

Special Meeting
February 7, 2011

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:01 p.m.

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

Absent:

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Dennis Burns, Lalo Perez, Joe Saccio, Sandra Blanch, Marcie Scott, Darrell Murray)
Employee Organization: Palo Alto Police Officers Association
Authority: Government Code Section 54957.6(a)
2. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Dennis Burns, Lalo Perez, Joe Saccio, Sandra Blanch, Marcie Scott, Darrell Murray)
Employee Organization: Police Managers Association
Authority: Government Code Section 54957.6(a)
3. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, Joe Saccio, Russ Carlsen, Sandra Blanch, Marcie Scott, Darrell Murray)
Unrepresented Employee Group: Management, Professional and

Confidential Employees

Authority: Government Code Section 54957.6(a)

4. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Dennis Burns, Lalo Perez, Joe Saccio, Sandra Blanch, Marcie Scott, Roger Bloom, Darrell Murray)
Employee Organization: International Association of Fire Fighters, Local 1319
Authority: Government Code Section 54957.6(a)
5. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Dennis Burns, Lalo Perez, Joe Saccio, Sandra Blanch, Marcie Scott, Roger Bloom, Darrell Murray)
Employee Organization: Palo Alto Fire Chiefs' Association
Authority: Government Code Section 54957.6(a)
6. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, Joe Saccio, Sandra Blanch, Marcie Scott, Darrell Murray)
Employee Organization: Service Employees International Union, Local 521
Authority: Government Code Section 54957.6(a)

The City Council returned from the Closed Session at 7:45 p.m. and Mayor Espinosa advised no reportable action.

SPECIAL ORDERS OF THE DAY

7. Staff Report from the Community Services Presentation by Palo Alto Art Center Foundation.

Mayor Espinosa explained the new procedure; for the beginning of a Council meeting there will be five minutes given to a nonprofit organization within the City to highlight the work they do and the partnership they have with the City.

Jeannie Duisenberg, Palo Alto Art Center Foundation, explained what the Palo Alto Art Center Foundation's function was and why it has been a good partnership with the City. The Art Center was founded in 1973 where it took residence in the previous City Hall. She stated the nonprofit status provided the ability to attract grant monies, the City adopted the status in the early 1990's and since then the Art Center Foundation had been providing cash contributions to the City to off-set the cost for the Look Project which started 30 years ago. The Look Project enables the youth in the community to view the art work completed by those who had come before them and allows them to receive hands-on art experience.

Teri Vershel, Co-President Palo Alto Art Center Foundation, stated the Art Center Foundation had been undergoing renovations for a period of ten years while planning and raising funds. She expressed how this project highlighted what a public/private partnership could accomplish. Neither the Foundation nor the City could have accomplished alone what together has become a wonderful project for the community.

Mayor Espinosa thanked the Art Center Foundation and the community for stepping forward to renovate what was City Hall and has been the home for the Art Center Foundation. The amount of funding raised and the community support has been outstanding over the years.

8. CAO Report from the City Clerk Appointments for Three Positions on the Library Advisory Commission for Three Year Terms Ending January 31, 2014.

First Round of voting for three positions on the Library Advisory Commission for three year terms ending January 31, 2014:

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| Voting For Michael Gonzalez: | Klein |
| Voting For Leonardo Hochberg: | Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh |
| Voting For Eileen Landauer: | Burt, Espinosa, Holman, Price, Scharff, Schmid, Shepherd, Yeh |
| Voting For Mary Beth Train: | Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh |

City Clerk, Donna Grider announced that Leonardo Hochberg with 9 votes, Mary Beth Train with 9 votes, and Eileen Landauer with 8 votes were each appointed to the Library Advisory Commission for Three Year Terms Ending January 31, 2014.

CITY MANAGER COMMENTS

City Manager, James Keene announced the distinguished speaker series would be hosting AB32 (the climate action plan passed by the California Legislature) The View From Europe on February 9th; and the MLB World Series trophy would be on display from 4-6 p.m. at Lytton Plaza on February 15th. He noted there were more seagulls near the Baylands and the landfill due to the implementation of the fast fill plan to fill the landfill to its capacity at an expedited rate to essentially close it.

ORAL COMMUNICATIONS

Wynn Grcich spoke regarding fluoride in the drinking water, and bio-chemical cremations.

Diane Preinitz spoke regarding her water bill discrepancies.

Jan St. Peter spoke regarding the original California Avenue fountain and requested Council overturn the Public Art Commission recommendation for replacement.

