



# CITY OF PALO ALTO CITY COUNCIL FINAL ACTION MINUTES

Special Meeting  
June 17, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

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

Absent:

## CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - GOVERNMENT CODE SECTION 54956.9(b), (c).

Potential Litigation: Construction of the Mitchell Park Library and Community Center.

2. 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, Aaron Aknin, Hamid Ghaemmaghami, Joe Saccio, Curtis Williams, Cara Silver, Meg Monroe, Molly Stump

*Negotiating Parties:* City of Palo Alto and United States Post Office

*Under Negotiation:* Purchase: Price and Terms of Payment.

Council returned from the closed session and Mayor Scharff noted no reportable action.

# FINAL ACTION MINUTES

## SPECIAL ORDERS OF THE DAY

2. Resolution 9343 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Curtis Williams Upon his Retirement."

**MOTION:** Council Member Holman moved, seconded by Council Member Price to approve the Resolution expressing appreciation to Curtis Williams upon his retirement.

**MOTION PASSED:** 9-0

## CONSENT CALENDAR

**MOTION:** Council Member Berman moved, seconded by Council Member Price to continue Agenda Item Number 9, "Award of Contract to EFACEC, ACS, Inc. for Electric SCADA System in an amount not to Exceed \$280,000" to a date uncertain per Staff recommendation.

**MOTION PASSED:** 8-1 Holman not participating

**MOTION:** Council Member Klein moved, seconded by Council Member Price to approve Agenda Item Numbers 4-8, and 10-23.

4. Approval of Memorandum of Understanding for the Formalizing of the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee.
5. Approval to Acquire a Tractor Drawn Aerial Ladder Truck for the Palo Alto Fire Department Through a Cooperative Purchase with the San Jose Fire Department in an amount not to exceed \$1,200,000.
6. Approval and Authorization of the City Manager to Execute the Amendment to the Special Facilities Agreement with VMware in the Amount of \$691,002 to Add Additional New Special Facilities.
7. Approval of Office of Emergency Services Command, Control, Communications, Computers and Information (C4I) Critical Emergency Response Contract.
8. Approval of a Contract with Spencon Construction, Inc. in the Amount of \$709,803 for the School Route Sidewalk Replacement Project – Capital Improvement Program, Sidewalk Repair Project PO-89003.

# FINAL ACTION MINUTES

9. Award of Contract to EFACEC, ACS, Inc. for Electric SCADA System in an Amount not to Exceed \$280,000.
10. Finance Committee Recommendation to Adopt Resolutions 9344, 9345, and 9346 entitled "Approving Three Power Purchase Agreements for the Acquisition of Project Output over 30 Years from Three Solar Photovoltaic Facilities for a Total Not to Exceed Amount of \$350 Million."
11. Approval of a Contract with Don Tucker & Son for Payment of \$2.50 or \$3.00 Per Cubic Yard to the City of Palo Alto for the Supply and Stockpiling of Imported Soil for Future Use on the Palo Alto Municipal Golf Course Renovation Project and the San Francisquito Creek Joint Powers Authority's Flood Reduction Project.
12. Approval of a Contract with Graham Contractors, Inc. in the Amount of \$975,699, for the FY 2014 Street Preventive Maintenance Program, the 1st of 2 Contracts in the FY 2014 Street Maintenance Program Project (CIP PE-86070).
13. Approval of a Contract Amendment to the Utilities Enterprise Fund Contract with Asplundh Tree Expert Company in an Amount Not To Exceed \$1,062,000 for a Period of One Year.
14. Staff and the Parks and Recreation Commission Recommend that Council Approve the Revised Field and Tennis Court Use Policy.
15. Approval of a Wastewater Treatment Fund Contract with Clean Harbors Environmental Services in a Total Amount Not to Exceed \$186,982.53 for the First Contract Year to Transport and Dispose of Ash and Sludge for the Regional Water Quality Control Plant with the Option to Renew for Two Additional One-Year Periods.
16. Resolution 9347 entitled "Resolution of the Council of the City of Palo Alto Authorizing Use of a Design-Build Project Delivery Method for Design and Installation of Replacement Lighting Dimming System at Cubberley Community Theatre (Project CC-09001)."
17. Approval of Two Contracts: (a) a Five-Year Contract with Gachina Landscape Management in the Amount of \$4,795,978 for Landscape Maintenance Services, and (b) a Contract with Acterra, Inc. in the Amount of \$188,516 for Habitat Restoration Work at Foothills Park; Adoption of a Budget Amendment Ordinance 5197 entitled "for \$226,823.95 for the Annual Incremental Cost Increase From Prior Contract Costs."
18. Approval of a Construction Contract to AmOne Corp in the Amount not to Exceed \$331,200 to Provide Renovation to the Parks and Trees Work Shop Area.

