

ACTION

Special Meeting
June 6, 2011

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:07 P.M.

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

Absent:

APPROVAL OF MINUTES

MOTION: Vice Mayor Yeh moved, seconded by Council Member Shepherd to approve the minutes of April 11, 2011.

MOTION PASSED: 9-0

CONSENT CALENDAR

City Manager, James Keene, spoke regarding Agenda Item Number 3, the letter to Congresswoman Anna G. Eshoo, Senator Joe Simitian and Assembly Member Rich Gordon. He stated Council Member Schmid suggested changing the wording in the graph, contained in the letter, to "System should remain within Caltrain ROW(Right of Way)", which he believed was appropriate.

MOTION: Vice Mayor Yeh moved, seconded by Council Member Klein to approve Agenda Item Numbers 1-3, to include changing the wording in the graph, contained in the letter, to "System should remain within Caltrain ROW(Right of Way)", in Agenda Item Number 3.

1. Request for Approval of: 1) Agreement Between the City of Palo Alto on Behalf of the Joint Powers and the Midpeninsula Community Media Center, Inc. for Public, Education, and Government Access Channel Support Services; 2) Amendment No. 1 to Agreement No. C05111535 Between the City of Palo Alto and Midpeninsula Community Media

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Center, Inc. in the Amount of \$25,000 for Cable casting and Other Production Services Through June 30, 2011 for a Total Amount Not to Exceed \$125,000; 3) Agreement Between the City of Palo Alto and Midpeninsula Community Media Center, Inc. in the Amount of \$100,000 for Cable casting Services from July 1, 2011 Through June 30, 2014; and 4) Authorize the City Manager to Execute Amendments to the Cable casting Services Agreement Between the City of Palo Alto and the Midpeninsula Community Media Center, Inc. for Additional Services in an Amount Not to Exceed \$25,000 Per Year.

2. Approval of Contract Amendment No. 1 to Add \$48,510 to Contract No. S11136318 with R3 Consulting Group, Inc. for a Total Amount Not to Exceed \$133,190 for Completion of the Refuse Fund Cost of Service Study.
3. Approval of Letter to Congresswoman Anna G. Eshoo, Senator Joe Simitian and Assembly Member Rich Gordon to authorize the Rail Committee to communicate with the Peninsula Cities Consortium (PCC), the California High Speed Rail Authority (CHSRA) and related interests as necessary, regarding the City's support of the April 18th, 2011 joint statement on High Speed Rail (HSR).

MOTION PASSED: 9-0

ACTION ITEMS

4. Approval of an Amendment to the Agreement with Sherry L. Lund Associates in an Amount of \$7,450 for Mid-Year Check-In and Alignment for Council Appointed Officers, and Review and Approval of Revised Criteria for City Attorney Performance Evaluation.

MOTION: Council Member Schmid moved, seconded by Council Member Scharff to approve Staff recommendation to: 1) authorize the Mayor to enter into an amendment to the contract with Sherry L. Lund and Associates in an amount of \$7,450 (subject to 10% standard contingency) for facilitation of Council Appointed Officer Mid-Year Check-ins, and 2) approval of revised criteria for the City Attorney performance evaluation.

AMENDMENT: Council Member Klein moved, seconded by Council Member Shepherd to not authorize an amendment to the contract with Sherry L. Lund and Associates in an amount of \$7,450 for facilitation of Council Appointed Officer Mid-Year Check-ins.

AMENDMENT FAILED: 3-6 Burt, Klein, Shepherd yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to delete the Mid-Year Check-in of the City Clerk and to reduce the contract amendment for Mid-year Check-ins with Sherry L. Lund and Associates by \$900.

AMENDMENT: Council Member Holman moved, seconded by Council Member XXX to add \$4,550 to the Council budget to do the Mid-Year Check-ins.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Shepherd moved, seconded by Council Member Klein to delete the Mid-Year Check-in of the City Auditor.

AMENDMENT FAILED: 3-6 Burt, Klein, Shepherd Yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add \$4,550 to the Council budget for the Mid-Year Check-ins.

MOTION AS AMENDED PASSED: 6-3 Klein, Price, Shepherd no

The City Council took a break from 6:53 P.M. and returned at 7:04 P.M.

5. Public Hearing-Quasi Judicial: Certification of the Final Environmental Impact Report for the Stanford University Medical Center Facilities Renewal and Replacement Project (SUMC Project); Adoption of a Resolution 9168 Containing California Environmental Quality Act Findings and a Statement of Overriding Considerations; Adoption of a Resolution 9169 Amending the Comprehensive Plan to Permit the SUMC Project; Adoption of an Ordinance Amending the Zoning Code to Establish a New "Hospital District"; Adoption of an Ordinance Approving a Thirty-Year Development Agreement; Adoption of a Record of Land Use Action Approving a Conditional Use Permit for the SUMC Project; Adoption of a Resolution 9170 Commencing Annexation of an Approximate 0.65 acre Site from Santa Clara County; Acceptance of SUMC Area Plan Update; and Adoption of a Resolution 9171 Approving Architectural Review Board Findings.

