

Agenda posted according to PAMC Section 2.04.070. A binder containing supporting materials is available in the Council Chambers on the Friday preceding the meeting.

Special  
Council

Meeting  
Chambers  
December 14, 2009  
6:30 PM

## ROLL CALL

## CLOSED SESSION

*Public Comments: Members of the public may speak to the Closed Session item(s); three minutes per speaker.*

1. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL/ANTICIPATED LITIGATION

Subject: Significant Exposure to Litigation against the City of Palo Alto  
by Summerhill Redwood Gate LLC  
Authority: Government Code § 54956.9(b)(3)(C)

**Council Conference Room  
7:00 or as soon as possible thereafter**

## STUDY SESSION

2. Joint Meeting with the Utilities Advisory Commission Regarding City Utilities Issues

## **ATTACHMENT**

**Council Chambers  
8:00 or as soon as possible thereafter**

## SPECIAL ORDERS OF THE DAY

3. Adoption of a Resolution Expressing Appreciation to Susie Ord Upon Her Retirement

## **ATTACHMENT**

4. Adoption of a Resolution Expressing Appreciation to Anun Arunamata Upon His Retirement

## **ATTACHMENT**

5. Adoption of a Resolution Expressing Appreciation to Liz Thomas Upon Her Retirement

**ATTACHMENT**

6. Proclamation Expressing Appreciation to Sam Yates for His Outstanding Efforts with the Color of Palo Alto

**ATTACHMENT**

7. Proclamation Expressing Appreciation to Sunny Dykwel for Being Selected as One of the 100 Most Influential Filipina Women in the United States

**ATTACHMENT**

8. Proclamation Commending the Outstanding Public Service of Nancy Nagel, Karl Van Orsdol, Wendy Hediger and Julie Weiss on the City's Sustainability Team

**ATTACHMENT**

**CITY MANAGER COMMENTS**

**ORAL COMMUNICATIONS**

*Members of the public may speak to any item not on the agenda; three minutes per speaker. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.*

**APPROVAL OF MINUTES**

**November 09, 2009**

**November 16, 2009**

**CONSENT CALENDAR**

*Items will be voted on in one motion unless removed from the calendar by two Council Members.*

9. Approval of an Agreement Between the City of Palo Alto and the Family Resources Foundation in Palo Alto for Mutual Cooperation and Support

**CMR 458:09 & ATTACHMENT**

12/14/09

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**MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK'S OFFICE AT PALO ALTO CITY HALL, 250 HAMILTON AVE. DURING NORMAL BUSINESS HOURS.**

10. Approval of a Contract with Elite Landscaping Incorporated, in the Amount of \$1,220,075 for Construction of Greer Park Renovation and Pump Station Replacement - Capital Improvement Program Project PE-09002 *(continued by Council Motion on November 16, 2009)*

#### **CMR 423:09 & ATTACHMENT**

11. Approval of an Extended Producer Responsibility Policy and Adoption of a Resolution Supporting State and National Extended Producer Responsibility Actions

#### **CMR 456:09 & ATTACHMENT**

12. Approval of a Cooperative Agreement with the City of Mountain View for the San Antonio Road Bridge Overpass Repair Project - Capital Improvement Program Project PE-06001

#### **CMR 436:09 & ATTACHMENT**

13. Approval of Amendment No. 1 to Utilities Public Benefit Contract for Commercial Energy Efficiency Programs with Ecology Action to Allow Up to \$559,166 in Additional Funds Over Four Years and Adoption of an **Ordinance Amending the Budget for Fiscal Year 2010 to Provide an Additional Appropriation of \$279,583 within the Electric Fund to Expand Commercial Energy Efficiency Program**

#### **CMR 425:09 & ATTACHMENT**

14. Adoption of a Budget Amendment **Ordinance in the Amount of \$381,583 for Costs Related to Constructing a Temporary Library and Teen Center at the Cubberley Community Center;** Approval of a Contract with Johnstone Moyer, Inc., in a Total Amount Not to Exceed \$227,463 to Convert the Cubberley Community Center Auditorium Into a Temporary Library to Replace the Mitchell Park Library (Capital Improvement Program Project PE-09010)

#### **CMR 463:09 & ATTACHMENT**

15. Adoption of a Resolution Authorizing the City Manager to Execute a Letter of Support for the WAVEONE Application for a \$2,500,000 Grant Funded by the California Energy Commission State Energy Program, and to Negotiate and Execute a Two-Year \$2,835,000 Direct and In-Kind Funded Public/Private Partnership Agreement with WAVEONE, Contingent Upon the Full Award of the State Grant Applied for by WAVEONE

**CMR 477:09 & ATTACHMENT**

16. Adoption of a Resolution Amending the FY2007-FY2009 Compensation Plan for Limited Hourly Personnel Adopted by Resolution No. 8759 to Revise the Provisions Related to Term of Employment

