

# CITY OF PALO ALTO CITY COUNCIL Action Minutes

Regular Meeting October 6, 2014

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

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

Absent: Klein

#### STUDY SESSION

- 1. City Council Study Session with Senator Jerry Hill.
- 2. Planned Community (PC) Zoning Reform.

#### SPECIAL ORDERS OF THE DAY

3. Selection of Applicants to Interview on October 15, 2014 for the Architectural Review Board and the Historic Resources Board, and Selection of Applicants to Interview on October 22, 2014 for the Planning and Transportation Commission.

**MOTION:** Mayor Shepherd moved, seconded by Council Member Price to move Agenda Item Number 3 to the end of the meeting before the Closed Sessions.

#### MOTION PASSED: 8-0 Klein absent

4. Community Partnership Presentation by Gamble Gardens.

#### AGENDA CHANGES, ADDITIONS AND DELETIONS

**MOTION:** Council Member Price moved, seconded by Council Member Berman to move Agenda Item Number 18 - Policy Discussion on Whether to Conduct a Closed Session Prior to an Open Session to Discuss the 2014-2015 Management & Professional Compensation Plan; Possible Referral to

Policy & Services Regarding Closed/Open Session Practice for Compensation Matters, to a date uncertain.

MOTION PASSED: 8-0 Klein absent

#### MINUTES APPROVAL

**MOTION:** Council Member Price moved, seconded by Vice Mayor Kniss to approve the minutes of August 18, 2014.

Council Member Scharff registered a no vote on these minutes, because he felt they should be verbatim.

**SUBSTITUTE MOTION:** Council Member Burt moved, seconded by Council Member Holman to continue approval of the minutes, to allow Council Members to provide corrections, to the October 20, 2014 Council meeting.

**SUBSTITUTE MOTION PASSED: 8-0 Klein absent** 

#### CONSENT CALENDAR

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

Council Member Schmid registered a no vote on Agenda Item Number 5.

- 5. Staff and Utilities Advisory Commission Recommendation that the City Council Adopt a <u>Resolution 9454</u> entitled "Resolution of the Council of the City of Palo Alto Approving Revisions to the City of Palo Alto Energy Risk Management Policy."
- 6. Approval of a Water Enterprise Fund Professional Services Contract with G&E Engineering Systems, Inc. in a Not to Exceed Amount of \$268,400 for the Performance of a Water System Condition Assessment Master Study and a Seismic Master Study (WS-11003).
- 7. Approval of Amendment to the Lease with R&T Restaurant Corporation for Palo Alto Municipal Golf Course Restaurant, 1875 Embarcadero Road and Adoption of Related <u>Budget Amendment Ordinance 5273</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto in the General Fund."

- 8. Approval of a Contract with the San Francisquito Creek Joint Powers Authority in the Amount of \$500,000 for the Baylands Levee Improvements Feasibility Study, Capital Improvement Program Project PE-15028.
- 9. Approval of a Purchase Order with Owen Equipment in a Not to Exceed Amount of \$785,469 for the Purchase of Two Vacuum/Flush Trucks (Scheduled Vehicle and Equipment Replacement Capital Improvement Program VR-13000).
- 10. Resolution 9461 entitled "Resolution of the Council of the City of Palo Alto Extending the Crescent Park No Overnight Parking Boundaries and Program Trial for Additional 12 Months."
- 11. Response to the Notice of Preparation of an Environmental Impact Report for the City of East Palo Alto General Plan Update.
- 12. Request for Approval of a Three-Year Blanket Purchase Order with Granite Rock Company in the Total Amount of \$1,060,830 to be the Primary Supplier of Asphalt Concrete Products and Request for Approval of a Three-Year Blanket Purchase Order with Granite Construction Company in the Total Amount of \$270,000 to be the Secondary Supplier of Asphalt Concrete Products, with Both Blanket Purchase Orders Supplying the Public Works and Utilities Departments From September 22, 2014 through September 21, 2017 (Continued From September 22, 2014).
- 13. Ordinance 5274 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 2.28.090 (Lapse of Appropriation) of Chapter 2.28 (Fiscal Procedures), Repealing Section 2.08.145 (Consultation with City Auditor) and Amending Section 2.08.150 (Department of Administrative Services) of Section 2.08 (Officers and Departments) (First Reading: September 22, 2014 PASSED: 9-0)."
- 14. Approval of Annual Williamson Act Contracts and Acceptance of Nonrenewal Notice from Midpeninsula Regional Open Space District for 5061, 5065, 22601 Skyline Boulevard.
- 15. Adoption of an Ordinance Creating a Business Registry in the City of Palo Alto and Adoption of a <u>Budget Amendment Ordinance 5275</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2015 for Costs Related to the Implementation

of a Business Registration Program for all Businesses Occupying Commercial Space Within the City and Amendment to the Municipal Fee Schedule and Administrative Penalty Schedule."