Council Member Klein advised he would not be participating in Agenda Item Number 5 as his wife is on staff at Stanford University. He left the meeting at 7:05 P.M.

Public hearing opened at 7:59 P.M.

Public hearing closed at 9:05 P.M.

MOTION: Council Member Scharff moved, seconded by Council Member Burt to: 1) certify the Final Environmental Impact Report, and 2) adopt the Resolution containing the California Environmental Quality Act Findings and a Statement of Overriding Considerations.

MOTION PASSED: 8-0 Klein, not participating

MOTION: Council Member Scharff moved, seconded by Mayor Espinosa to: 1) adopt the Resolution amending the Comprehensive Plan to permit the SUMC Project, 2) adopt the Ordinance amending the Zoning Code to establish a new "Hospital District", 3) adopt the Record of Land Use Action approving a Conditional Use Permit for the SUMC Project, 4) adopt the Resolution approving Architectural Review Board Findings, 5) adopt the Resolution commencing annexation of an approximate 0.65 acre site from Santa Clara County, and 6) accept the SUMC Area Plan Updates.

MOTION PASSED: 8-0 Klein, not participating

MOTION: Council Member Shepherd moved, seconded by Council Member Burt to: 1) adopt the Ordinance approving a Development Agreement between the City of Palo Alto and the Applicants that would grant certain development rights in exchange for certain public benefits, and 2) include in the Development Agreement, page 20, Exhibit C, a new Section 5(c) iii, entitled East Palo Alto Voluntary Mitigation that would include:

- 1) Stanford University Hospital would make a contribution of \$200,000 to the City of East Palo Alto for roadway and traffic signal improvements scheduled to be done on the length of University Avenue within the East Palo Alto city limits. This work includes repaving and restriping/bike lanes, to improve both vehicular and non-vehicular traffic flow.
- 2) In the event the SUMC parties are unable to meet the trip diversion goal set forth in this agreement such that the \$4m penalty payment is triggered the City of Palo Alto shall remit the \$150,000 of the penalty payment to the city of East Palo Alto.

AMENDMENT: Council Member Schmid moved, seconded by Council Member Holman to add to the Monitoring of TDM Programs, section viii, in the Development Agreement, page 22, in addition the City of Palo Alto will monitor in year 2017 and 2025 activity at 10 intersections that feed in directly into SUMC to see if there is any substantial variations from these cited in the EIR, and as a result of the monitoring should additional or unanticipated impacts be identified maximum flexibility can be applied to the use of mitigation dollars to reduce impacts.

AMENDMENT FAILED: 1-7 Schmid yes, Klein Not participating

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to work with AC Transit, Santa Clara Valley Transportation Authority, Stanford and the City of East Palo Alto to deal with the "U" Bus Line issue.

MOTION PASSED: 8-0 Klein, not participating

Council took a break at 10:31 P.M. and returned at 10:39 P.M.

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Burt commented on the world music event, he had concerns about closing University Avenue for 10 hours; he suggested considering closing Ramona Street and Bryant Avenue, between University Avenue and Hamilton Avenue.

City Manager, James Keene stated that Staff would look into his concerns.

Mayor Espinosa clarified that the closure was going to be as few hours as possible, and the portion of University Avenue to be closed was going to be as small as possible.

Council Member Klein returned at 10:45 P.M.

Council Member Shepherd reported on attending the Palo Alto PTA awards ceremony on Friday, June 3, 2011.

Council Member Scharff spoke on the world music event, he requested that if there are changes to the closing of University Avenue that Staff contact the Palo Alto Business Improvement District.

Mayor Espinosa spoke on the Electric Vehicle Symposium held in Palo Alto this past week; he gave kudos to the 79 Palo Alto High School students who received the Presidential Awards for their volunteer hours this past year; additionally, Sven Tessen who held the opening of his new home, which is considered the greenest house in Palo Alto.

The City Council convened into the Closed Session at 10:51 p.m.

CLOSED SESSION

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Authority: Government Code Section 54956.8

Property: 4000 Middlefield Avenue, Assessors Parcel No. 147-08-052

Negotiating Party: Linda Thor, Chancellor

Foothill-De Anza Community College District

City Negotiator: James Keene, Donald Larkin, Steve Emslie, Lalo Perez, Martha Miller

Subject of Potential Negotiations: Price and Terms of Payment for Possible Future Sale/Lease

The City Council reconvened from the Closed Session at 11:15 P.M. and Mayor Espinosa advised no reportable action.

ADJOURNMENT: The meeting was adjourned at 11:16 P.M.