



# CITY OF PALO ALTO ACTION MINUTES

Special Minutes  
December 16, 2013

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 4:05 P.M.

Present: Berman, Burt arrived at 5:10 P.M., Holman arrived at 4:42 P.M., Klein, Kniss, Price arrived at 4:40 P.M., Scharff, Schmid arrived at 4:05 P.M., Shepherd

Absent:

## SPECIAL ORDERS OF THE DAY

1. Interviews of Candidates for the Storm Drain Oversight Committee.

The City Council interviewed the four candidates for the Storm Drain Oversight Committee.

## CLOSED SESSION

2. 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)

3. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Potential Litigation (as plaintiff/defendant) – One Matter

Subject: Construction of the Mitchell Park Library and Community Center

Authority: Government Code Section 54956.9

4. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Potential Litigation (as plaintiff) – One Matter

Subject: Senate Bill No. 7 – State interference with Constitutional power of Charter Cities to direct municipal affairs

Authority: Government Code Section 54956.9

4a. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Pending Litigation: *City of Palo Alto v. Palo Alto Hills Golf Country and Club*, Santa Clara County Superior Court Case No. 1-13-CV-245626  
Authority: Government Code Section 54956.9

The City Council returned from the Closed Session at 7:04 P.M. Mayor Scharff announced there was no reportable action.

MINUTES APPROVAL

**MOTION:** Council Member Price moved, seconded by Vice Mayor Shepherd to approve the minutes of November 04, 2013.

**MOTION PASSED:** 9-0

CONSENT CALENDAR

**MOTION:** Council Member Holman moved, seconded by Council Member Schmid, third by Council Member XXX to pull Agenda Item Number 7 from the Consent Calendar.

**MOTION FAILED DUE TO LACK OF A THIRD**

**MOTION:** Council Member Schmid moved, seconded by Council Member Holman, third by Council Member Burt to remove Agenda Item Number 10: Council Review of an Appeal of the Director's Architectural Review And Sign Exception Approval of the Installation of One Projecting Sign on a 50,500 sq. ft. Two-Story Mixed Use Building Located at 3445 Alma Street (Alma Plaza/Village) in the Planned Community (PC-4956) Zoning District. Exempt from the Provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Existing Facilities), to become Agenda Item Number 15A.

**MOTION:** Vice Mayor Shepherd moved, seconded by Council Member Kniss to approve Agenda Item Numbers 5-9 and 11-15.

5. Approval of a Contract with Walsh Electronics Systems Technology in a Total Amount of \$419,823 for Phase III of the Video Surveillance and Intrusion Detection System Project (EL-04012) at Four of the City's Electric Substations.
6. Finance Committee Recommendation to Accept the Audit of Contract Oversight: Trenching and the Installation of the Electric Substructure

7. 636 Waverley Street [13PLN-00262]: Council Consideration of an Appeal of the Director of Planning and Community Environment's Decision to Approve the Architectural Review of a New Mixed-Use Development. The Proposed Four-Story 10,278 sq. ft. Building Includes 4,800 sq. ft. of Commercial Uses on the First and Second Floors and Two Residential Units on the Third and Fourth Floors in the CD-C(P) Zoning District; the Project Provides 20 Parking Spaces in a Below Grade Garage. Environmental Assessment: Exempt from the Provisions of the California Environmental Quality Act (CEQA) per Sections 15303 and 15332.
8. Request for Authorization to Increase Compensation of Existing Legal Services Agreements with (1) the Law Firm of Burke, Williams & Sorensen, LLP by \$65,000 for a Total Not to Exceed Amount of \$185,000 for Litigation Matters and (2) the Law Offices of Scott Pinsky by \$40,000 for a Total Not to Exceed Amount of \$80,000 for Litigation Matters.
9. Authorization to Submit Our Town Grant Application to the National Endowment for the Arts.
11. Approval of Wastewater Treatment Enterprise Fund Contract with QLM Inc. in the Amount of \$1,034,681 for the Regional Water Quality Control Plant Landscaping Construction Project--Capital Improvement Program Project WQ-80021.
12. Resolution 9385 entitled "Resolution of the Council of the City of Palo Alto to Implement New Retirement Health Savings Plan and Designation of City Manager as Administrator of the Plan Document."
13. Approval of a Contract with Finite Matters Ltd. For Budget Document Publication Software at a Cost Not to Exceed \$221,330.
14. Request Direction to Staff Regarding Stay Enforcement of Vehicle Habitation Enforcement Ban Ordinance.
15. Approval of Contract Number C14152214 in the Amount of \$2,000,000 with Toubar Equipment Company Inc. for Soil Brokering and Closure Maintenance Assistance Services at the Palo Alto Landfill and Adoption of a Resolution 9386 entitled "Resolution of the Council of the City of Palo Alto Approving the Third Amendment of Lease PRC 7348.9 with the California State Lands Commission for Additional Use of Lands Claimed by the State."

Council Member Schmid registered a no vote on Agenda Item Number 7.

Council Member Holman registered a no vote on Agenda Item Number 7.

**MOTION PASSED for AGENDA ITEM NUMBERS 5-9, and 11-15:** 9-0

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

#### ACTION ITEMS

15A. (Former Agenda Item Number 10) Council Review of an Appeal of the Director's Architectural Review And Sign Exception Approval of the Installation of One Projecting Sign on a 50,500 sq. ft. Two-Story Mixed Use Building Located at 3445 Alma Street (Alma Plaza/Village) in the Planned Community (PC-4956) Zoning District. Exempt from the Provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Existing Facilities).

**MOTION:** Council Member Kniss moved, seconded by Council Member Klein to deny the appeal by approving this item, and upholding the Director's decision to approve the Architectural Review/Sign Exception application subject to the conditions on the Record of Land Use Action.

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member XX that the signage be changed to a banner sign rather than an internally lit sign.

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

**MOTION PASSED:** 6-3 Holman, Price, Schmid no

Council took a break at 9:47 P.M.

Council returned from break at 9:57 P.M.

Mayor Scharff announced Agenda Item Numbers 17 and 18 would not be heard this evening.

16. Council Discussion and Direction to Staff Regarding the 567-595 Maybell Avenue Site (Continued from December 9, 2013).

**MOTION:** Council Member Kniss moved, seconded by Council Member Price that the City Council direct Staff to take no action terminating the loan agreement for the property at 567-595 Maybell Avenue and to closely monitor future changes to the inventory of housing sites identified in the City's 2007-2014 Housing Element as a result of the defeat of Measure D on November 5, 2013.

**MOTION PASSED:** 9-0

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to continue Agenda Item Numbers 17 and 18 to a date uncertain.

~~17. Council Review and Policy Direction to Staff on the Residential Parking Permit Program Framework.~~

~~18. 2013 Year in Review.~~

**MOTION PASSED:** 9-0

ADJOURNMENT: The meeting was adjourned at 11:08 P.M.