



CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting
June 10, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 4:08 P.M.

Present: Berman, Burt arrived at 5:10 P.M., Holman, Klein, Kniss arrived at 4:10 P.M., Price arrived at 4:18 P.M., Scharff, Schmid, Shepherd

Absent:

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Dennis Burns, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Marcie Scott, Darrell Murray).

Employee Organization: Palo Alto Police Manager's Association (PAPMA)

Authority: Government Code Section 54957.6(a)

City Clerk Grider noted that Dania Torres Wong would take the place of Darrell Murray in the closed session.

The City Council returned from the Closed Session at 5:00 P.M. and Mayor Scharff advised there was no reportable action.

SPECIAL ORDERS OF THE DAY

2. Peninsula Council of Lion's Club Honors Fire and Law Enforcement Officials Who Have Served Their Communities.

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3. Appointment for One Position on the Historic Resources Board for an Unexpired Three Year Term Ending May 31, 2014 (Resignation of Smithwick).

First Round of voting for the Historic Resources Board for an unexpired three year term ending May 31, 2014 (Resignation of Smithwick):

Voting For Margaret Wimmer: Berman, Burt, Holman, Klein, Kniss,
Price, Scharff, Schmid, Shepherd

Donna Grider, City Clerk, announced that Margaret Wimmer with nine votes was selected to serve the unexpired three year term ending May 31, 2014.

4. Appointments for Two Positions on the Human Relations Commission for Three Year Terms Ending March 31, 2016 (Terms of O’Nan and Verma).

First Round of voting for Human Relations Commission for two three year terms ending March 31, 2016 (Terms of O’Nan and Verma):

Voting For ZuChong Liu:

Voting For Adrienne Murphy: Schmid

Voting For Jill O’Nan: Berman, Burt, Holman, Klein, Kniss,
Price, Scharff, Schmid, Shepherd

Voting For Greer Stone: Berman, Burt, Holman, Klein, Kniss,
Price, Scharff, Shepherd

Donna Grider, City Clerk, announced that Jill O’Nan with 9 votes and Greer Stone with 8 votes were selected to serve three year terms ending March 31, 2016.

5. Appointments for Two Positions on the Library Advisory Commission for Three Year Terms Ending January 31, 2016 (Terms of Akinola, Moss, and Palaniappan).

First Round of voting for the Library Advisory Commission for three three year terms ending January 31, 2016 (Terms of Akinola, Moss, and Palaniappan):

Voting For Jared Bernstein: Klein, Kniss

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Voting For Sheena Chin: Berman, Burt, Price, Scharff, Schmid, Shepherd

Voting For Don McDougall: Holman, Schmid

Voting For Robert Moss: Berman, Burt, Klein, Kniss, Price, Scharff, Schmid

Voting For Joan Reid: Holman, Shepherd

Voting For Greer Stone:

Donna Grider, City Clerk, announced that Bob Moss with 7 votes and Sheena Chin with 5 votes were selected to serve three year terms ending January 31, 2016.

6. Appointment for One Unexpired Position on Public Art Commission ending on April 30, 2015 (Walsh Resignation).

First Round of voting for the Public Art Commission for one unexpired term ending on April 30, 2015 (Walsh Resignation):

Voting For Jeanne Lavan: Berman, Shepherd

Voting For Ben Miyaji: Burt, Holman, Klein, Kniss, Price, Scharff, Schmid

Voting For Elaine Poplingher:

Voting For Robin Theil:

Donna Grider, City Clerk, announced that Jeanne Lavan with 7 votes was selected to serve the unexpired term ending April 30, 2015.

CONSENT CALENDAR

MOTION: Council Member Kniss moved, seconded by Council Member Klein to approve Agenda Item Numbers 7-13.

Council Member Holman registered a no vote on Agenda Item Number 13.

Council Member Schmid registered a no vote on Agenda Item Number 13.

