



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
May 13, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:30 P.M.

Present: Berman, Burt, Klein, Kniss, Price arrived at 5:35 P.M., Scharff, Schmid, Shepherd arrived at 5:35 p.m.

Participating remotely: Holman participating from the Econo Lodge, 1441 West Central Avenue, Carthage, Missouri 64836

Absent:

## CLOSED SESSION

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

*Property:* U.S. Post Office, 380 Hamilton Avenue, Palo Alto 94301

*Agency Negotiators:* James Keene, Lalo Perez, Hamid Ghaemmaghami, Joe Saccio, Curtis Williams, Aaron Aknin, Meg Monroe, Molly Stump, Cara Silver

*Negotiating Parties:* City of Palo Alto and United States Post Office  
*Under Negotiation:* Purchase: Price and Terms of Payment

### 2. 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)

**MOTION:** Council Member Burt moved, seconded by Council Member Klein to continue Agenda Item Number Two, Closed Session "CONFERENCE WITH

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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 closed session to the end of the Council meeting" to the end of the meeting.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to limit the closed session to only hearing confidential information with no decision on the merits of the issue.

**MOTION AS AMENDED FAILED:** 4-4 Burt, Klein, Price, Schmid yes, Holman not participating

Mayor Scharff announced that there was no reportable action on the Closed Session regarding the Post Office and that the Closed Session on labor would be continued until the end of the City Council meeting.

Council Member Holman left the meeting at 7:00 P.M.

## CONSENT CALENDAR

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Shepherd to approve Agenda Item Numbers 3-12.

3. Resolution 9335, entitled "Delegating Authority to the City Manager, or his Designee, to Execute and Administer the Northern California Power Agency Agreement Regarding the Use and Non-disclosure of Information".
4. Resolution 9336, entitled "Summarily Vacating Several Public Easements Which Have Been Relocated at 4329 El Camino Real".
5. Resolution 9337, entitled "Amending Utility Rule and Regulation 3 (Description of Utility Services), 5 (Service Contracts), 18 (Utility Service Connections and Facilities on Customers' Premises), and 20 (Special Electric Utility Regulations)".
6. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2013.
7. Policy and Services Committee Recommendation to Accept the

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Discussion of the Fraud, Waste, and Abuse Hotline Pilot and the City Auditor's Recommendation to Continue the Hotline Beyond the Pilot Phase.

8. Approval of Amendment No. 2 to Contract with RBF Consulting to add \$134,088 for a Total Not To Exceed \$484,088 for Design Services for the California Avenue Transit Hub Corridor Streetscape Improvements Project.
9. City of Palo Alto Response to Plan Bay Area Final Draft and Environmental Impact Report.
10. Approval of Solar Water Heating Incentive Program Services Contract with the Center for Sustainable Energy California.
11. Approval of Contract with Summit Uniforms for Five Years for an Amount Not to Exceed \$520,000 for the Purchase of Police, Fire, and Park Ranger Uniforms and Related Equipment.
12. Appeal of and Recommendation to Uphold Director's Architectural Review Approval of the Co-location by AT&T Mobility LLC of One Pole-Mounted Wireless Communication Antenna and Associated Equipment Boxes on the Existing Utility Pole Within the City's Public Utility Easement on 3704 Carlson Circle.

**MOTION PASSED:** 8-0 Holman absent

## ACTION ITEMS

13. Acceptance of Long Range Financial Forecast for Fiscal Years 2013 to 2023.

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to accept the Fiscal Year 2013 to 2023 Long Range Financial Forecast as Staff's latest projection of the City's revenue and expenditure picture given current and projected developments.

**AMENDMENT:** Council Member Burt moved, seconded by Council Member Kniss that the Long Range Finance Forecast reflect dedicating the new revenue from new hotels to infrastructure uses.

**AMENDMENT WITHDRAWN**

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**MOTION PASSED:** 8-0 Holman absent

Mayor Scharff noted that the City Council Procedures allows for two Council Members to agendaize an item for a future Council Meeting with no vote required.

