



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
November 12, 2013

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

Present: Berman, Holman, Klein, Kniss arrived at 6:15 P.M., Price, Scharff, Schmid, Shepherd arrived at 6:15 P.M.

Absent: Burt

## CLOSED SESSION

### 1. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and (James Keene, Pamela Antil, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Dania Torres Wong, Melissa Tronquet, Brenna Rowe, Molly Stump, Khashayar Alaei)

Employee Organization: Service Employees International Union, (SEIU) Local 521

Authority: Government Code Section 54957.6(a)

The City Council Adjourned from the Closed Session at 7:20 P.M., Mayor Scharff announced there was no reportable action.

## AGENDA CHANGES, ADDITIONS, AND DELETIONS

**MOTION:** Council Member Price moved, seconded by Council Member Holman to continue Agenda Item Number 8, "Public Hearing: Approval of a Mitigated Negative Declaration and Record of Land Use Action for an Architectural Review Approval for the Demolition of an Existing 7,000 square-foot, Two-story Commercial Building and the Construction of a four-story, 50-foot, Mixed-use Building with a New Floor Area of 15,000 square feet, Including a Non-appealed Variance to Encroach into the Required Seven-foot Special Setback along Hamilton Avenue and to Encroach into the Required Six-foot Special Setback along Ramona Street, on a Parcel Zoned CD-C(GF)(P) located at 240 Hamilton Avenue" to December 9, 2013.

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**MOTION PASSED:** 8-0 Burt Absent

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Price to Continue Agenda Item Number 12, "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 Ghaemmaghani, Joe Saccio, Hillary Gitelman, 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 " to a date uncertain.

**MOTION PASSED:** 8-0 Burt Absent

Mayor Scharff announced that Agenda Item Number 9 "Tefra Public Hearing Regarding Conduit Financing for the Gideon Hausner Jewish Day School Project Located at 450, 470, 490 And 560 San Antonio Road, Palo Alto, and Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement and Equipping of Various Educational Facilities and Certain Other Matters Relating Thereto" would be heard prior to Agenda Item Number 7.

## CONSENT CALENDAR

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Price to approve Agenda Item Numbers 2-6.

2. Approval of Construction Contract to D&M Traffic in the amount not to exceed \$180,000 for Safe Routes to School Intersection Improvements at Various Locations.
3. Resolution Number 9381, entitled "Resolution of the Council of the City of Palo Alto Amending the City's Renewable Energy Resources Procurement Plan in Compliance with the California Energy Commission's Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities."
4. Approval of a Contract with Granite Construction Company in the Amount of \$2,700,818 for the FY2014 Asphalt Paving Project, the 2nd of 2 Contracts in the FY 2014 Street Maintenance Program Project (CIP PE-86070).
5. Approval of Professional Services Contract with Coalfire Systems, Inc. for Information Security Risk Assessment in the Amount of \$200,448.

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6. Second Reading of Ordinance Number 5215 entitled "Ordinance of the Council of the City of Palo Alto Adding Chapter 9.64 (Regulation of Community Facilities) of Title 9 (Public Peace, Morals, and Safety) to include Section 9.64.010 – Use of Community Facilities Prohibited from 10:30pm to Sunrise (First Reading; September 30, 2013, PASSED: 5-1-1 Holman no, Berman abstaining, Kniss, Price absent)."

**MOTION PASSED FOR AGENDA ITEM NUMBERS 2-5:** 8-0 Burt absent

**MOTION PASSED FOR AGENDA ITEM NUMBER 6:** 7-1 Holman no, Burt absent

## ACTION ITEMS

- 6a. (Former Agenda Item Number 9) Tefra Public Hearing Regarding Conduit Financing for the Gideon Hausner Jewish Day School Project Located at 450, 470, 490 And 560 San Antonio Road, Palo Alto, and Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement and Equipping of Various Educational Facilities and Certain Other Matters Relating Thereto.

**MOTION:** Council Member Holman moved, seconded by Council Member Price to 1) conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1983 (TEFRA) and the Internal Revenue Code of 1986, as amended (Code) and 2) adopt a resolution (Attachment A) approving the issuance of the bonds by the California Municipal Finance Authority (CMFA) for the benefit of Gideon Hausner Jewish Day School, Inc.

**MOTION PASSED:** 8-0 Burt Absent

7. Policy and Services Committee Recommends Adoption of an Ordinance to Add Chapter 16.61 to the Municipal Code to Establish a Public Art Program for Private Development, and Policy Direction to Initiate a Public Art Master Planning Process

**MOTION:** Council Member Kniss moved, seconded by Council Member Holman to 1) adopt an ordinance amending the Palo Alto Municipal Code to add Chapter 16.61 ("Public Art for Private Developments") for the purpose of establishing a public art requirement for new commercial and residential developments at the level of 1% of construction valuation and 2) direct Staff to engage the community in a Public Art Master Planning Process, and return

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to Council at a later date with a staffing proposal to support enhanced art programs and services.

**MOTION PASSED: 8-0:** Burt Absent

8. ~~Public Hearing: Approval of a Mitigated Negative Declaration and Record of Land Use Action for an Architectural Review Approval for the Demolition of an Existing 7,000 square foot, Two story Commercial Building and the Construction of a four story, 50 foot, Mixed use Building with a New Floor Area of 15,000 square feet, Including a Non-appealed Variance to Encroach into the Required Seven foot Special Setback along Hamilton Avenue and to Encroach into the Required Six-foot Special Setback along Ramona Street, on a Parcel Zoned CD-C(GF)(P) located at 240 Hamilton Avenue~~ **(STAFF REQUESTS THIS ITEM BE CONTINUED TO A DATE UNCERTAIN)**
9. ~~Tefra Public Hearing Regarding Conduit Financing for the Gideon Hausner Jewish Day School Project Located at 450, 470, 490 And 560 San Antonio Road, Palo Alto, and Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement and Equipping of Various Educational Facilities and Certain Other Matters Relating Thereto~~

Council Adjourned into the Closed Session at 9:02 P.M.

10. CONFERENCE WITH CITY ATTORNEY  
Subject: Written liability claim against the City of Palo Alto by Chuck Fong & Grace Wood (Claim No. C12034)  
Authority: Government Code section 54956.9  
  
Mayor Scharff reported out from the Closed Session that there was a settlement of the claim of Chuck Fong & Grace Wood in the amount of \$313,000.
11. CONFERENCE WITH CITY ATTORNEY  
Potential Litigation – One Matter  
Subject: Construction of the Mitchell Park Library and Community Center  
Authority: Government Code Section 54956.9
12. ~~CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CALIFORNIA, GOVERNMENT CODE SECTION 54956.8  
Property: U.S. Post Office, 380 Hamilton Avenue, Palo Alto 94301~~

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~~Agency Negotiators: James Keene, Lalo Perez, Hamid Ghaemmaghmi,  
Joe Saccio, Hillary Gitelman, 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~~

ADJOURNMENT: The meeting was adjourned in honor of the City of Palo in the Philippines at 11:30 P.M.