# FINAL ACTION MINUTES

19. Submittal of Mitchell Park Library and Community Center Bi-Monthly Construction Contract Report.
20. Ordinance 5198 entitled "Ordinance of the Council of the City of Palo Alto Approving the Rezoning of a 1.57-acre Site from Community Commercial With a Landscape Combining District (CC(L) to Public Facility with a Site and Design Combining District (PF(D)) Zone, for the Project located at 50 El Camino Real (First Reading-June 3, 2013 PASSED: 9-0)."
21. Approval of a Contract with JJR Construction, Inc. in the Amount Not to Exceed \$1,286,641 for the FY 2013 Concrete Repair Project, the 6th of 6 Contracts in the 2013 Street Maintenance Program Project (CIP PE-86070).
22. Approval of a Contract with Marsha Jurasin and Associates for Space Planning Services and Furniture for the 1st Floor of the Development Center and the City Manager's Office at a Cost Not to Exceed \$190,000.
23. Request for Authorization to Increase Existing Contract with the Law Firm of Rankin Landsness Lahde Serverian & Stock by an Additional \$80,000 For a Total Contract Not to Exceed Amount of \$165,000 for Legal Services Related to Tort Litigation Matters.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 4-8, 10-23: 9-0**

## ACTION ITEMS

- 23A. Continued Public Hearing (PUBLIC COMMENT WAS CLOSED ON JUNE 10 AND WILL BE REOPENED TO DISCUSS NARROW ISSUE OF PROPOSED COMPROMISE BETWEEN NEIGHBORHOOD REPRESENTATIVES AND APPLICANT, IF ANY): 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 9348 entitled "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 (continued from June 13, 2013)

# FINAL ACTION MINUTES

**MOTION:** Council Member Kniss moved, seconded by Council Member Price to:

- 1) Approve a Mitigated Negative Declaration (Attachment B) amended June 4, 2013;
- 2) Adopt a Planned Community Ordinance Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 12 Unit Single Family and 60 Unit Affordable Rental Development for Seniors (Attachment A), including Two Concessions under State Density Bonus Law (Building height and Daylight Plane); and
- 3) Approve 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 (Attachment C). Furthermore, to reduce the number of homes on Maybell from 9 to 6 and homes on both Maybell and Clemo would change from 3 stories to 2 stories.
- 4) Improve the street facing elevations of all single family units by varying setbacks of units along Maybell and Clemo; to strengthen and refine the design features, roof lines and landscaping of all housing units on the entire site; to provide shuttle services for senior housing residents;
- 5) To require the applicant to have an accelerated payment schedule of \$200,000 for Maybell Avenue improvements to ensure expediting of these improvements prior to the issuance of grading permits and building permits.
- 6) In the hazardous materials section of the mitigated negative declaration change "no impact" to "less than significant impact" in H(a) (b) (c) and add a mitigation measure of "sweep surrounding streets daily while contaminated soil is hauled offsite."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** to increase the front yard setbacks to a minimum of 20 feet on Maybell and require an average 10 ft separation between homes. On Maybell reduce number of homes to 7 instead of to 6 and from 6 to 5 on Clemo.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** allow the applicant to go to a height of 32 ½ feet to accommodate three stories on Clemo.

