



# CITY OF PALO ALTO CITY COUNCIL MINUTES

Special Meeting  
September 10, 2012

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

Present: Burt, Espinosa, Holman, Klein, Price arrived at , Scharff, Schmid, Shepherd, Yeh

Absent:

## Closed Session

### A. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Marcie Scott, Darrell Murray, Val Fong)  
Employee Organization: Utilities Management and Professional Association of Palo Alto (UMPAPA)  
Authority: Government Code Section 54957.6(a)

The City Council reconvened from the Closed Session at 6:20 P.M. and Mayor Yeh advised no reportable action.

## Study Session

### 1. City Council Study Session with the Parks and Recreation Commission.

The City Council and the Parks and Recreation Commission study session began with the Commission sharing highlights of their work from the past year. Among the highlights were El Camino Park reconstruction design, Comprehensive Plan Amendment – Community Services & Natural Environment Elements, Municipal Golf Course reconfiguration and the Bicycle and Pedestrian Transportation Plan among others. A discussion followed about Naming Rights of parks and recreation facilities, expansion of the Baylands Athletic Center as related to the Golf Course Reconfiguration and

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the future Parks and Recreation Master Planning process that will begin soon. Council encouraged the Commission to think creatively about the park design and community needs especially with respect to El Camino Park, the Golf Course, and the Baylands Athletic Center; and also encouraged the Commission to find new creative ways to engage youth, such as the Youth Video Core, in parks and recreation policy matters. Council was very complimentary of the Commission's commitment to the City's Parks and Recreation needs and looked forward to working with them in the year ahead.

## Special Orders of the Day

2. Proclamation and Flag Ceremony Recognizing Sister City Linkoping, Sweden Week.

Mayor Yeh read the proclamation into the record for Linkoping Sweden and Neighbor's abroad, 25<sup>th</sup> anniversary.

Palo Alto Free Press suggested the City extend a friendship to the nation of Cuba as a means to broaden exchange to different countries.

3. Adoption of a Resolution 9284 Expressing Appreciation to Marilyn Keller Upon the Completion of Her Term as a Utilities Advisory Commissioner.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Holman to adopt the Resolution expressing appreciation to Marilyn Keller upon the completion of her term as a Utilities Advisory Commissioner.

**MOTION PASSED:** 9-0

Marilyn Keller thanked Council and Staff for the opportunity to work with them.

## City Manager Comments

Assistant City Manager, Pamela Antil spoke regarding the annual Paly-Gunn High School football game.

## Study Session

4. Request by Jay Paul Company for Council Prescreening of Preliminary Plans for Five (5) Sites within the Boundaries of the California Avenue Concept Plan: 1) Office Development at 395 Page Mill Road; 2) Public Safety Building/Parking Structure at 3045 Park Blvd.; 3) Public Parking

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Structure at 250 Sherman Avenue; 4) Public Park at 350 Sherman Avenue, and 5) Multi-Family Residential Development at 450 Sherman Avenue.

Curtis Williams, Planning and Community Environment Director, gave an introduction and discussion of the project, and the team from Jay Paul Co. The project consists of five sites within the boundaries of the California Avenue Concept Plan: 1) Office Development at 395 Page Mill Road; 2) Public Safety Building/Parking Structure at 3045 Park Blvd.; 3) Public Parking Structure at 250 Sherman Avenue; 4) Public Park at 350 Sherman Avenue, and 5) Multi-Family Residential Development at 450 Sherman Avenue. Eight members of the public expressed their opinions about the proposal; including concerns over the loss of surface parking, additional traffic, and the lack of need for additional parkland in the Sherman Avenue area. Early in the meeting, a majority of the Council expressed concern over the Sherman Avenue portion of the project. A consensus indicated that those sites should be eliminated from present consideration, instead focusing attention on the two sites to the south of Page Mill Road: the office proposal and the potential Public Safety Building site. While Council Members generally agreed the Public Safety Building was a significant public benefit, several had some concern about the scale and massing of the proposed development and its compatibility with residential neighbors. The Council emphasized the importance of environmental review and the associated traffic and parking analysis that would be a part of this review. Given the sites' proximity to transit, a well thought out Transportation Demand Management (TDM) program was suggested to reduce the need for additional parking. Council Members were split over the need to reduce the height of the buildings, while most expressed the need for additional setbacks from any residential uses. The Council offered other types of public benefits that the applicant may wish to include in their proposal, such as bike sharing, a pedestrian bridge across the railroad tracks to Alma Street, and/or full financing of the public safety building. The Council asked staff to further define the project's conformance with the California Avenue Concept Plan, while moving the project forward in a timely fashion.

Julie Meagher stated there were some safety issues with regard to a traffic increase; the higher volume of traffic could cause unsafe conditions.

Pat Blumenthal thought the potential for the parking, as outlined in the project, would cause anxiety for people and said the area where people were parking may be unsafe.

Fred Balin suggested that Council give the public more time to comment. He suggested Council, and other parties involved, take a more active consideration of the financial benefits.