**CMR 459:09 & ATTACHMENT**

17. Adoption of a Resolution Expressing Appreciation to Janice Hall Upon Her Retirement

**ATTACHMENT**

18. Adoption of a Resolution Expressing Appreciation to Bradley Herran Upon His Retirement

**ATTACHMENT**

19. Adoption of a Resolution Expressing Appreciation to Diana Ward Upon Her Retirement

**ATTACHMENT**

20. Adoption of a Resolution Expressing Appreciation to Gary Clarien Upon His Retirement

**ATTACHMENT**

21. Adoption of a Resolution Expressing Appreciation to Doug J. Fox Upon His Retirement

**ATTACHMENT**

22. Adoption of a Resolution Declaring Weeds to be a Nuisance and Setting January 11, 2010 for a Public Hearing for Objections to Proposed Weed Abatement

### **CMR 441:09 & ATTACHMENT**

23. Request for Authorization to Increase Existing Agreement with the Law Firm of Duncan We inberg, Genzer & Pembroke, P.C. by an Addi tional \$155,000 for a Total Contract Not to Exceed Amount of \$215,000

### **ATTACHMENT**

#### **AGENDA CHANGES, ADDITIONS, AND DELETIONS**

*HEARINGS REQUIRED BY LAW: Applications and/or appellants may have up to ten minutes at the outset of the public discussion to make their remarks and put up to three minutes for concluding remarks after other members of the public have spoken.*

*OTHER AGENDA ITEMS: Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes per speaker.*

#### **ACTION ITEMS**

*Include: Public Hearings, Reports of Committees/Commissions, Ordinances and Resolutions, Reports of Officials, and Council Matters*

24. **PUBLIC HEARING:** Approval of (1) a Mitigate d Negative Declaration; (2) a Site and Desi gn Review Application for the Demol ition of Three Commercial Buildings (Including the Palo Alto Bowl and Motel 6) and the Cons truction of a Four-Sto rry Building Containing 167 Hotel Guestrooms, and 26 Three-Story Re sidential Townhomes on a Site Comprised of Four Parcels of Land Zoned RM-1, RM-15 and CS; (3 ) a Tentative Map Merging t he Four Parc els into a 3.62 Acre Parcel for Condominium Subdivision into a Hote l Unit and 26 Residential Units; and (4) a Record of Land Use Action for A pproval of the Project Located at 4301 and 4329 El Camino Real

### **CMR 443:09**

**ATTACHMENT A - C**

**ATTACHMENT D - E**

**ATTACHMENT F - H**

**ATTACHMENT I - O**

25. PUBLIC HEARING: Pursuant to Government Code Section 30061, Title 3, Division 3, Relating to the Supplemental Law Enforcement Services Fund, to Consider the Police Chief's Request to Purchase Computer Forensic Software, Global Positioning Devices, Radio Earpieces, Remote Area Lighting Systems, Patrol Team Operation Kits, Replacement K-9 Unit, and Additional Funding for the Crime Scene Evidence Collection Vehicle

**CMR 462:09**

26. PUBLIC HEARING: Approval of Proposed Participation by the City of Palo Alto the "City" in the CaliforniaFIRST Program of the California Statewide Communities Development Authority. Participation in the CaliforniaFIRST Program will Enable Property Owners to Finance Renewable Energy, Energy Efficiency and Water Efficiency Improvements on Their Property Through the Levy of Contractual Assessments Pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the Issuance of Improvement Bonds Under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and Following) Upon the Security of the Unpaid Contractual Assessments. Chapter 29 Provides that Assessments May be Levied Under its Provisions Only with the Free and Willing Consent of the Owner of Each Lot or Parcel on Which an Assessment is Levied at the Time the Assessment is Levied; and 1) Adoption of a Resolution Authorizing the City of Palo Alto to Join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City of Palo Alto and Authorizing Related Actions, and 2) Resolution Authorizing Sacramento County to Apply for and Receive State Energy Program Funds on Behalf of the City of Palo Alto

**CMR 449:09 & ATTACHMENT PRESENTATION**

27. Presentation of Service Efforts and Accomplishments Report for Fiscal Year 2009 – Annual Report on City Government Performance

**ATTACHMENT**

28. Approval of the Finance Committee Recommendation to Adopt a **Budget Amendment Ordinance (BAO) to Transfer \$809,000 from the General Fund Budget Stabilization Reserve (BSR) to the Technology Fund in Fiscal Year 2010**

**CMR 479:09 & ATTACHMENT**

Minutes

29. Ad Hoc Committee Monthly Report on High Speed Rail

**COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS**

*Members of the public may not speak to the item(s).*

**ADJOURNMENT**

*Persons with disabilities who require auxiliary aids or services in using City facilities, services, or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact 650-329-2550 (Voice) 24 hours in advance.*