoning: Request for a Zone Change of the Faircourt #3 and #4 Tracts #1921 and #1816 From R-1 Single Family Residential (8000) to R-1(8000)(S) Single Family Residential With Single Story Overlay (SSO); Environmental Assessment: Exempt From the California Environmental Quality Act per Section 15305; Planning and Transportation Commission Recommended Denial of the SSO Request.

Public Hearing opened at 8:46 P.M.

ACTION MINUTES

Public Hearing closed at 9:04 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to deny the request for a Single Story Overlay (SSO).

SUBSTITUTE MOTION: Council Member Schmid moved, seconded by Council Member DuBois to continue this Agenda Item to a date when Council can consider updates to the Single Story Overlay (SSO) process.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "or allow the neighborhood to decide if they would like to exclude the Ross Road properties."

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Substitute Motion, "and/or Louis Road properties."

SUBSTITUTE MOTION RESTATED: Council Member Schmid moved, seconded by Council Member DuBois to continue this Agenda Item to a date when Council can consider updates to the Single Story Overlay (SSO) process or allow the neighborhood to decide if they would like to exclude the Ross Road properties and/or Louis Road properties.

SUBSTITUTE MOTION AS AMENDED FAILED: 3-6 DuBois, Holman, Schmid, yes

MOTION RESTATED: Vice Mayor Scharff moved, seconded by Council Member Kniss to deny the request for a Single Story Overlay (SSO).

MOTION PASSED: 6-3 DuBois, Holman, Schmid, no

12. Review Options and Provide Direction for Citywide Bike Share System Operated by Motivate, LLC and Finding That the Project is Exempt From Review Under Sections 15061(b)(3) and 15303 of the California Environmental Quality Act Guidelines.

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

ACTION MINUTES

- A. Direct Staff to return to the City Council with a contract to implement a 350-bicycle, Social Bicycles (SoBi) smart-bike system, operated by Motivate, LLC as part of the Bay Area Bike Share System (BABS); and
- B. Find the Project exempt from review under Sections 15061(b) (3) and 15303 of the California Environmental Quality Act Guidelines.

MOTION PASSED: 9-0

- 13. PUBLIC HEARING: Adoption of an Urgency Ordinance Amending the Urgency Interim Ordinance (Ordinance 5325 Extended by Ordinance 5330) Preserving Ground Floor Retail Uses on a Citywide Basis to Allow Educational Uses on the Ground Floor of Parcels Zoned RT-35 Along Alma Street and Finding the Amendment Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to State CEQA Guidelines Section 15061(b)(3).

Public Hearing opened and closed without public comment at 11:18 P.M.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Wolbach to adopt an Ordinance amending interim protections for ground floor retail uses to provide a limited exception permitting conversion to private educational facility, and finding the amendments exempt from review under the California Environmental Quality Act.

MOTION FAILED: 5-4 DuBois, Filseth, Holman, Schmid, no

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 11:25 P.M.