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Juanita Gonzales, local business owner, stated patrons from her business have not had a problem with parking, but taking away a park to put in a parking lot was not beneficial.

Marilyn Mayo supported all the other speakers and said California Avenue was an epicenter of activity. The congestion of cars prevented street cleaners from cleaning. There were other locations people could use for parking.

Bob Moss stated Public and Private Partnerships were of interest to him but this project was a disaster, due to the costs outweighing the profits. He said this project might add some jobs, but would also increase housing. He added that the project was on a toxic site and concluded by saying that putting a garage in this area would allow the public to have access to the Public Safety Building.

Aram James stated the project was underserved by other community services. He stated that having a Public Safety Building would increase traffic by increasing the number of workers.

Jessica Roth said she was a business owner on California Avenue. She stated that the possibility for another park was not needed, since there was already one. She thought the 6000 square foot building would be too small for the volume of traffic in the area.

## Oral Communications

Wynn Grcich hoped that people would vote "yes" on Proposition 37. She stated that there were 50 other countries that label genetically modified foods and outlined bad repercussions for consuming such foods. She spoke about fluoride content and cited a Material Service Data Sheet that gave information about the misuse of chemicals in food and water.

Michael Francois stated that on August 14<sup>th</sup> a Harvard study confirmed that Fluoride was bad for children. He said it lowered people's I.Q.'s and has some lead and arsenic in it. He mentioned a movie called "Professional Perspectives" that illustrated the bad repercussions for fluoride usage.

Shelley Chu was a resident of College Terrace. She remarked on traffic problems near College Avenue and how many children and bikers use these areas. She mentioned Boden Avenue and said cars were often accelerating. She, and other residents, were requesting a speed hump at Boden Avenue.

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Mark Petersen-Perez addressed the City Attorney and stated issues that he had with regard to the laws that were followed. He quoted the California Public Records Act and stated how information should be open to the public for scrutiny purposes. He noted that there has been delay in response to Public Record Act requests.

Aram James filed a Public Record's Request in July and read from it. He talked about his request to receive names of Police Officer's for a specific incident and how his request was still not granted.

Herb Borock noticed an agenda item that had to do with Council pre-screening of plans. His understanding was that there was a procedure for which the body of authority would perform the pre-screening of plans but said it was unclear who was approving the pre-screening of plans. He stated that the first action was for Council to choose who would handle pre-screening.

## Approval of Minutes

**MOTION:** Council Member Shepherd moved, seconded by Council Member Schmid to approve the minutes of May 14 and 21, 2012 and June 4, 2012.

**MOTION PASSED:** 9-0

## Consent Calendar

Herb Borock spoke regarding Agenda Item No. 8 and requested that Council remove it from the Consent Calendar. In the first three years, the contract had required two reports to be submitted but over time, the reports were coming later and later. His recollection was that reports were given a specific time-line and the City Manager was responsible for that. He stated that the report should have been received by now.

**MOTION:** Council Member Klein moved, seconded by Council Member Shepherd to pull Agenda Item No. 10, to become Agenda Item No. 12a.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to approve Agenda Item Nos. 5- 9, 11 and 12.

5. Adoption of a Budget Amendment Ordinance 5163 Amending Fiscal Year 2013 Budget to Provide Additional Appropriations of \$191,027

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and Approval of a Purchase Order with RB Resources to add \$191,027 for Total Amount Not to Exceed \$287,524 for the Installation of Furniture and Equipment in the Development Center.

6. Approval of Amendment Number 1 to Contract #C10131396 in the Amount of \$1,299,122 with CDM Smith Inc. to Provide Additional Services Associated With the Reservoir, Pump Station, and Well at El Camino Park and Mayfield Pump Station Augmentation Project WS-08002, for a Total Not to Exceed Amount of \$5,127,802.
7. Request for Authorization to Increase the Legal Services Agreement with Moscone Emblidge Sater & Otis (formerly Otis & Iriki) by an Additional \$150,000 for an Amount not to Exceed \$235,000 for Legal Services Related to Public Works Construction Matters.
8. Approval of Contract With Michael Gennaco and Stephen Connolly of OIR Group for up to Three Years in an Amount Not to Exceed \$27,500 Per Year for Independent Police Auditor Services.
9. Approval of Amendment No. 1 to Contract with Project Sentinel for Mediation Services.
10. ~~Approval of City Response to the Adopted Regional Housing Needs Allocation (RHNA) for the 2014-2022 Cycle (continued from September 4, 2012).~~
11. Approval of Response to Grand Jury Report on Pension and Other Post-Employment Benefits (continued from September 4, 2012).
12. Adoption of an Amendment to Resolution 9285 of Intent No. 9245 of the Council of the City of Palo Alto to Set December 10, 2012 as the New Public Hearing Date for the Establishment of Underground Utility District Number 47 (Portions Of Homer, Cowper, Addison, Middlefield, Channing And Webster).

