

ACTION MINUTES

Special Meeting
October 03, 2011

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:05 P.M.

Present: Burt, Espinosa, Holman, Klein, Scharff, Schmid, Shepherd,

Absent: Price, Yeh

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION

Subject: Citizens for Upholding Zoning Regulations v. City of Palo Alto
Santa Clara County Superior Court Case No. 1-07-CV-07836

Authority: Government Code section 54956.9(a)

The City Council reconvened from the Closed Session at 6:10 p.m. and Mayor Espinosa advised no reportable action.

STUDY SESSION

2. Potential Topics of Discussion for the Joint Study Session Special Meeting With the Historic Resources Board.

The discussion included an overview of the role of the Historic Resources Board; highlights of successfully completed projects reviewed by the Historic Resources Board; a progress report of the development of the Professorville Design Guidelines, and items of future Historic Resources Board focus, including incentives for historic preservation, streamlining the historic review process and compatible design for historic structures. The Council encouraged the completion of the Professorville Design Guidelines in order to provide more certainty to homeowners, an update to the Historic Resources Board website to provide more relevant information, early review of projects by the Historic Resources Board to provide guidance on development projects, and educational opportunities for Council Members, including topics on incentives, the Secretary Standards, and sustainability as it relates to historic preservation.

10/03/2011

3. Study Session and Presentation from Valley Transportation Authority (VTA) Staff Regarding the Proposed One Bay Area Grant Program.

The Santa Clara Valley Transportation Authority (VTA) provided an update on Metropolitan Transportation Commission (MTC) plans to implement a new One Bay Area Grant (OBAG) program for the region. OBAG would distribute more funds directly to the local congestion management agencies for each county but propose restrictions on a portion of those funds to housing elements and areas surrounding future housing growth areas. The VTA serves as the local congestion management agency for Santa Clara County. VTA noted their support for OBAG as it would provide an additional \$54M in funds to the county but did have concerns regarding restrictions on the use of funds to housing elements and programs. Comment letters to MTC on the program are due in November so that they can be taken into consideration by MTC in December.

SPECIAL ORDERS OF THE DAY

4. Community Partnership Presentation by the Palo Alto Menlo Park Parents Club.
5. Selection of Candidates to be Interviewed for the Parks and Recreation Commission for Three Terms Ending on December 31, 2014.

MOTION: Council Member Klein moved, seconded by Council Member Holman to interview all candidates for the Parks and Recreation Commission for three terms ending on December 31, 2014.

MOTION PASSED: 7-0 Price, Yeh absent

6. Selection of Candidates to be Interviewed for the Storm Drain Oversight Committee for Two Terms Ending on December 31, 2015.

MOTION: Council Member Klein moved, seconded by Council Member Shepherd to instruct the City Clerk to return on October 17, 2011 with a recommendation for Council to appoint the two incumbent applicants to serve on the Storm Drain Oversight Committee for two terms ending on December 31, 2015.

AMENDMENT: Council Member Schmid moved, seconded by Council Member XXX for the City Council to meet with each incumbent to discuss their experience prior to reappointing them.

AMENDMENT FAILED DUE TO LACK OF A SECOND

MOTION PASSED: 7-0 Price, Yeh absent

7. Selection of Candidates to be Interviewed for the Public Art Commission for One Unexpired Term Ending April 30, 2012.

MOTION: Council Member Holman moved, seconded by Council Member Scharff to interview all candidates for the Public Art Commission for one unexpired term ending April 30, 2012.

MOTION PASSED: 7-0 Price, Yeh absent

APPROVAL OF MINUTES

8. Council Meetings of July 25, 2011, August 1, 2011, September 6, 2011

MOTION: Council Member Shepherd moved, seconded by Council Member Schmid to approve the minutes of July 25, 2011, August 1, 2011, and September 6, 2011.

MOTION PASSED: 7-0 Price, Yeh absent

CONSENT CALENDAR

MOTION: Council Member Schmid moved, seconded by Council Member Scharff to pull Agenda Item No. 11, to become Agenda Item No. 12a.

MOTION: Council Member Klein moved, seconded by Council Member Scharff to approve Agenda Item Nos. 9, 10, and 12.

9. Budget Amendment Ordinance 5130 in the amount of \$205,400 to Capital Improvement Program Project PE-00104 and Approval of Contract with Del Conte's Landscaping, Inc. in the total amount of \$754,977 for San Antonio Landscaping Improvement Project – Phase II.
10. Transmittal of Final Energy/Compost Feasibility Study and Recommendation to Return to Council with Further Recommendations in November, 2011.
- ~~11. Approval of a Amendment No. 1 to Contract C11136602 with Alternative Resources, Inc. in the amount of \$17,500 for a Total Not to Exceed Amount of \$215,258 for the Energy/Compost Feasibility Study.~~
12. Approval of Annual Report of Williamson Act Contracts Within the City of Palo Alto.