MOTION PASSED for Agenda Item Number 5: 7-1 Schmid no, Klein absent

MOTION PASSED for Agenda Item Numbers 6-15: 8-0 Klein absent

#### **ACTION ITEMS**

16. Public Hearing: Adoption of an Ordinance Establishing Underground Utility District No. 46 (Arastradero Road/ El Camino Real/ W. Charleston Road) by amending Section 12.16.02 of the Palo Alto Municipal Code.

Public Hearing opened at 9:36 P.M.

Public Hearing closed at 9:37 P.M.

**MOTION:** Council Member Price moved, seconded by Council Member Burt to adopt the Ordinance to create Underground Utility District No. 46 and thereby amending section 12.16.02 of the Palo Alto Municipal Code.

MOTION PASSED: 8-0 Klein absent

17. Council Review and Direction to Staff Regarding the Risk Assessment for Storing and Handling Hazardous Materials at 607-811 Hansen Way (CPI) and Possible Zoning Ordinance Amendments.

**MOTION:** Council Member Price moved, seconded by Vice Mayor Kniss to direct Staff to prepare a draft Ordinance for review by the Planning and Transportation Commission (PTC) and consideration by the City Council in early 2015. The Ordinance should amend the list of uses in the Zoning Code to explicitly identify plating shops, prohibit plating shop uses within a specific distance of residential uses and residential zoning districts, and incorporate an amortization schedule based on updated information on the value of affected investments.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to: 1) identify uses from similar operations with similar hazards; 2) identify additional incompatible adjacent uses (schools, retail, restaurant); 3) identify appropriate volume of hazardous materials

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thresholds and possibly establishing tiers in the Ordinance for facilities covered; and 4) have AECOM review the ENVIRON analysis of the most extreme risk scenarios.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to return to Council with an informational report before the end of 2014 on the status.

MOTION AS AMENDED PASSED: 8-0 Klein absent

- 18. Policy Discussion on Whether to Conduct a Closed Session Prior to an Open Session to Discuss the 2014-2015 Management & Professional Compensation Plan; Possible Referral to Policy & Services Regarding Closed/Open Session Practice for Compensation Matters.
- 3. Selection of Applicants to Interview on October 15, 2014 for the Architectural Review Board and the Historic Resources Board, and Selection of Applicants to Interview on October 22, 2014 for the Planning and Transportation Commission.

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Kniss to: 1) interview all candidates; and 2) have the candidates who have applied for multiple boards or commissions to pick one board or commission they want to be interviewed for.

MOTION PASSED: 8-0 Klein absent

19. Cubberley Community Center Lease Status and Update.

**MOTION:** Council Member Scharff moved, seconded by Council Member Berman to have Council move into the Closed Session.

**MOTION PASSED:** 8-0 Klein absent

INTER-GOVERNMENTAL LEGISLATIVE AFFAIRS

None

CITY MANAGER COMMENTS

City Manager, James Keene reported that this week is Fire Prevention Week and this month is Breast Cancer Awareness Month. There is a provocative

public art project that includes 20 signs placed throughout the downtown area, that pose different questions regarding the City and living here.

#### COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

None

The City Council went into the Closed Session at 11:43 P.M.

#### **CLOSED SESSION**

20. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CALIFORNIA GOVERNMENT CODE SECTION 54956.8

#### Properties:

Cubberley Community Center, 4000 Middlefield Road, Palo Alto 94306 (including 8 acres owned by the City of Palo Alto and remaining acres owned by the Palo Alto Unified School District); and Ventura School site, 3990 Ventura Court, Palo Alto 94306

#### Agency Negotiators:

James Keene, Lalo Perez, Joe Saccio, Hamid Ghaemmaghami, Greg Betts, Rob De Geus, Thomas Fehrenbach, Molly Stump

#### Negotiating Parties:

City of Palo Alto and Palo Alto Unified School District

#### **Under Negotiation:**

Lease and/or Purchase/Sale\*

- \*Purchase/sale is listed to comply with Brown Act legal requirements, and includes other transactions such as easements, options, rights of first refusal and land exchanges. The City is not considering selling any of its interests in Cubberley or Ventura.
- 21. CONFERENCE WITH CITY ATTORNEY EXISTING LITIGATION Subject: Sterling Park, L.P. v. City of Palo Alto, et al. Santa Clara County Superior Court, Case No.109-CV-154134 Subject Authority: Government Code section 54956.9

The City Council reconvened from the Closed Session at 12:25 A.M. and Mayor Shepherd announced there was no reportable action.

ADJOURNMENT: The meeting was adjourned at 12:25 A.M.