

ACTION MINUTES

Special Meeting
June 11, 2012

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:30 P.M.

Present: Burt, Espinosa arrived @ 5:35 P.M., Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY - EXISTING LITIGATION

Subject: City of Palo Alto et al. v. California High-Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2010-80000679 / 3rd District Court of Appeal Case No.: C070877
Authority: Government Code section 54956.9(a)

2. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Potential Litigation Relating to High Speed Rail
Section 54956.9(c) - Potential Initiation of Litigation - 1 Case

3. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Potential Litigation Relating to State Water Project Property Tax Levy
Section 54956.9(c) - Potential Initiation of Litigation - 1 Case

4. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL

Potential Litigation Relating to Water Service Charges, Palo Alto Hills Golf Country Club
Section 54956.9(c) - Potential Initiation of Litigation - 1 Case

Council Member Holman did not participate in Agenda Item No. 4 as she holds ownership in the Palo Alto Hills Golf and Country Club.

The City Council reconvened from the Closed Sessions at 7:16 P.M. and Mayor Yeh announced no reportable action.

Special Orders of the Day

5. Proclamation Recognizing World Music Day

Council Member Espinosa read the Proclamation into the record.

Minutes Approval

MOTION: Council Member Shepherd moved, seconded by Council Member Schmid to approve the minutes of March 12, 2012.

MOTION PASSED: 9-0

Consent Calendar

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

MOTION: Vice Mayor Scharff moved, seconded by Council Member Price to approve Agenda Item Nos. 6-8.

6. Approval of Contract with Graham Contractors, Inc. in the Amount of \$847,510 for the Pavement Resealing Project, the 2nd of 6 Contracts in the 2012 Street Maintenance Program Project (CIP PE-86070).
7. Ordinance 5158 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) to Change the Classification of Property Located at 335 and 355 Alma Street from CD-C(P) and CN-N(P) to PC Planned Community Zone (PC_) for a Mixed Office and Retail, Four-Story, 50 Foot Tall Building (and a 70 Foot Tall Corner Tower Feature) on the Former Shell Station Site. The Project Includes Exceptions to the Daylight Plane and 35 Foot Height Limit Within 150 Feet of Residential Property." (First Reading May 14, 2012 - Passed 7-2) (Continued from June 4, 2012).
8. Approve and Authorize the City Manager to Execute Contract Amendment No. 1 to Contract No. C10135025 in the Amount of \$266,647 with Alta Planning + Design for Preliminary Design and Environmental Assessment Services for the Pedestrian & Bicycle Overpass at Highway 101 (PE-11011) and Feasibility Study of Adobe Creek Reach Trail Project Leading to the Overpass for a Total Contract Amount Not to Exceed \$338,929.

MOTION PASSED for Agenda Item Nos. 6, 8: 9-0

MOTION PASSED for Agenda Item No. 7: 8-1 Holman no

Action Items

9. Public Hearing – Approval of an Ordinance Adopting the Fiscal Year 2013 Budget, including the Fiscal Year 2013 Capital Improvement Program, and Changes to the Municipal Fee Schedule; Adoption of 10 Resolutions to: 1) Adopt a Dark Fiber Utility Rate Increase and Amend Utility Rate Schedules; 2) Amend Gas Utility Rate Schedules for a Rate Decrease and Amend Utility Rules and Regulations; 3) Adopt a Wastewater Collection Utility Rate Increase and Amend Utility Rate Schedules; 4) Adopt a Water Utility Rate Increase and Amending Utility Rate Schedules; 5) Amend Storm Drain Utility Rate Schedules for a Rate Increase; 6) Amend Refuse Utility Rate Schedules for a Rate Increase; 7) Amend the 2010-2011 Compensation Plan for Management and Professional and Council Appointees; 8) Amend the 2010-2011 Compensation Plan for the Service Employees International Union (SEIU); 9) Amend the 2010-2014 Compensation Plan for the International Association of Fire Fighters (IAFF); and 10) Amend the 2010-2014 Compensation Plan for the Fire Chiefs' Association (FCA).

Public Hearing opened at 8:39 P.M.

Mayor Yeh advised the Public Hearing would be continued to the meeting of June 18, 2012.

Council Member Klein advised he would not be participating in portions of Agenda Item 9, the Police and Fire Budgets, and the CIP Budget, related to Stanford University as his wife is a faculty member.

Mayor Yeh advised he would not be participating in portions of Agenda Item 9, the Police and Fire Budgets, and the CIP Budget, related to Stanford University as his wife is a graduating Stanford student of the PHD program.

Council Member Burt was absent from the meeting from 9:30 P.M. until 10:24 P.M.

10. Public Hearing – Assessment for California Avenue Area Parking Bonds – Plan G: FY 2012-2013; Resolution 9256 entitled "Resolution of the Council of the City of Palo Alto Confirming Engineer's Report and

Assessment Roll, California Avenue Parking Project No. 92-13 (For Fiscal Year 2012-2013)".

Public Hearing opened and closed without public speakers at 10:23 P.M.

MOTION: Council Member Espinosa moved, seconded by Council Member Klein to accept Staff recommendation to adopt the Resolution confirming the Engineer's Report and Assessment Roll for California Avenue District, Project No. 92-13.

MOTION PASSED: 9-0

11. Public Hearing - Approval of a Tentative Map and Record of Land Use Action to Create Six Residential Condominium Units at 382 and 384 Curtner Avenue.

Public Hearing opened at 10:31 P.M

Public Hearing closed at 10:32 P.M.

MOTION: Council Member Shepherd moved, seconded by Council Member Espinosa to accept Staff recommendation to approve the proposed Tentative Map to create six residential condominium units at 382 and 384 Curtner Avenue, based upon findings and conditions contained within the draft Record of Land Use Action.

MOTION PASSED: 9-0

Council Member Questions, Comments and Announcements

Council Member Klein asked questions regarding Agenda Item No. 8 and the potential funds coming from Santa Clara County to assist in paying for this project.

City Manager, James Keene stated that sometime within the next month this item would come back to the City Council. He has been in discussions with Stanford representatives.

Council Member Burt stated that at the meeting with Stanford this past week he requested a copy of the GUP (General Use Permit) agreement for Council Members to review.

Ms. Stump stated she would send it to Council Members.

Council Member Klein urged Council and City Staff to have conversations with County Supervisors.

Council Member Burt stated he believed there is language in the GUP around Stanford turning funds over to Santa Clara County.

Mr. Keene stated Staff has had several conversations with Santa Clara County staff.

MOTION: Mayor Yeh moved, seconded by Council Member Price to continue Agenda Item Nos. 2 and 3 to a date uncertain.

MOTION PASSED: 9-0

Council convened into the Closed Session at 10:34 P.M.

Council reconvened from the Closed Session at 11:25 P.M. and Mayor Yeh announced no reportable action.

Adjournment: The meeting was adjourned at 11:25 P.M.