

CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting September 15, 2014

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:02 P.M.

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

Shepherd

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL Potential Litigation Relating to the Mitchell Park Library and Community Center Construction
Significant Exposure to Litigation: 1 Potential Case

Potential Initiation of Litigation: 1 Potential Case Authority: Government Code Section 54956.9

2. CONFERENCE WITH CITY ATTORNEY - EXISTING LITIGATION Subject: Golin v. Allenby, San Mateo County Superior Court, Case No. CIV507159

Subject Authority: Government Code section 54956.9

The City Council reconvened from the Closed Session at 7:24 P.M., and Mayor Shepherd announced that the Council met in Closed Session to discuss anticipated litigation related to the Mitchell Park Library and Community Center. The Council voted to direct Staff to initiate the Contract Dispute procedure under Paragraph 14.4 of the Contract by serving Flintco Pacific with a Notice of Contract Dispute in anticipation of proceeding to formal direct negotiations, mediation, and arbitration.

Study Session

3. Public Safety Update & Threat Hazard Identification and Risk Assessment (THIRA).

Special Orders of the Day

- 4. Proclamation for Jasmina Bojic Recipient of United Nations Educational Scientific and Cultural Organization's Fellini Medal.
- 5. United Nations Association Film Festival (UNAFF) Proclamation.

Agenda Changes, Additions and Deletions

MOTION: Council Member Holman moved, seconded by Council Member Burt to bring Agenda Item Number 11 forward to be heard before Agenda Item Numbers 9 and 10.

MOTION PASSED: 9-0

Minutes Approval

MOTION: Council Member Price moved, seconded by Council Member Berman to approve the minutes of August 11, 2014.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Klein moved, seconded by Council Member Berman to approve Agenda Item Numbers 6-8.

- 6. Finance Committee Recommendation that the City Council Adopt a Resolution 9451 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City's Participation in a Natural Gas Purchase from Municipal Gas Acquisition and Supply Corporation for the City's Entire Retail Load, an Amount Estimated to be Approximately \$150 Million over Ten Years, Waiving the City's Choice of Law and Venue Requirements, and Authorizing the City Manager to Execute all Associated Agreements Required to Effect the Natural Gas Purchase."
- 7. Resolution 9458 entitled "Resolution of the Council of the City of Palo Alto to Adopt a New Rate Schedule for Net Energy Metering Aggregation Customers, Revise Rules and Regulations 2 and 29, and Approve a Revised Interconnection Agreement for Net Energy Metering Aggregation Customers."

8. <u>Resolution 9459</u> entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Linda Clerkson Upon her Retirement.

MOTION PASSED: 9-0

Action Items

11. Refer Real Property Procedures and Related Matters to Policy & Services; Approve Response to Santa Clara County Civil Grand Jury Report "Reduced Transparency and Inhibited Public Input and Scrutiny on Important Land Use Issues" (Continued from September 8, 2014).

MOTION: Council Member Schmid moved, seconded by Council Member Price to:

- 1. Refer the following policy matters to the Policy & Services Committee for further discussion and recommendations to the full Council:
 - a. Receive and review an inventory of lands donated to the City; and
 - b. Consider potential revisions to Policy & Procedure 1-48 (Procedure for Sale/Transfer of Surplus City-Owned Real Property), including to add additional guidance and clarity regarding unsolicited offers to lease or purchase City land and the timing of real property closed sessions; and
 - c. Public prescreening with Council of projects requiring zone changes; and
 - d. Receive a report on software solutions supporting responses to requests for documents under the Public Records Act, to be provided to City.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add that Policy and Services Committee also review Policy and Procedure 1-11/ASD- Leased Use of City Land/Facilities.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to refer to Policy and Services Committee the discussion on whether to have Council take a vote to go into Closed Session prior to going into Closed Session.