**MOTION PASSED for 5-9, 11 and 12: 9-0**

## Agenda Changes, Additions and Deletions

- 12a. Approval of City Response to the Adopted Regional Housing Needs Allocation (RHNA) for the 2014-2022 Cycle (continued from September 4, 2012).

Council Member Klein wanted to see this item removed in order to give the public a chance to hear about the process. He requested that Council wait

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until the appeal is filed, in the interest of protecting the public. Also, he wanted to create allies at the city and state levels; he hoped that the City Attorney would respond to this soft appeal.

**MOTION:** Council Member Klein moved, seconded by Vice Mayor Scharff to: 1) approve the letter to ABAG, and 2) for Staff to work with neighboring cities and state legislators to obtain allies to change the RHNA process.

Council Member Klein said the letter should not only address neighboring jurisdictions, but also the State Legislatures. These issues had a flawed process and it was difficult to accomplish anything.

Vice Mayor Scharff agreed that the process was flawed and it would be interesting to see what the process was from ABAG (Association of Bay Area Governments).

Council Member Price asked Mr. Williams about the process used by other counties and the way allocations were managed. In San Mateo County, the overall number was given at the County level, and the decisions were made overall, by the cities within the County. This letter was not addressing the process, as much as it was addressing the data.

Curtis Williams, Director of Planning and Community Environment stated that this was addressing the numbers that we have now. Any process changes would take place over the course of the next housing cycle. He wanted to remind Council that the San Mateo County process resulted in the same number from ABAG.

Molly Stump, City Attorney stated that she wanted to respond to some comments from the last Council meeting about different types of appeals; she says there was only one type of appeal.

Council Member Klein asked Mr. Williams to explain the ABAG process.

Mr. Williams stated ABAG's letter indicated that the headline for revision or appeal was to be clarified with them and it was a two stage process. One was to allow cities to make comments and requests for revisions. The second was that ABAG had 60 days to respond; following that, there was another 60 days for cities to file appeals.

Council Member Schmid asked if Palo Alto had to respond by the end of the year.

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Mr. Williams replied that late November would be when the decision from ABAG would come in but the appeal would make the time period go beyond that.

Council Member Schmid stated there were issues with the Council dates around the end of the year.

**MOTION PASSED:** 9-0

## Action Items

13. City Council Annual Priority Setting Process.

**MOTION:** Mayor Yeh moved, seconded by Council Member Espinosa to continue this item to September 24, 2012.

**MOTION PASSED:** 9-0

14. Colleagues Memo Requesting Council Pass a Resolution of the City Council of Palo Alto in Opposition to Measure C.

Vice Mayor Scharff stated that he, Council Member Klein, and Mayor Yeh have written a Colleagues Memo asking their colleagues to adopt the Resolution attached to the Colleagues Memo that opposed Measure C. He listed arguments against Measure C and stated that surrounding cities have also banned Medical Marijuana dispensaries.

Council Member Klein added that there were some e-mails from the public that discussed issues with marijuana. He stated this was not just a benign product to help people with pain problems; it was a substance that he did not want in Palo Alto.

Mayor Yeh remarked on driving while under the influence. The Police Department had breathalyzer tests for alcohol. While the level of usage for drinking alcohol was different for every individual, marijuana was much more difficult to test for. He stated that passing Measure C was not worth the risk.

Council Member Shepherd stated she was not able support Measure C. She believed this was the wrong venue for legalizing drugs for medical purposes.

Council Member Schmid believed young families were important for long term health, he discussed a study involving youths using drugs; one student

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out of three was indicated to have used marijuana. He discussed another study that stated that 74 percent of marijuana users used marijuana for illegal purposes.

Aram James stated that if marijuana was going to be used, he thought having a regulated place for people to use the drug would be beneficial. He stated that he was not promoting the recreational usage of marijuana, but thought the City of Palo Alto could be a leader in medicinal marijuana usage.

Council Member Burt disagreed with his colleagues with regard to the pattern of drug adoption but he also thought there has been a pattern of abuse of Proposition 215. He would for this reason support the Colleague's Memo.

Council Member Price agreed with Council Member Burt completely and stated these were separate, but related issues. There have been some studies that showed a benefit for medical marijuana usage. She supported the Colleague's Memo but was not comfortable with some of the public's comments.

**MOTION:** Vice Mayor Scharff moved, seconded by Mayor Yeh to adopt the resolution opposing Measure C.

**MOTION PASSED:** 9-0

## Council Member Questions, Comments and Announcements

Council Member Shepherd announced that she had been elected to be the at-large representative for Santa Clara County at the League of California Cities.

Council Member Schmid requested an update regarding the report from the Police Auditor.

Council Member Holman requested that follow up action reports include Council Motions.

Council Member Price said she attended the Santa Clara County Mental Health Board meeting. She discussed an executive order to improve mental health care for veterans and the annual suicide prevention report.

Mayor Yeh discussed the Gunn High School and Palo Alto High School annual football game set for the upcoming weekend. He also discussed the

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groundbreaking event for the Lucile Packard Children's Hospital.

Adjournment : The meeting was adjourned at 11:53 P.M.