



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
April 8, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 P.M.

Present: Council Members: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, and Shepherd

## CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL  
Potential Litigation Relating to Water Service Charges,  
Palo Alto Hills Golf Country and Club  
Section 54956.9(c) - Potential Initiation of Litigation - 1 Case

Council Member Holman did not participate due to a conflict with her membership in the Palo Alto Hills Golf Country and Club.

Council returned from Closed Session at 6:45 p.m. and took a 10 minute break.

At 6:55 p.m. Mayor Scharff reported that there was no reportable action from the Closed Session.

## SPECIAL ORDERS OF THE DAY

2. Resolution of the Council Expressing Appreciation to Stephen A. Emslie Upon his Retirement.

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Price to adopt the Resolution Expressing Appreciation to Stephen A. Emslie upon his retirement.

**MOTION PASSED:** 9-0

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## AGENDA CHANGES, ADDITIONS, AND DELETIONS

**MOTION:** Mayor Scharff moved, seconded by Council Member Burt, to move Agenda Item 12, "Approval of Amendment Number 2 to Contract #C10131396 in the Amount of \$1,173,000 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 \$6,300,802 (Continued From April 1, 2013)" to a date uncertain.

**MOTION PASSED:** 9-0

## MINUTES APPROVAL

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Shepherd to approve the minutes of March 4 and March 11, 2013.

**MOTION PASSED:** 9-0

## CONSENT CALENDAR

Council Member Schmid noted he would be voting no on Agenda Item Number 3.

**MOTION:** Council Member Holman moved, seconded by Mayor Scharff to approve Agenda Item Numbers 3-10 with revisions on Agenda Item Number 7 indicating that the Budget Amendment Ordinance would reference the agreement being approved and Section Three would indicate the foundation contribution would fund temporary salaries in the Children's Program area.

3. Recommendation that City Council Approve Amendment No. 1 to a Contract with BASE Energy, Inc. for the Administration of a Third-Party Non-Residential New Construction Efficiency Program.
4. Approval of Record of Land Use Action Approving a Request for Extension of a 2010 Site and Design Review Approval to May 2014 for the Hotel Project at 1700 Embarcadero Road (Mings Site).
5. Submittal of Mitchell Park Library and Community Center Bi-Monthly Construction Contract Report.
6. Approval of Amendment to the Agreement Between Moldaw Family Housing and City of Palo Alto for the Below Market Rate (BMR) Units at 899 Charleston Avenue to Restructure the Repayment Options.

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7. Letter of Agreement Between Palo Alto Art Center Foundation and City of Palo Alto Memorializing Ongoing Financial Support of Children's Programs at the Palo Alto Art Center.
8. Approval of Letter to Association of Bay Area Governments (ABAG) to Transfer 200 Housing Units of Regional Housing Allocation (RHNA) from City of Palo Alto to Santa Clara County for the 2014-2022 Planning Period.
9. Appointment of Sandra Hirsh, John Melton, Dena Mossar, James Schmidt, and Alice Smith to the Library Bond Oversight Committee for Five Terms Ending on May 31, 2017.
10. Appointment of David Bower, Beth Bunnenberg, and Patricia DiCicco to the Historic Resources Board for Three Terms Ending on May 31, 2016.

**MOTION PASSED AGENDA ITEM NUMBER 3:** 8-1 Schmid no

**MOTION PASSED AGENDA ITEM NUMBERS 4-10:** 9-0

## ACTION ITEMS

11. Public Hearing: Adoption of an Ordinance Amending the Zoning Map to Add the Ground Floor Combining District to the CD-C-P (and CD-S-P) Zoned Properties Fronting the 600 Block of Emerson Street.

Public Hearing Opened at 7:41 p.m.

Public Hearing Closed at 7:54 p.m.