MOTION AS AMENDED PASSED: 9-0

MOTION: Council Member Klein moved, seconded by Council Member Burt to approve the response to the 2013-2014 Santa Clara County Civil Grand Jury Report, "The City of Palo Alto's Actions Reduced Transparency and Inhibited Public Input and Scrutiny on Important Land Uses". Additionally, to authorize the Mayor to send a letter to the Grand Jury with the City's response, by the deadline of September 18, 2014.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the response to Recommendation 5 "significant and substantive" with "informed".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change in Recommendation 5 "major zone changes" to "major comprehensive plan changes"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER in response to Finding 5a add "never the less, public meetings should have occurred earlier in the process".

MOTION AS AMENDED PASSED: 9-0

9. Resolution 9460 entitled "Resolution of the Council of the City of Palo Alto Establishing the Enforcement Process for Violations of the Three Outdoor Water Use Restrictions Adopted by Council on August 4, 2014 (Resolution 9449)."

MOTION: Vice Mayor Kniss moved, seconded by Council Member Scharff to adopt the Resolution establishing the enforcement process for violations of the outdoor water use restrictions adopted by Council on August 4, 2014 (Resolution 9449).

MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Council Member Burt to continue Agenda Item Number 12-

CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Joe Saccio, Molly Stump, Walter Rossman, Nancy Nagel, Dennis Burns, Mark Gregerson, Kathryn Shen, Dania Torres Wong) Employee Organization: Palo Alto Police Officers Association (PAPOA) Authority: Government Code Section 54957.6

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to September 22, 2014.

10. PUBLIC HEARING: 405 Curtner Condominium Map. Approval of a Tentative Map to Subdivide One Parcel Totaling 12,375 Square Feet Into Six Condominium Units Within the RM-30 Zone District located at 405 Curtner Avenue. The six-unit development on this site was approved on October 29, 2013 and the Planning and Transportation Commission unanimously recommend map approval allowing the approved units to be sold rather than rented. Environmental Assessment: Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15303 and 15061(b)(3).

MOTION: Council Member Holman moved, seconded by Vice Mayor Kniss to accept the Planning and Transportation Commission recommendation and approve the tentative map based on the Record of Land Use Action and allowing the six approved units to be sold as condominiums rather than rented.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None

Council Member Questions, Comments and Announcements

Council Member Burt inquired how to send the discussion of soft-story and unreinforced masonry walled buildings to Policy and Services Committee for discussion.

Molly Stump, City Attorney stated the City Manager can make a referral to Policy and Services Committee.

Lalo Perez, Administrative Services Director, on behalf of the City Manager stated he agreed to do the referral.

Council Member Burt would like to refer to Policy and Services Committee a discussion on; 1) an update of the inventory of soft-story and unreinforced masonry buildings; 2) Staff alternatives regarding how to prioritize the highest risk buildings- if a prioritization is feasible, 3) referral of best or strongest practices by other cities to enforce the upgrades; 4) summary of

retrofit programs and incentives that exist today; and 5) discussion of any recommendation we have for state legislation to support these initiatives.

Council Member Scharff expressed concurrence with the referral.

Mr. Perez said Staff would look at the timeline and workload and get back to the Council.

Council Member Klein added consideration of finance mechanisms for owners to do necessary upgrades and rehabilitation, and present to Council whether a mandatory program would be sensible.

Council Member Holman felt it would be more appropriate to send this to Architectural Review Board first.

Vice Mayor Kniss reported on attending the Midtown Association Ice Cream Social last Sunday, and how many City Staff were in attendance. She wanted a thank you to be sent to them for their attendance. She was pleased with the entire event.

The City Council reconvened into the Closed Session at 10:56 P.M.

Closed Session

 CONFERENCE WITH CITY ATTORNEY - EXISTING LITIGATION Subject: Golin v. Allenby, San Mateo County Superior Court, Case No. CIV507159 Subject Authority: Government Code section 54956.9

12. CONFERENCE WITH LABOR NEGOTIATORS

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ADJOURNMENT: The meeting was adjourned at 11: 20 P.M.