



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
December 10, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:03 P.M.

Present: DuBois, Filseth, Fine; Holman arrived at 5:05 P.M., Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Special Orders of the Day

1. Santa Clara County Health Department Presentation of Healthy Cities Award.

Closed Session

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Authority: Government Code Section 54956.8
Properties: (1) 321 California Avenue (APN 124-33-001); (2) 361 California Avenue (APN 124-33-029); (3) 341 California Avenue (APN 124-33-030); and (4) 2453 Ash Street (APN 124-33-027)
Agency Negotiators: James Keene, Ed Shikada, Brad Eggleston
Negotiating Parties: City of Palo Alto and (1) D.H. and M.A. Edwards Company for 321 California Ave; (2) 361 California Ave, LP for 361 California Ave; (3) 341 Cal Partners LLC for 341 California Ave; and (4) Ash Street Partners LP for 2453 Ash Street
Under Negotiation: Price and Terms of Payment for Subsurface Easements Related to Construction of the California Avenue Garage.

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

MOTION PASSED: 9-0

Council went into Closed Session at 5:08 P.M.

Council returned from Closed Session at 6:03 P.M.

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Minutes Approval

3. Approval of Action Minutes for the November 19 and 26, 2018 Council Meetings.

MOTION: Council Member Scharff moved, seconded by Council Member DuBois to approve the Action Minutes for the November 19 and 26, 2018 Council Meetings.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Filseth to approve Agenda Item Numbers 4-13.

Council Member Kou registered no votes on Agenda Item Numbers 4- Authorize the City Manager to Enter Into the Following Agreements for the City's Fair Value Commuting Project... and 9- PUBLIC HEARING / QUASI-JUDICIAL: 3877 El Camino Real [17PLN-00321]...

Council Member Tanaka registered no votes on Agenda Item Numbers 4- Authorize the City Manager to Enter Into the Following Agreements for the City's Fair Value Commuting Project... and 7- Adoption of a Memorandum of Agreement...

4. Authorize the City Manager to Enter Into the Following Agreements for the City's Fair Value Commuting Project (Partially Funded Through a Federal Transit Administration Grant): 1) an Agreement With RideAmigos in an Amount Not-to-Exceed \$150,620 for a Term of 15 Months, and 2) an Agreement With the San Francisco Bay Area Planning and Urban Research Association (SPUR) in an Amount Not-to-Exceed \$100,000 for a Term of 15 Months.
5. Approval of Amendment Number 1 to Contract Number C19173096 With Prospect Silicon Valley to Update the Rate Schedule to Include the Chief Executive Officer's Billing Rate.
6. Resolutions 9804 Entitled, "Resolution of the Council of the City of Palo Alto to Designate the Amount of Project Expenditures to be Reimbursed by Clean Water State Revolving Fund Proceeds for the Funding of the Discharge Infrastructure Improvement (Outfall Pipeline)" and Resolution 9805 Entitled, "Resolution of the Council of the City of Palo Alto the Primary Sedimentation Tanks and Electrical

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Upgrade Projects at the Palo Alto Regional Water Quality Control Plant.”

