



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
March 28, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:03 P.M.

Present: Berman, Burt, DuBois, Filseth, Kniss, Schmid, Wolbach arrived at 6:07 P.M.

Absent: Holman, Scharff

Closed Session

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

This Agenda Item was removed and is continued to a date uncertain.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the March 14, 2016 Council Meeting.

MOTION: Council Member Wolbach moved, seconded by Council Member Berman to approve the Action Minutes for the March 14, 2016 Council Meeting.

MOTION PASSED: 7-0 Holman, Scharff absent

Consent Calendar

MOTION: Council Member Berman moved, seconded by Council Member DuBois to approve Agenda Item Numbers 3-5.

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3. Approval of Amendment Number Two to Contract Number C14151917 With Alta Planning + Design, Inc. to Extend the Term of the Contract for Planning, Community Outreach, Conceptual Design, Preliminary Environmental Assessment for Bicycle Boulevard Projects to March 8, 2017.
4. Approval of Amendment Number One to Contract Number C14150007 With Alta Planning + Design, Inc. to Extend the Term of the Contract for the Feasibility Study and Preliminary Environmental Analysis for the Midtown Connector Project to September 9, 2016.
5. Approval of Amendment Number Two to Contract Number C14153335 With Fehr and Peers to Extend the Term of the Contract for Planning, Community Outreach, Conceptual Design, Preliminary Environmental Assessment for Bicycle Boulevard Projects to March 8, 2017.

MOTION PASSED: 7-0 Holman, Scharff absent

Action Items

6. PUBLIC HEARING: Approval of a Lease Agreement With the Palo Alto Lawn Bowls Club, Inc. for City-Owned Property Located at 474 Embarcadero Road for a Period of Up to 10 Years.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to authorize the City Manager or his designee to execute a four-year lease agreement between the Palo Alto Lawn Bowls Club, Inc. and the City of Palo Alto for the Palo Alto Lawn Bowl facility at 474 Embarcadero Road with two, three-year extension terms for a total not to exceed term of ten years.

Public Hearing opened and closed without public comment at 6:26 P.M.

MOTION PASSED: 7-0 Holman, Scharff absent

7. Resolution 9579 Entitled, "Resolution of the Council of the City of Palo Alto Increasing and Adjusting Department of Planning & Community Environment User Fees Based on a Cost of Services Study and Recommendations of the Finance Committee."

Public Hearing opened at 6:34 P.M.

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Public Hearing closed at 6:55 P.M.

MOTION: Council Member DuBois moved, seconded by Mayor Burt to adopt a Resolution approving the specified changes to the Planning and Community Environment fees based on the Cost of Services Study with the following changes:

- A. Clarify appeal fees; and
- B. The person requesting an Appeal or a Director's Hearing will pay \$280; and
- C. Neighborhood preservation zone should not have a fee; and
- D. The City should continue to subsidize childcare centers at the current rate.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to request Staff return with an alternative for an annual inflation adjustment to the Fee Schedule." (New Part E)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "if an Appeal by a third party fails, the Applicant is not obligated to pay additional fees." (New Part F)

AMENDMENT: Mayor Burt moved, seconded by Council Member Berman to add to the Motion, "if an Applicant appeals and prevails, the Applicant would not be obligated to pay additional fees." (New Part G)

AMENDMENT PASSED: 5-2 DuBois, Schmid no, Holman, Scharff absent

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "if the Council chooses not to hear an Appeal, the Appeal Fee is returned to the Appellant." (New Part H)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part B, "or a Director's

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Hearing will pay \$280" with "and/or a Director's Hearing will pay a maximum fee of \$280, except in the case of an Appeal filed by an Applicant."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add the Motion Part A, "to be paid by Project Applicants into one deposit for the purposes of Cost Recovery."

MOTION RESTATED: Council Member DuBois moved, seconded by Mayor Burt to adopt a Resolution approving the specified changes to the Planning and Community Environment fees based on the Cost of Services Study with the following changes:

- A. Clarify appeal fees to be paid by Project Applicants into one deposit for the purposes of Cost Recovery; and
- B. The person requesting an Appeal and/or a Director's Hearing will pay a maximum fee of \$280, except in the case of an Appeal filed by an Applicant; and
- C. Neighborhood preservation zone should not have a fee; and
- D. The City should continue to subsidize childcare centers at the current rate; and
- E. To request Staff return with an alternative for an annual inflation adjustment to the Fee Schedule; and
- F. If an Appeal by a third party fails, the Applicant is not obligated to pay additional fees; and
- G. If an Applicant appeals and prevails, the Applicant would not be obligated to pay additional fees; and
- H. If the Council chooses not to hear an Appeal, the Appeal Fee is returned to the Appellant.

