

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.

Council

Regular Meeting
Chambers
June 1, 2009
7:00 PM

ROLL CALL

SPECIAL ORDERS OF THE DAY

1. Selection of Candidates to be Interviewed for the Utilities Advisory Commission

ATTACHMENT

2. Adoption of a Resolution Expressing Appreciation to Victor Olivas Upon His Retirement

ATTACHMENT

3. Proclamations Recognizing the Community Services Department's Four Community Star Award Recipients:
 - Expressing Appreciation to the Friends of Palo Alto Children's Theatre
 - Expressing Appreciation to DreamCatchers for Outstanding Public Volunteer Service
 - Expressing Appreciation to the Palo Alto Rotary Club for Outstanding Public Volunteer Service
 - Expressing Appreciation to the American Red Cross for Outstanding Public Service

ATTACHMENTS (4)

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

April 27, 2009

May 4, 2009

May 11, 2009

CONSENT CALENDAR

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

4. Adoption of a Resolution Calling a General Municipal Election (GME) of Council Members, Requesting the Services of the Registrar of Voters, and Ordering the Consolidation of Said Election

ATTACHMENT

5. Finance Committee Recommendation to Adopt Three Resolutions: 1) Approving Water Supply Agreement with the City and County of San Francisco; 2) Approving Palo Alto's Individual Water Sales Contract with the City and County of San Francisco; and 3) Adopting Findings for Purposes of the California Environmental Quality Act in Connection with Approval of a Water Supply Agreement with the City and County of San Francisco

CMR 269:09 and ATTACHMENT

6. Approval of a Sole Source Schedule Order with AssetWorks, Inc. in the Amount of \$162,474 for the Acquisition and Purchase of a Fuel Transaction Management System and Related Software Installation Services

CMR 263:09 and ATTACHMENT

7. Adoption of a Resolution Amending Utilities Rule and Regulation 21 (Special Water Utility Regulation) Governing the City's Water Cross-Connection Control Program

CMR 259:09 and ATTACHMENT

8. Approval of a Change Order to the Contract with AJF Builders, Inc. to add \$89,447 for a Total Contract Amount of \$623,698 for Fire Stations 5 and 8 Improvements – Capital Improvement Program Project PF – 01004

CMR 257:09 and ATTACHMENT

9. Finance Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2009

ATTACHMENT

10. 2nd Reading for **Ordinance Amending Chapter 5.24 of the City of Palo Alto Municipal Code (Requirements to Divert Construction and Demolition Waste from Landfill) to Increase Diversion Rate and Expand Applicability to Projects in Excess of \$25,000**
(1st Reading May 11, 2009 – Passed 8-0 Morton Absent)

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.

UNFINISHED BUSINESS

11. Discussion on Termination of Option Agreements Between the City and Essex Park Boulevard, LLC and Brown-Fairchild Park Investment Company, L.P. for the Purchase of the Properties Located at 2785 Park Boulevard and 2747 Park Boulevard, Respectively and Direction to Pursue Alternative Land Banking Options for Public Safety Building
(continued from May 18, 2009)

CMR 226:09 and ATTACHMENT

PUBLIC HEARINGS

12. Adoption of a Resolution to Amend the Comprehensive Plan to Incorporate the Santa Clara County Comprehensive Land Use Plan for the Palo Alto Airport (PAO CLUP) by 1) Amending Map L-2 to Include the Airport Influence Area (AIA) Established in the PAO CLUP and 2) Amending the "Land Use" Element to Include Program L-2B and a Supplemental Text Box to Establish a Program for Monitoring Development Within the AIA

CMR 262:09 and ATTACHMENT

13. Public Hearing on the Levy of Proposed Assessments in Connection With the Palo Alto Downtown Business Improvement District and Adoption of a Resolution Confirming the Report of the Advisory Board and Levying an Assessment for Fiscal Year 2009-10 in Connection With the Downtown Palo Alto Business Improvement District.

CMR 241:09 and ATTACHMENT

14. Adoption of Two **Ordinances: (1) Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2008 Edition; and (2) Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, Establishing Local Energy Efficiency Standards for Certain Buildings and Improvements Covered by the 2008 California Energy Code**
(Staff requests item to be continued, by Council Motion, to July 6, 2009)

ATTACHMENT

15. Initiation of (1) a Zone Change from Neighborhood Commercial (CN) District to Planned Community (PC) District at 2180 El Camino Real (The New College Terrace Centre) for a Mixed Use Project Having 61,960 Square Feet of Floor Area Including 8,000 Square Feet of Grocery (Intended for JJ&F Market), 5,580 Square Feet of Other Retail, 14 Affordable One-Bedroom Residential Units, 39,980 Square Feet of Office Use, and Two Levels of Below-Grade and Surface Parking Facilities Providing 227 Spaces, and (2) a Comprehensive Plan Amendment to Assign the Mixed Use Land Use Designation to a Site Currently Designated as Neighborhood Commercial. The Planning and Transportation Commission Recommends Denial of Both Requests for Initiation.

(Staff requests item to be continued, by Council Motion, to July 13, 2009)

**Quasi-judicial*

ATTACHMENT

16. Adoption of the 2008/09 Community Development Block Grant Annual Action Plan Amendment to the 2005-10 Consolidated Plan to Provide Funding Awards Under the American Recovery and Reinvestment Act of 2009 in the Amount of \$183,477 (CDBG-R) and Adoption of a Resolution Approving the Use of Community Development Block Grant American Recovery and Reinvestment Act of 2009 Funds for Fiscal Year 2008-2009

CMR 266:09 and ATTACHMENT

REPORTS OF OFFICIALS

17. Adoption of Five Resolutions Relating to the Palo Alto Recycled Water Project: (1) Resolution Adopting a Mitigated Negative Declaration for the City of Palo Alto Recycled Water Project Pursuant to the California Environmental Quality Act; (2) Resolution Establishing a Water Capital Reserve Fund in Accordance with the State Water Resources Control Board's Requirements for State Revolving Fund Program; (3) Resolution Designating Certain Palo Alto Recycled Water Pipeline Project Expenditures to be Reimbursed by Proceeds From State Revolving Fund; (4) Resolution Establishing One or More Dedicated Sources of Revenue for Repayment of Funding Pursuant to the Federal Clean Water Act Amendments; (5) Resolution Repealing Resolution No.

8913 and Authorizing the City Manager to Sign and File a Financial Assistance Application and Execute a State Revolving Fund Financial Assistance Agreement in an Amount Not to Exceed \$37 Million From the State Water Resources Control Board for the Design and Construction of the Palo Alto Recycled Water Pipeline Project

CMR 255:09 and ATTACHMENT

COUNCIL MATTERS

18. Transmittal and Discussion of Report from the Independent Police Auditor Regarding Children's Theatre Police Investigation

CMR 271:09 and ATTACHMENT

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

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.

**** This item is quasi-judicial and subject to Council's Disclosure Policy***