# FINAL ACTION MINUTES

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** The PC zone shall be approved as an overlay to the existing zoning. The property owner has the option of either developing under the PC development standards or the underlying zoning standards. If the property owner elects to proceed with the senior housing project, the PC zoning regulations shall supersede the underlying zoning.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** to share maintenance and landscaping staff, service coordinators, between Maybell Orchard and APAC (Arastradero Park Apartment Complex). Coordinate and share usage of van for residents of Maybell and APAC.

**AMENDMENT:** Council Member Schmid moved to change item two to "Adopt a Planned Community Ordinance Amending the Zoning Map to Change the Zone Designations from R-2 and RM-15 to Allow a 10 Unit Single Family and 60 Unit Affordable Rental Development for Seniors (Attachment A), including Two Concessions under State Density Bonus Law (Building height and Daylight Plane)."

**AMENDMENT FAILED DUE TO LACK OF A SECOND.**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** to change the "minimum of 20 ft setback on Maybell" to "20 ft average setback with a minimum of 18 ft," subject to site and design review by Architectural Review Board.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** to change Number 4 of the Motion to "Improve the street facing elevations of all single family units by varying setbacks and architectural styles of units along Maybell and Clemo; to strengthen and refine the design features, roof lines and landscaping of all housing units on the entire site; to provide shuttle services for senior housing residents"

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** to eliminate the two electric vehicle charging stations from the site and with equivalent funding from applicant, direct Staff to work with the community to find a suitable alternative location in the neighborhood.

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

Council took a five minute break at 10:38 p.m. and returned at 10:43 p.m.

# FINAL ACTION MINUTES

**MOTION:** Council Member Burt moved, Seconded by Council Member Berman to direct Staff to commence a traffic calming and pedestrian safety evaluation for Maybell that would go to the Planning and Transportation Commission prior to returning to Council for consideration.

**MOTION PASSED:** 9-0

**MOTION:** Council Member Price moved, seconded by Council Member Burt to direct Staff to work with the Palo Alto Unified School District on staggering school start times, expanding the School Pool Program (carpooling) and intensively marketing alternative, safe routes to school throughout the community.

**AMENDMENT:** Council Member Schmid moved to add possibility of looking at Ventura as a school site.

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**MOTION PASSED:** 9-0

24. Resolution 9349 entitled "Resolution of the Council of the City of Palo Alto Adopting the 2007-2014 Housing Element of the Comprehensive Plan and Approving a Negative Declaration (Continued from May 20, 2013)"

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve a Resolution (Attachment A) adopting the revised Housing Element 2007-14 of the Comprehensive Plan and approving a Negative Declaration with changes recommended by Staff with the San Antonio sites deleted and Maybell added in.

**MOTION PASSED:** 9-0

**MOTION:** Mayor Scharff moved, seconded by Council Member Berman to move to June 24, 2013 Agenda Item Numbers 25-27:

25. Recommendation from Finance Committee to Adopt a Resolution Amending the 2013 Management and Professional Compensation Plan and Adopt a Resolution Amending the City of Palo Alto Merit Rules and Regulations,

# FINAL ACTION MINUTES

26. Adoption of a Resolution Implementing Terms for Utilities Managers and Professionals Association of Palo Alto Pursuant to California Government Code Section 350, and
27. Adoption of a Resolution Approving Terms for Palo Alto Police Managers' Association.

**MOTION PASSED:** 8-1 Shepherd no

## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Vice Mayor Shepherd said she went to World Music Day the previous day and it seemed a very successful event.

ADJOURNMENT: The meeting was adjourned in honor of police dog of Aris z Kaplickeho hamru at 11:25 p.m.