Mark Petersen-Perez spoke regarding the Palo Alto Patch news media, Palo Alto Freepress.com, and his public records requests to Acting City Attorney, Don Larkin.

Robert Moss spoke regarding emergency preparedness and the importance of earthquake awareness in regards to the structures throughout the City.

Herb Borock spoke regarding Council e-mails being viewed, forwarded, and available to the community.

Mayor Espinosa reiterated the Council Protocol for people addressing the Council during Oral Communications was that they were to address the Council as a body and not individuals.

9. APPROVAL OF MINUTES

MOTION: Vice Mayor Yeh moved, seconded by Council Member Shepherd to approve the minutes of December 13, 2010, and January 4 and 10, 2011.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Schmid moved, seconded by Council Member Holman to pull Agenda Item Number 14 to become Agenda Item Number 16a.

MOTION: Council Member Burt moved, seconded by Vice Mayor Yeh to pull Agenda Item No. 10 to become Agenda Item Number 16b.

MOTION: Vice Mayor Yeh moved, seconded by Council Member Price to approve Agenda Item Numbers 11-13, 15-16.

~~10. CAO Report from the City Clerk Resolution Setting Council Vacation.~~

11. Staff Report from Administrative Services Finance Committee Recommendation to Adopt Ordinance 5114 entitled "Ordinance of the Council of the City of Palo Alto Authorizing the Closing of the Budget for the 2010 Fiscal Year; Approval of 2010 Comprehensive Annual Financial Report (CAFR)."

12. CAO Report from the City Auditor Finance Committee Recommendation to Accept Maze & Associates' Audit of the City of Palo Alto's Financial Statements as of June 30, 2010 and Management Letter.

13. Staff Report from Utilities Finance Committee Recommendation to Adopt Resolution 9140 entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedules G-10 and G-3 of the City of Palo Alto Utilities Rates and Charges Pertaining to Gas Rates."

~~14. Staff Report from the Community Services Approval of a Construction Funding Agreement in an Amount Up to \$2 Million between the City of Palo Alto and the Palo Alto Art Center Foundation For Upgrades to the Palo Alto Art Center Renovation~~

~~Project (PF-07000, Art Center Electrical and Mechanical Upgrades); Approval of Amendment No. Three to Contract No. C08126592 between the City of Palo Alto and the Palo Alto Art Center Foundation to extend the term of the agreement and increase the scope of work to Permit Reimbursement in an Amount Not to Exceed \$142,432.~~

15. Staff Report from Public Works to Approve and Authorize the City Manager or His Designee to Execute Amendment No. 1 to Contract S09128287 with Northgate Environmental Management, Inc., for an Additional Amount of \$89,619 for Phase II Environmental Site Assessment Work at the Palo Alto Airport.
16. Staff Report from Utilities Approval of a Utilities Advisory Commission Recommendation to Adopt Resolution 9141 entitled "Resolution of the Council of the City of Palo Alto Approving a New Tier II Water Shortage Allocation Plan Pursuant to Section 3.11(C) of the 2009 Water Supply Agreement with San Francisco."

MOTION PASSED for Agenda Item Nos. 11-13, 15-16: 9-0

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 16a. (Former No. 8) Staff Report from Community Services Approval of a Construction Funding Agreement in an Amount Up to \$2 Million between the City of Palo Alto and the Palo Alto Art Center Foundation For Upgrades to the Palo Alto Art Center Renovation Project (PF-07000, Art Center Electrical and Mechanical Upgrades); Approval of Amendment No. Three to Contract No. C08126592 between the City of Palo Alto and the Palo Alto Art Center Foundation to extend the term of the agreement and increase the scope of work to Permit Reimbursement in an Amount Not to Exceed \$142,432.

Council Member Schmid asked for clarification on Staff Report 1308, Attachment A, Exhibit H - cost share ratio. His confusion was Exhibit H stated the City portion was \$3.4 million, while the Staff Report indicated the resources used would not exceed the availability in the current CIP which was merely \$2.6 million.

Karen Kienzel, Director of Palo Alto Art Center Foundation, stated she needed to make the Council aware of Section 6. Calculation of

Proportionate Funding; item 6.1 indicated the City share would be 73.1 percent and item 6.2 explained how changes could be made to the cost sharing ratio. She noted Staff would return to Council with a Budget Amendment Ordinance (BOA) request if further funding assistance was necessary.