MOTION PASSED for 9, 10, and 12: 7-0 Price, Yeh absent

AGENDA CHANGES, ADDITIONS, AND DELETIONS

12a. (Former No. 11) Approval of a Amendment No. 1 to Contract C11136602 with Alternative Resources, Inc. in the amount of \$17,500 for a Total Not to Exceed Amount of \$215,258 for the Energy/Compost Feasibility Study.

MOTION: Council Member Klein moved, seconded by Council Member Burt to hear Agenda Item No. 12a after Item 13, to become Agenda Item No. 13a.

MOTION PASSED: 7-0 Price, Yeh absent

ACTION ITEMS

13. Public Hearing: Consideration of an Appeal of an Architectural Review Approval, a tentative Map for Condominium Purposes, and a Record of Land Use Action (1) Approving a Mitigated Negative Declaration, (2) Upholding the Director's Architectural Review Approval of a Three Story Development Consisting of 84 Residential Units within the Upper Floors, 50,467 s.f. Ground Floor Research and Development area, Subterranean and Surface Parking Facilities, and Offsite Improvements, with Two Concessions requested under State Government Code 65915 and (3) Approving a Tentative Map for Condominium Purposes on a 2.5 Acre Parcel at 195 Page Mill Road and 2865 Park Boulevard (*Continued from September 19, 2011*).

Public Hearing opened at 9:29 p.m.

Public Hearing closed at 10:09 p.m.

MOTION: Council Member Holman moved, seconded by Council Member Burt to direct the applicant to pursue the project as a Pedestrian Transit Oriented Development (PTOD) rezoning project and return to the Planning and Transportation Commission for review of the rezone, prior to final Council action.

AMENDMENT: Council Member Scharff moved, seconded by Council Member XXX to request no more than a 15 percent parking reduction.

AMENDMENT FAILED DUE TO LACK OF A SECOND.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to allow Retail and Development use with minimum levels of hazardous materials with thresholds established by Staff to return to Council for approval.

MOTION PASSED: 7-0 Price, Yeh absent

13a. (Former No. 11) Approval of a Amendment No. 1 to Contract C11136602 with Alternative Resources, Inc. in the amount of \$17,500 for a Total Not to Exceed Amount of \$215,258 for the Energy/Compost Feasibility Study.

MOTION: Council Member Scharff moved, seconded by Council Member XXX to not authorize the execution of the contract amendment with Alternative Resources Incorporated in the amount of \$17,500 for the Energy/Compost Feasibility Study.

MOTION FAILED DUE TO LACK OF A SECOND

NO ACTION TAKEN

14. City Clerk's Report Certifying Sufficiency of the Petition for Three Medical Marijuana Dispensaries in Palo Alto and Direction to Staff to Prepare Resolution Calling Election in November 2012.

MOTION: Council Member Klein moved, seconded by Council Member Scharff to accept the City Clerk's Certificate of Sufficiency of the Initiative petition to permit three medical marijuana dispensaries in Palo Alto and to direct Staff to return at a later meeting with a Resolution calling a special election for November 6, 2012 on the Initiative measure.

AMENDMENT: Council Member Holman moved, seconded by Council Member Schmid to request Staff conduct additional research and return to Council in the spring of 2012.

AMENDMENT FAILED: 2-5 Holman, Schmid yes, Price, Yeh absent

MOTION PASSED: 7-0 Price, Yeh absent

The Closed Session under Agenda Item No. 15 regarding the case of Beck v. Lindsey will be continued to a date uncertain.

CLOSED SESSION

~~15. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION~~

- ~~—Subject: — M. Beck v. D. Lindsey, et al.~~
- ~~—Santa Clara County Superior Court Case No. 1-09-CV-157305~~
- ~~—Authority: —Government Code section 54956.9(a)~~

~~—CONFERENCE WITH CITY ATTORNEY-ANTICIPATED LITIGATION~~

- ~~—Significant exposure to litigation pursuant to subdivision (b) of~~
- ~~—Section 54956.9 (one potential case).~~

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Shepherd updated Council regarding the most recent City/School Committee Meeting. She stated enrollment was continuing to increase. Their budget deficit was running on reserves which will run out in the 2013-2014 school year.

Council Member Burt reported on the success of the Palo Alto International Film Festival.

Council Member Holman reported on the League of California Cities meeting she recently attended. She said Project Safety Net was an award winner. She discussed the prescription discount card that was available to League Cities.

MOTION: Council Member Scharff moved, seconded by Council Member Burt to agendize the Palo Alto Municipal Golf Course Reconfiguration Project including options to create playing fields out of any freed up acreage.

Council Member Klein requested Staff provide the Council and Public the proposed Fire Fighters Union contract.

Mayor Espinosa reported on the votes taken at the League of California Cities Meeting. He said everything the City of Palo Alto requested was approved, and he would send out additional details later.

ADJOURNMENT: The meeting was adjourned at 1:13 A.M.