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7. Adoption of an Ordinance Approving and Adopting a Plan for Improvements to Eleanor Pardee Park.
8. Approval of Wastewater Treatment Enterprise Fund Contract with D. W. Nicholson Corporation in the Amount of \$411,500 for the Sedimentation Tanks Equipment Replacement Project at the Regional Water Quality Control Plant - Capital Improvement Program Project WQ-80021.
9. Approval of a Five-Year Contract Between the City of Palo Alto and Telecommunications Engineering Associates (TEA) in an Amount of \$168,972 Per Year For Annual Maintenance Services of Radio Infrastructure and Project Funding Not To Exceed \$50,000 Per Year.
10. Adoption of a Park Improvement Ordinance for the San Francisquito Creek Bonde Weir Fish Passage Improvement and Channel Stabilization Project.
11. Approval of Utilities Compliance Services Contract with Eric Scott, in an Amount Not to Exceed \$100,000 for Managing Compliance Activities Covering Electric, Natural Gas, Water, and Wastewater Collection Utility Services.
12. Appointment of Michael Alcheck and Eduardo Martinez to the Planning & Transportation Commission for Four Year Terms Ending July 31, 2017 and James Cook and Garth Hall to the Utilities Advisory Commission for Three Year Terms Ending July 31, 2016.
13. Approval of: 1) the Palo Alto Landfill Closure Stipulated Notice and Order No. LEA-2013-01-1; 2) Amendment No. 1 to Contract No. C12143502 in the Amount of \$247,889 for a Total Amount of \$461,002 with Golder Associates for Closure Design Service; and 3) Contract C13150284 in the Amount of \$250,000 with Toubar Equipment Company for Landfill Closure and Maintenance Services.

MOTION PASSED FOR AGENDA ITEM NUMBERS 7-12: 9-0

**MOTION PASSED FOR AGENDA ITEM NUMBER 13: 7-2 Holman, Schmid
no**

ACTION ITEMS

14. Consideration of Public-Private Parking Garage on High Street (Lot P).

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MOTION: Council Member Price moved, seconded by Mayor Scharff to direct Staff to develop a Memorandum of Understanding with 135 Hamilton LLC, consistent with the terms outlined in Attachment A, and to direct the owner to develop plans and submit an application for review of the Lot P Parking Garage project.

INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to explore the possibility of adding a sixth floor of parking garage.

SUBSTITUTE MOTION: Council Member Holman moved, seconded by Council Member Schmid that this proposal not be considered at this time and not earlier than such time as there is an overall study and solutions for the downtown parking issue.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to refer issue of circulation raised by the adjacent retail stores to Planning and Transportation Commission for thorough analysis of those issues, refer to the Finance Committee the financial analysis, and request Staff to obtain services of professional appraiser to review the value and cost to the City and Developer.

SUBSTITUTE MOTION (Revised with incorporation and edits): Council Member Holman moved, seconded by Council Member Schmid that this proposal not be considered at this time and not earlier than Council receives the first phase of the downtown parking report; during such interim we refer consideration of circulation issues raised by the adjacent retail stores to the Planning and Transportation Commission for thorough analysis of those issues; refer to the Finance Committee the financial analysis and request Staff obtain the services of a professional appraiser to review the value and cost to the City and Developer.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the professional appraiser analyze and report to Finance Committee the consideration of the term of the easement for the two floors of privately occupied space.

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Burt moved, seconded by Mayor Scharff that the financial analysis would include additional levels of parking below or a single level above grade.

AMENDMENT PASSED: 6-3 Kniss, Holman, Price no

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AMENDMENT TO THE SUBSTITUTE MOTION: Vice Mayor Shepherd moved, seconded by Mayor Scharff to allow Staff to work on a Memorandum of Understanding with 135 Hamilton LLC.

AMENDMENT TO THE SUBSTITUTE MOTION FAILED: 3-6 Kniss, Scharff, Shepherd yes

SUBSTITUTE MOTION PASSED: 7-2 Kniss, Scharff no

15. Public Hearing – Assessment for California Avenue Area Parking Bonds - Plan G: FY 2013-2014; Adoption of a Resolution Confirming Engineer’s Report and Assessment Roll, California Avenue Parking Project No. 92- 13 (For Fiscal Year 2013-2014)

MOTION: Mayor Scharff moved seconded by Council Member Berman to move Agenda Item Number 15 “Public Hearing – Assessment for California Avenue Area Parking Bonds - Plan G: FY 2013-2014; Adoption of a Resolution Confirming Engineer’s Report and Assessment Roll, California Avenue Parking Project No. 92- 13 (For Fiscal Year 2013-2014)” to be heard after Agenda Item Number 16 “Public Hearing: Consideration of 567-595 Maybell Avenue Planned Community(PC), including: (1) Approval of a Mitigated Negative Declaration; (2) Adoption of a Planned Community Ordinance Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 15 Unit Single Family and 60 Unit Affordable Rental Development for Seniors, including Two Concessions under State Density Bonus Law (Building Height and Daylight Plane); and (3) Approval of a Resolution Amending the Comprehensive Plan Designation for a Portion of the Site to Single Family Residential (from Multifamily Residential), for the Project Located at 567-595 Maybell Avenue.”