MOTION: Council Member Schmid moved, seconded by Council Member Scharff to: 1) approve a Construction Funding Agreement in an amount up to \$2 million between the City of Palo Alto and the Palo Alto Art Center Foundation for upgrades to the Palo Alto Art Center Renovation Project (PF-07000, Art Center Electrical and Mechanical Upgrades); 2) approve Amendment No. Three to Contract No. C08126592 between the City of Palo Alto and the Palo Alto Art Center Foundation to extend the term of the agreement and increase the scope of work to permit reimbursement in an amount not to exceed \$142,432.

MOTION PASSED: 9-0

16b. (Former No. 10) CAO Report from the City Clerk Resolution 9142 entitled "Resolution of the Council of the City of Palo Alto Setting Council Vacation."

Council Member Burt addressed his concern for the Council summer break not coinciding with the Palo Alto Unified School District summer break. He recommended moving the break back by one week.

MOTION: Council Member Burt moved, seconded by Council Member Shepherd to change the summer break to August 2, 2011 through September 2, 2011.

Council Member Shepherd asked how prepared Staff was if the date shifted by a week.

City Manager, James Keene stated Staff was prepared to adapt any agenda items to fit into the adjusted scheduled time.

City Clerk, Donna Grider stated the deadline to put an item onto the 2011 November election ballot was August 12, 2011.

Council Member Klein asked whether the Motion was suggesting a special Council meeting for Tuesday, September 6th since the break ended on Labor Day, September 5th, which was a Monday.

Council Member Burt stated he had not suggested there be a special meeting and noted the schedule was set by the Mayor and City Manager.

Council Member Klein stated if there was not a special meeting scheduled for the Tuesday Council returns, the next meeting would not be until September 12th, essentially adding an additional week to the break.

Council Member Burt stated if there was a need to schedule a special meeting for the 6th of September it would be done, if not then the regular rules would apply.

Council Member Klein suggested scheduling a special meeting on the 6th of September noting if there were not sufficient items on the agenda the meeting could be cancelled.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER to include that a special Council meeting would be called on Tuesday, September 6, 2011.

MOTION PASSED: 9-0

STUDY SESSION

17. Staff Report from the City Manager Fire Department Services, Resources & Utilization Study Presentation Of Findings By International City/County Management Association and Systems Planning/Tri Data Consultants.

Thomas Wieczorek, ICMA Public Safety Consulting Services and Stephen Brezler, Systems Planning/Tri-Data Division provided an overview of the Palo Alto Fire Department Resources, Services and Utilization Study - Final Report. The consultants provided an update on the completed study highlighting the study's 48 recommendations based on the data pulled, interviews conducted, and research completed during the course of the study.

Council Member Shepherd left the meeting at 11:11 p.m.

18. Staff Report from the Planning and Community Environment Introduction of the Urban Forest Master Plan for Palo Alto Council Member Questions, Comments, and Announcements.

Curtis Williams, Director of Planning and Community Environment, introduced Jim Clark of HortScience, who talked about the status of the project, including a recap of the very successful community outreach accomplished with the online survey. He also reviewed the extensive inter-departmental interviews conducted by the project team and summarized that currently, tree management responsibilities were to diffuse and sometimes dependent on informal agreements between Staff. Mr. Clark's main message to the Council was to highlight the City's opportunity to establish its trees as an asset and to establish a more formal—if not more centralized—plan for managing that asset.

Susan Ellis, Chair of Canopy, also indicated that organizational support for development of the Plan was critical, specifically noting the need to provide for "canopy equity" throughout the city, to consider water conservation in tree selection, to develop sustainable funding sources for maintenance, and to provide for citizen oversight.

Mr. Clark asked the Council Members for their input and several Council Members described sustainability issues they'd like to see covered in the plan including carbon sequestration, water conservation, and a balance between tree retention and new development. It was emphasized that privately owned trees are a significant part of the urban forest and that the plan should seek to engage property owners as stewards of the urban forest along with the City. And, although the plan is focused on the urban forest at least one Council Member requested that the plan cover trees in the open space as well. Council Members noted the need to coordinate the Urban Forest Master Plan and the Comprehensive Plan and there was a specific request for the plan to review and make recommendations for updating the zoning landscape ordinance. Finally, the Council noted the need for the plan to candidly describe any funding implications associated with recommendations and implementation of the plan.

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Holman spoke about the involvement and work that the City Clerk's Office did for the Mayor's State of the City event.

Mayor Espinosa also thanked City Clerk Staff for their work on the Council Retreat. He spoke about the upcoming release of the Mayor's Message, a letter that will come out the first of each month via e-mail.

Council Member Klein thanked Acting City Attorney, Don Larkin for the changes he made with regards to City Council meetings.

ADJOURNMENT: The meeting was adjourned at 12:03 a.m.