MOTION AS AMENDED PASSED: 7-0 Holman, Scharff absent

Council took a break from 7:48 P.M. to 7:54 P.M.

At this time Council heard Agenda Item Number 9.

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9. PUBLIC HEARING: Adoption of a Mitigated Negative Declaration and Approval of a Site and Design Review Application for a new Two-Story, 7,500 Square Foot, 50-Foot Tall Building Designed to Handle Sludge De-watering and Truck Load-outs, With Adjacent Stand-by Generator, and a new Outdoor Equipment Area Next to the Existing Incinerator, to be Placed Centrally on the Regional Water Quality Control Plant Site at 2501 Embarcadero Way (Continued From March 21, 2016).

Public Hearing continued from March 21, 2016.

Public Hearing closed at 8:30 P.M.

MOTION: Council Member Kniss moved, seconded by Mayor Burt to approve the Mitigated Negative Declaration, the Mitigation and Monitoring Program, and the Record of Land Use approving the Site and Design Review and Architectural Review application for the new dewatering facility at the Regional Water Quality Control Plant.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "and add a review of landscaping on the South side of the facility to be consistent with the Baylands Master Plan."

MOTION RESTATED: Council Member Kniss moved, seconded by Mayor Burt to approve the Mitigated Negative Declaration, the Mitigation and Monitoring Program, and the Record of Land Use approving the Site and Design Review and Architectural Review application for the new dewatering facility at the Regional Water Quality Control Plant and add a review of landscaping on the South side of the facility to be consistent with the Baylands Master Plan.

MOTION AS AMENDED PASSED: 7-0 Holman, Scharff absent

At this time Council heard Agenda Item Number 8.

8. Resolution 9580 Entitled, "Resolution of the Council of the City of Palo Alto Continuing the Palo Alto Clean Local Energy Accessible Now (CLEAN) Program and Decreasing the Contract Rate: (1) for Solar Resources to 8.9c/kWh to 9.0c/kWh, and (2) for Non-Solar Renewable Energy Resources to 8.1c/kWh to 8.2c/kWh; and Amending Associated Program Eligibility Rules and Power Purchase Agreement Accordingly (Continued From March 21, 2016)."

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MOTION: Council Member Berman moved, seconded by Mayor Burt to:

A. Adopt a Resolution to:

- i. Maintain the Palo Alto CLEAN program price for local solar energy resources at the current price of \$0.165 per kilowatt-hour (\$/kWh) for a 20-year or 25-year contract term, and continue with a program limit of 3 megawatts (MW); and
- ii. Reduce the Palo Alto CLEAN program price for local non-solar eligible renewable energy resources to the updated avoided cost of such energy (\$0.081/kWh for a 20-year contract term, or \$0.082/kWh for a 25-year contract term), from the prior avoided cost projection (\$0.093/kWh for a 20-year contract term, or \$0.094/kWh for a 25-year contract term), and continue with a separate program limit of 3 MW specifically for local non-solar eligible renewable resources; and

B. Approve the amended CLEAN program Power Purchase Agreement (PPA) to implement the recommended changes.

AMENDMENT: Council Member Schmid moved, seconded by Council Member XX to add to the Motion, "reassess long term cost effectiveness taking into account the dramatic drop in prices of solar energy in California."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 6-1 Filseth no, Holman, Scharff absent

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Kniss encouraged Council Members to sign up for the California League of Cities, Peninsula Division Bocce Ball event on April 20. She attended the League of California Cities High Speed Rail/Caltrain Update Dinner last week.

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Mayor Burt attended the Caltrain Local Policy Maker Group meeting that addressed the business plan for the High Speed Rail Authority. The Group is working to ensure the business plan addresses the potential impacts to the local region. The Group is promoting reincorporation of Context Sensitive Solutions in the business plan.

Adjournment: The meeting was adjourned at 9:53 P.M.