**MOTION:** Council Member Burt moved seconded by Mayor Scharff to agendaize discussion regarding the Long Range Finance Forecast reflecting the dedication of the new revenue from new hotels to infrastructure uses.

## **NO VOTE REQUIRED**

14. Council Discussion of the Cubberley Community Advisory Report and Guidance Regarding Negotiations Related to the Cubberley Lease and Covenant Not to Develop.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to; 1) state publically that the City is in favor of renewing the lease subject to significant revisions with the Palo Alto Unified School District, and 2) to refer to the Policy and Services Committee whether a needs assessment study should be completed, and if so what its design would be.

**SUBSTITUTE MOTION:** Council Member Schmid moved that we will explore joint shared City School District use.

## **SUBSTITUTE MOTION FAILED DUE TO LACK OF A SECOND.**

**AMENDMENT TO MOTION:** Council Member Burt moved, seconded by Council Member Schmid that the City Council support the concept of a joint use design and a needs assessment study for Cubberley.

## **AMENDMENT WITHDRAWN**

**MOTION PASSED:** 7-1 Schmid no, Holman absent

**MOTION:** Council Member Burt moved seconded by Council Member Berman to adopt guidelines for the lease renewal and that they consist of eliminating the covenant "not to develop," that the city not pay rent on the 8 acres they own, and any funds that would be freed up by those two changes would be dedicated toward future infrastructure improvements at Cubberley.

**MOTION FAILED:** 3-5 Berman, Burt, Schmid yes, Holman absent

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**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Schmid to move:

- 1) Agenda Item 2-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)" and,
- 2) Agenda Item 16, "Consideration of City of Palo Alto Offer to Purchase U.S. Post Office Building at 380 Hamilton Avenue and Agreement to Assume Enforcement of Historic Covenant" to a date uncertain.

**MOTION PASSED:** 8-1 Holman absent

15. Transmittal of Policy and Services Committee Recommendation To Council For The Adoption of An Ordinance Amending Chapter 9.14 (Smoking And Tobacco Regulations) of the Palo Alto Municipal Code to Establish New Smoking Restrictions for Parks Under Five Acres; Increase No-Smoking Buffer Zones from 20 to 25 feet for Consistency with LEED Standards; and Make Findings Regarding the Purpose of No-Smoking Regulations In City Parks.

**MOTION:** Council Member Kniss moved, seconded by Council Member Klein to; 1) Adopt an ordinance to amend Chapter 9.14 (Smoking And Tobacco Regulations) of the Palo Alto Municipal Code, by adding Sections 9.14.005 and 9.14.035 and amending Section 9.14.010, that would establish new smoking restrictions for City parks and plazas under five acres in size; increase the no-smoking buffer zones near public building entrances from 20 to 25 feet for consistency with LEED standards; and make findings regarding the purpose of no-smoking regulations (Attachment A); and 2) Refer the further investigation of the expansion of the new smoking restrictions for City parks and open space areas five acres in size or larger to the Parks and Recreation Commission, and direct the Commission to make recommendations to the Policy & Services Committee for further consideration and action.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to extend the smoking ban, request Staff return to Council with ordinance on the Consent Calendar with an amendment, and refer designated smoking areas in large parks to the Parks and Recreation Commission.

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**MOTION AS AMENDED PASSED:** 7-1 Burt no, Holman absent

16. Consideration of City of Palo Alto Offer to Purchase U.S. Post Office Building at 380 Hamilton Avenue and Agreement to Assume Enforcement of Historic Covenant

## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Vice Mayor Shepherd spoke about the Parent Teacher Association Council luncheon she attended earlier in the week. The Palo Alto Police department got an award for a program they ran for Palo Alto parents.

Council Member Klein attended the Avenidas Board Meeting where they announced they were in the concept stage of planning an addition to the Bryant Street building. The City owns the building and has leased it to Avenidas for \$1 a year since 1978. Avenidas will likely come to the City to renegotiate lease as it expires in about 15 years.

Council Member Price attended the Bike to Work Day on May 9<sup>th</sup>.

ADJOURNMENT: The meeting was adjourned at 11:05 P.M.