



CITY OF PALO ALTO MINUTES

Special Meeting
April 22, 2013

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

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

Due to the fact that the meeting never adjourned to a Closed Session Council Member Kniss did not participate in the Open Session.

ORAL COMMUNICATIONS

Stephanie Munoz spoke regarding budget cuts affecting health benefits. Health insurance should be a right which is why the wages for health benefits were not taxable. She felt spending the budgetary cuts from employee's health benefits to hire a communications person was not a benefit to the employees.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CALIFORNIA GOVERNMENT CODE SECTION 54956.8

Properties:

Cubberley Community Center, 4000 Middlefield Road, Palo Alto 94306 (including 8 acres owned by the City of Palo Alto and remaining acres owned by the Palo Alto Unified School District); and Ventura school site, 3990 Ventura Court, Palo Alto 94306

Agency Negotiators: James Keene, Lalo Perez, Hamid Ghaemmaghmi, Rob De Geus, Thomas Fehrenbach, Aaron Aknin, Molly Stump and one or more of the following: Greg Scharff, Nancy Shepherd, Marc Berman, Pat Burt, Karen Holman, Larry Klein, Liz Kniss, Gail Price, Greg Schmid

Negotiating Parties: City of Palo Alto and Palo Alto Unified School District

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Under Negotiation: Lease and/or Purchase Price and Terms of Payment

Donna Grider, City Clerk, noted Pamela Antil, Assistance City Manager would be participating in the negotiation team.

Herb Borock spoke regarding the Brown Act and its narrow exceptions for Closed Session amendments. The City Clerk noted an additional negotiator, Pamela Antil which was not reflected on the agenda. The real estate negotiators needed to be appointed prior to the Closed Session and listed on the printed agenda. Once a Closed Session was comprised of Staff members for negotiations the legislative body must meet in open for negotiations. He requested the public be notified of the amount of the lease payments made by the City for each part of the Palo Alto Unified School District (PAUSD) facilities they lease.

Jennifer Hetterly, Vice Chair of the Cubberley Citizens Advisory Committee (CCAC), encouraged an open and transparent process regarding Cubberley negotiations. There was significant concern among the residents regarding the property. She felt it was important to communicate to the public Council's priorities for the site and the process for moving forward.

Sherry Furman, member of the Cubberley Citizens Advisory Committee (CCAC), felt the Closed Session meeting was premature and providing direction on negotiations without a public meeting on what the Cubberley Community Advisory Committee was tasked to perform reflected negatively.

Diane Reklis, Chair of the Cubberley Citizens Advisory Committee (CCAC), requested to postpone the Closed Session until a public meeting could be held. She understood the actual negotiation of the lease should be in Closed Session although the discussions and decisions prior to the Closed Session should be in open session.

Stephanie Munoz said the City and the School Board were not in competition. There was no ample teacher housing and they could not afford to live in the City they work.

MOTION: Council Member Klein moved, seconded by Council Member Holman that the Council schedule a public meeting on the issue of Cubberley and the City's lease negotiations with the Palo Alto Unified School District for Monday, May 13, 2013 and continue the proposed Closed Session on Monday, May 20, 2013.

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Council Member Klein acknowledged there had been a number of requests received for a public meeting on Cubberley and including the requests received from Chair Cobb and Vice Chair Hetterly of the Cubberley Community Advisory Committee. He believed those opinions needed to be respected. He felt a public meeting would provide the Council an opportunity to explain the process to the community. Palo Alto was an open and transparent community; although, there was no definition to the terms. The Cubberley site would be a negotiation and he was unfamiliar with any type of negotiation being performed in public. When negotiations reached the terms of the lease options and rental amounts that was a private matter. In speaking with Chair Cobb regarding the public meeting; he asked who would speak or attend that had not previously.

Chair Cobb was uncertain although he felt if there was additional outreach there may be additional public comment.

Council Member Klein stated the Council's goal of completion for the Cubberley agreement was December of 2013. He wanted to assure the community that he had read the full Cubberley Community Advisory Committee report and he was aware other colleagues had done the same and they were prepared to make a decision. He apologized for any confusion with respect to the legal title of the Agenda Item referencing a sale of the 8 acres. The City was not contemplating the sale of the 8 acres.

Council Member Holman acknowledged the public meeting held at the Cubberley Community Auditorium for discussion on the matter and review of the Cubberley Community Advisory Committee report was not heavily attended. She looked forward to a more lively discussion at the upcoming public meeting. She supported the Motion but had complications with the date of May 13, 2013.

Vice Mayor Shepherd was pleased to support the Agenda Item as a public meeting. She asked if the Cubberley Community Advisory Committee had been disbanded.

James Keene, City Manager, stated that was correct.

Vice Mayor Shepherd understood and wanted to share with the community that the completed report was available for viewing and it was a substantial piece of work.

Council Member Schmid supported the Motion and was surprised a Closed Session was scheduled prior to an open session. He believed the Council had agreed to an open session during the Cubberley Study Session.

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He felt the public session would benefit the community as well as the Council who may still have questions regarding demographic options or certain risks that may be associated with different aspects. The City and School Board would ultimately go to the community for funding to support the decision made regarding the campus so it was critical to have a process that gained the public's trust and confidence.

Council Member Price stated her support for the Motion and observed there were questions that needed answers during the open session. She asked if there would be people in attendance to respond to questions at the public meeting. She asked if the School Board would be performing a similar effort with the public for their part in the Cubberley site.

Mr. Keene had no intelligence on the matter of the School Board meetings, although Staff would be following up with the administration and respond to the Council at a later date.

Council Member Price asked whether there would be PAUSD officials in attendance at the Council Meeting on May 13, 2013.

Mr. Keene said Staff would be able to respond to the Cubberley Community Advisory Committee's recommendations; although, it would be from Staff perspective. If Council was interested in having the previous Advisory Committee members or the PAUSD members present on May 13, 2013 there would need to be coordination.

Council Member Burt agreed that the next meeting on Cubberley should be open to the public but he was interested in the discussion. Was the intent of the discussion to be the CCAC report, or the CCAC report and a public airing of the Council Guiding Principles of the negotiation process. He would like to see a discussion around the guiding direction. He asked for clarification on the Motion.

Council Member Klein stated the Motion was intended to allow the public to have a wide ranging discussion with the Council regarding Cubberley.

Council Member Burt said his question was regarding the Council discussion after they had heard from the public. He wanted to clarify if the intent of the Motion was for Council to have the prerogative to go into a substantive discussion around the general principles in the Cubberley direction as part of that meeting.

Council Member Klein said it would be like any other Agenda Item where Council would move or take any action that was viewed appropriate.

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MOTION PASSED: 8-0 Kniss absent

ADJOURNMENT: The meeting was adjourned at 6:35 p.m.