7. Adoption of a Memorandum of Agreement Between the City of Palo Alto and Utilities Management and Professional Association of Palo Alto.
8. Approval of City of Palo Alto's Employee Paid Parental Leave Policy and Amendment to City Merit System Rules and Regulations Chapter 7-705(c).
9. PUBLIC HEARING / QUASI-JUDICIAL: 3877 El Camino Real [17PLN-00321]: Recommendation on Applicant's Request for Approval of a one lot Vesting Tentative Map to Divide an Existing 0.75 Acre Parcel Into 17 Residential Condominiums and one Commercial Condominium. Environmental Assessment: Mitigated Negative Declaration Adopted by Council on September 18, 2017. Zoning Districts: CS and RM-30.
10. Approval of a Donation of \$25,000 From the City Council Contingency Fund to Support Butte County Fire Relief, Resilience, and Recovery After the Camp Fire.
11. Resolution 9806 Entitled, “Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Enter Into a Project Specific Maintenance Agreement With the State of California Department of Transportation for the Highway 101 Pedestrian/Bicycle Overpass Project; and Approve the Easement Agreement for Public Access, Utilities, and the Bicycle/Pedestrian Overcrossing Between Google and the City, and Delegate Authority to the City Manager, or his Designee, to Sign the Easement Agreement for the Project (PE-11011).”
12. Ordinance 5454 Entitled, “Ordinance of the Council of the City of Palo Alto Amending Chapter 4.42 (Taxicabs and Other For-Hire Vehicles) of Title 4 (Business Licenses and Regulations) of the Palo Alto Municipal Code as Mandated by State Law (Assembly Bill 939) (FIRST READING: November 26, 2018 PASSED: 9-0).”
13. Ordinance 5455 Entitled, “Ordinance of the Council of the City of Palo Alto Amending Section 2.04.190 (Standing Committees – Special Committees) of Chapter 2.04 (Council Organization and Procedure) of Title 2 (Administrative Code); and Amending Section 12.10.060 (Coordination with City) of Chapter 12.10 (Street Cut Fees) of Title 12 (Public Works and Utilities) of the Palo Alto Municipal Code to Conform

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to a Seven-member City Council (FIRST READING: October 29, 2018 PASSED 9-0)."

MOTION FOR AGENDA ITEM NUMBER 4 PASSED: 7-2 Kou, Tanaka no

MOTION FOR AGENDA ITEM NUMBER 7 PASSED: 8-1 Tanaka no

MOTION FOR AGENDA ITEM NUMBER 9 PASSED: 8-1 Kou no

MOTION FOR AGENDA ITEM NUMBERS 5-6, 8, 10-13 PASSED: 9-0

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14. Approval of a Five-year Operating and Revenue Sharing Agreement With Team Sheeper for Operations of the Rinconada Pool (Continued From November 26, 2019).

MOTION: Council Member Scharff moved, seconded by Vice Mayor Filseth to authorize the City Manager to approve a five-year revenue share contract with Team Sheeper for operational oversight of Rinconada Pool's aquatics programming effective January 1, 2019.

MOTION PASSED: 9-0

15. Approval of: 1) Construction Contract C19173521 With Swinerton Builders in the Amount of \$39,395,153; 2) Amendment Number 3 to Contract Number C16163034 With Nova Partners, Inc. in the Amount of \$1,249,193 for Construction Management Services; 3) Amendment Number 1 to Contract Number S18171787 With Romig Engineers, Inc. in the Amount of \$99,000; 4) Authorization to Negotiate and Execute Four Easements for Underground Shoring Tie-backs; 5) Authorization to Negotiate and Execute a Short-term Lease for a Parking Lot From the County of Santa Clara; 6) Authorization to Negotiate and Execute a Month-to-Month Lease of Parking Stalls From Caltrain; and 7) a Budget Amendment for Capital Improvement Fund Project PE-18000 for the new California Avenue Area Parking Garage.

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

- A. Approve and authorize the City Manager or his designee to execute a contract with Swinerton Builders in an amount not-to-exceed \$39,395,153 for the New California Avenue Area Parking Garage, Capital Improvements Program Project PE-18000;
- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Swinerton Builders for

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related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed \$2,954,636;