**MOTION:** Council Member Holman moved, seconded by Council Member Schmid to adopt an Ordinance amending the Zoning Map to add the Ground Floor (GF) Combining District (regulated under PAMC Section 18.30(C)) to properties on the 600 block of Emerson Street zoned CD-C-P (Commercial-Downtown Community with Pedestrian Combining District) and street fronting ground floor spaces zoned CD-S-P (Commercial-Downtown Service with Pedestrian Combining District), as listed on the ordinance's Exhibits 1 and 2.

**SUBSTITUTE MOTION:** Council Member Klein moved, seconded by Council Member Price to continue item and move into the larger downtown study.

**SUSTITUTE MOTION FAILED:** 3-6, Klein, Shepherd, Price yes

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**MOTION PASSED:** 6-3 Klein, Shepherd, Price, no

13. Approval of a Water Enterprise Fund Contract with RMC Water and Environment, Inc. for a Total Not to Exceed Amount of \$193,914 to Complete the Environmental Analysis of Expanding the City's Recycled Water Delivery System (Continued From April 1, 2013).

**MOTION:** Council Member Kniss moved, seconded by Council Member Price to approve a contract with RMC Water and Environment, Inc. (RMC) to complete the environmental analysis of an expanded recycled water project to serve the Stanford Research Park for \$176,286, plus a contingency of \$17,628, for an amount not to exceed \$193,914. Staff also recommends that Council approve this contract as a "sole source" exemption from the City's competitive bidding process under its authority in Palo Alto Municipal Code Section 2.30.360(d).

**MOTION PASSED:** 6-3, Scharff, Schmid, Holman no

14. Colleague's Memo From Mayor Scharff and Council Members Burt, Price, and Schmid Regarding Expansion of Percent for Art and Public Art in Private Developments and Appropriate Maintenance of Our Existing and Future Public Art Collection.

**MOTION:** Council Member Schmid moved, seconded by Vice Mayor Shepherd to A) extend the current One Percent For Art Policy to new and or remodeled private large commercial developments and housing projects with the details of the Policy to be developed by Staff and considered by the Policy and Services Committee. Single-family homes, duplexes, triplexes and four-plexes and historical preservation sites would be exempt. The Policy at a minimum should provide that 1) the applicant may choose to pay the 1 percent in-lieu fee to the Public Art Commission rather than commission artwork at the site; 2) That the care and appropriate maintenance of the artwork will be the responsibility of the private developer; 3) The care and maintenance plan will be reviewed and monitored by the City Staff; and 4) The artwork must not be demolished, removed or destroyed without City approval, B) direct Staff to develop a robust plan for consideration by the Policy and Services Committee and then the full Council that evaluates the current modest General Fund contributions and considers a possible administrative fee and or set aside of a portion of the funds received under the current Percent for Art Policy to account for ongoing and future maintenance of the existing and future artworks commissioned under the Percent for Art Policy based on a realistic assessment of the maintenance needs of the Cities Public Art Collection and administration needs of that

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collection. The goal should be a transition to a self-sustaining robust program that does not rely on general fund contributions, and C) welcome and encourage a variety of art experiences including interactive art, sculptures, murals, mosaics, innovative spaces or facades that engage the public and signature architectural features.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to not to include building projects by religious organizations and also affordable housing projects.

**MOTION AS AMENDED PASSED: 9-0**

## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Price reported that Caltrain planned signal upgrades at East Meadow and at Churchill. This will include safety improvements to train approach warning systems.

Council Member Burt said at the Caltrain Policy Makers Working Group's last meeting they discussed the proprietary positive train control system called C Boss. There was a Federal mandate requiring the installation of this type of system by 2015, but that will likely be extended.

Council Member Holman said she was in Pasadena for the League of Cities meeting. Presentations included plastic bag legislation.

Vice Mayor Shepherd said that Council Members Price, Holman, Kniss, and Berman are participating, along with herself, in the League's Bocce Ball Tournament.

Mayor Scharff reported the Ad Hoc Committee on Technology and the Connected City would be chaired by Council Member Kniss and would include Mayor Scharff, Vice Mayor Shepherd, and Council Member Klein.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.