MOTION PASSED: 8-0 Burt absent

MOTION: Council Member Klein moved seconded by Council Member Berman to move Agenda Item Number 15 “Public Hearing – Assessment for California Avenue Area Parking Bonds - Plan G: FY 2013-2014; Adoption of a Resolution Confirming Engineer’s Report and Assessment Roll, California Avenue Parking Project No. 92- 13 (For Fiscal Year 2013-2014)” to Thursday, June 13, 2013.

MOTION PASSED: 8-0 Kniss absent

16. Public Hearing: Consideration of 567-595 Maybell Avenue Planned Community(PC), including: (1) Approval of a Mitigated Negative Declaration; (2) Adoption of a Planned Community Ordinance

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Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 15 Unit Single Family and 60 Unit Affordable Rental Development for Seniors, including Two Concessions under State Density Bonus Law (Building Height and Daylight Plane); and (3) Approval of a Resolution Amending the Comprehensive Plan Designation for a Portion of the Site to Single Family Residential (from Multifamily Residential), for the Project Located at 567-595 Maybell Avenue. *Quasi-Judicial

MOTION: Council Member Kniss moved seconded by Council Member Berman to continue Agenda Item Number 16 "Public Hearing: Consideration of 567-595 Maybell Avenue Planned Community(PC), including: (1) Approval of a Mitigated Negative Declaration; (2) Adoption of a Planned Community Ordinance Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 15 Unit Single Family and 60 Unit Affordable Rental Development for Seniors, including Two Concessions under State Density Bonus Law (Building Height and Daylight Plane); and (3) Approval of a Resolution Amending the Comprehensive Plan Designation for a Portion of the Site to Single Family Residential (from Multifamily Residential), for the Project Located at 567-595 Maybell Avenue. " to the Council Meeting on Thursday, June 13, 2013 at 6:00 P.M. at City Hall and move the City Council Retreat to a date in the first two weeks of August.

MOTION WITHDRAWN

MOTION: Council Member Kniss moved seconded by Council Member Berman to 1) continue Agenda Item Number 16 "Public Hearing: Consideration of 567-595 Maybell Avenue Planned Community(PC), including: (1) Approval of a Mitigated Negative Declaration; (2) Adoption of a Planned Community Ordinance Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 15 Unit Single Family and 60 Unit Affordable Rental Development for Seniors, including Two Concessions under State Density Bonus Law (Building Height and Daylight Plane); and (3) Approval of a Resolution Amending the Comprehensive Plan Designation for a Portion of the Site to Single Family Residential (from Multifamily Residential), for the Project Located at 567-595 Maybell Avenue" to the Council Meeting on Thursday, June 13, 2013 at 6:00 PM at City Hall and 2) move the City Council Retreat, currently scheduled for June 13, 2013 to a date in the first two weeks of August.

MOTION PASSED: 9-0

17. Continued Public Hearing and Proposition 218 Hearing: Adoption of Budget Amendment Ordinance for FY 2014, including Adoption of

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Operating and Capital Budgets and Municipal Fee Schedule; Adoption of 6 Resolutions, including: Adopting a Dark Fiber Rate Increase and Amending Utility Rate Schedules EDF-1 and EDF-2; Adopting a Water Rate Increase and Amending Utility Rate Schedules W-1, W-2, W-3, W-4 and W-7; Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Klein to continue Agenda Item Number 17 "Continued Public Hearing and Proposition 218 Hearing: Adoption of Budget Amendment Ordinance for FY 2014, including Adoption of Operating and Capital Budgets and Municipal Fee Schedule; Adoption of 6 Resolutions, including: Adopting a Dark Fiber Rate Increase and Amending Utility Rate Schedules EDF-1 and EDF-2; Adopting a Water Rate Increase and Amending Utility Rate Schedules W-1, W-2, W-3, W-4 and W-7; Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain" to June 13, 2013.

MOTION PASSED: 8-0 Kniss absent

18. Public Hearing: Adoption of a Resolution Adopting the 2007-2014 Housing Element of the Comprehensive Plan and Approving a Negative Declaration (continued from May 20, 2013) STAFF REQUESTS THIS ITEM BE CONTINUED TO JUNE 17, 2013

MOTION: Council Member Berman moved, seconded by Council Member Klein to continue Agenda Item Number 18 "Public Hearing: Adoption of a Resolution Adopting the 2007-2014 Housing Element of the Comprehensive Plan and Approving a Negative Declaration (continued from May 20, 2013)" to June 17, 2013.

MOTION PASSED: 8-0 Kniss absent

19. Discussion and Consideration of an Additional Council Meeting on June, 24, 2013

The Mayor announced that the Council decided by consensus a Special Council Meeting would be held on June 24, 2013.

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

None

ADJOURNMENT: This meeting was adjourned at 11:33 P.M.