- C. Approve and authorize the City Manager or his designee to execute Amendment Number 3 to Contract Number C16163034 with Nova Partners, Inc. to add construction management for the New California Avenue Area Parking Garage to the scope of services and increase compensation by \$1,249,193 for a total contract amount of \$5,808,928;
- D. Approve and authorize the City Manager or his designee to execute Amendment Number 1 to Contract S18171787 with Romig Engineers, Inc. to increase compensation by \$99,000 for a total contract amount of \$149,000 as a sole source contract, exempt from competitive solicitation as impractical and unavailing under PAMC 2.30.360(b)(2);
- E. Authorize the City Manager or his designee to negotiate and enter into easement agreements with four adjacent private property owners for shoring tie-backs beneath those properties;
- F. Authorize the City Manager or his designee to negotiate and enter into a short-term lease agreement with the County of Santa Clara for the parking lot on the southeast corner of Grant Avenue and Birch Streets;
- G. Authorize the City Manager or his designee to negotiate and enter into a month-to-month lease agreement for up to 44 parking stalls in the California Avenue Caltrain Station parking lot; and
- H. Amend the Fiscal Year 2019 Budget Appropriation for the Capital Improvement Fund by:
 - i. Increasing the New California Avenue Area Parking Garage project (PE-18000) Fiscal Year 2019 appropriation by \$2,450,000; and
 - ii. Decreasing the Infrastructure Reserve by \$2,450,000.

MOTION PASSED: 9-0

Council took a break from 8:32 P.M. to 8:48 P.M.

- 16. PUBLIC HEARING: Adoption of an Ordinance Amending Section 18.18.120 (Grandfathered Uses and Facilities) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Adjust Regulations Relating to Noncomplying Facilities. California Environmental Quality Act (CEQA); This Ordinance

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is Within the Scope of the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution No. 9720; Alternatively, the Ordinance is Exempt From Environmental Review Under CEQA Guidelines Section 15061(b)(3) (Continued From December 3, 2018).

Council Member Scharff advised he would not participate in this Agenda Item due to his ownership of real property within 500 feet of affected properties. He left the meeting at 8:49 P.M.

Public Hearing opened at 9:28 P.M.

Public Hearing closed at 10:30 P.M.

Council took a break from 10:30 to 10:41 P.M.

MOTION: Council Member Fine moved, seconded by Vice Mayor Filseth to:

- A. Find the Ordinance within the scope of the Comprehensive Plan Environmental Impact Report (EIR) certified and adopted on November 13, 2017 by Council Resolution No. 9720;
- B. Adopt the Ordinance with the following changes:
 - i. Remove from Municipal Code Section 18.18.120(b)(2), "for continual use and occupancy, by the same use;"
 - ii. Add to Municipal Code Section 18.18.18.120(b)(2), "(F) The residential portion of any grandfathered facility referenced in this subsection shall not be converted to a non-residential land use or reduced in size or number of units. An applicant may request that the requirement of this subsection to retain the same residential use be adjusted or waived based on a showing that applying the requirement to the applicant's property would cause a violation of state or federal law;" and
- C. Direct Staff to initiate a text amendment to amend Palo Alto Municipal Code (PAMC) Section 18.18.120 in accordance with the procedures set forth in PAMC Chapter 18.80 with review and recommendation by the Planning and Transportation Commission and in accordance with the Council's action on this Ordinance.

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SUBSTITUTE MOTION: Council Member Holman moved, seconded by Council Member DuBois to Direct Staff to initiate a text amendment to amend Palo Alto Municipal Code (PAMC) Section 18.18.120 in accordance with the procedures set forth in PAMC Chapter 18.80 for the Planning and Transportation Commission to review and recommend an Ordinance based on Option 3 provided to Council on this date, and direct the Planning and Community Environment Director to prioritize this topic with the Planning and Transportation Commission.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER "and return to Council in the first quarter of 2019."

SUBSTITUTE MOTION AS AMENDED RESTATED: Council Member Holman moved, seconded by Council Member DuBois to Direct Staff to initiate a text amendment to amend Palo Alto Municipal Code (PAMC) Section 18.18.120 in accordance with the procedures set forth in PAMC Chapter 18.80 for the Planning and Transportation Commission to review and recommend an Ordinance based on Option 3 provided to Council on this date; and direct the Planning and Community Environment Director to prioritize this topic with the Planning and Transportation Commission and return to Council in the first quarter of 2019.

SUBSTITUTE MOTION AS AMENDED PASSED: 6-2 Fine, Tanaka no, Scharff absent

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 11:35 P.M.