

# ACTION MINUTES

Special Meeting  
October 17, 2011

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:35 P.M.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh arrived @ 6:00 P.M.

Absent:

## CLOSED SESSION

1. Closed Session: Mitchell Park  
Conference with Legal Counsel - Government Code Section 54956.9(b), (c)  
Potential Litigation Relating to the Mitchell Park Library and Community Center Construction  
Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: 1 Potential Case  
Potential Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: 1 Potential Case

The City Council returned from the Closed Session at 7:35 P.M. and Mayor Espinosa advised no reportable action.

Council Member Price advised she did not participate in the Closed Session as she has a preexisting business partnership with Turner Construction.

## STUDY SESSION

Commissioners Present: Acebo-Davis, Collins, Richter, Ross, Smit, Usich

2. Study Session with the Public Art Commission.

The Palo Alto Public Art Commission participated in a joint meeting with the City Council and during that meeting, the Commission gave a brief overview of the Art Commission and the variety of programs it hosts. The Commission

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showed some recently completed projects, such as *Bliss in the Moment* sculpture by James Moore, the relocation of Gene Flores' *Filaree*, and the selection of Michael Szabo for the California Avenue Fountain. Present endeavors, such as the Mitchell park artworks by Bruce Beasley, Brad Oldham, Mark Verlander, and Roger Stoller were discussed along with temporary art installations and maintenance projects. Upcoming projects such as the Main Library and Art Center artwork were also presented. Discussions after the presentation included percent for art in public and private developments, expansion of the mural program, engaging youth, and functional art.

### SPECIAL ORDERS OF THE DAY

3. Community Partnership Presentation by the Garden Club of Palo Alto.

Council Member Shepherd read the Proclamation into the record.

4. Community Partnership Presentation Philharmonic Orchestra.
5. United Nations Association Film Festival (UNAFF) Proclamation.

Vice Mayor Yeh read the Proclamation into the record.

6. Presentation by the League of California Cities Helen Putnam Award for Project Safety Net.

### CONSENT CALENDAR

Staff requests that Agenda Item No. 16 be moved to a date uncertain.

**MOTION:** Council Member Holman moved, seconded by Council Member Schmid to pull Agenda Item No. 9 to become Agenda Item No. 16a.

**MOTION:** Council Member Klein moved, seconded by Council Member Scharff to approve Agenda Item Nos. 7-8, 10-15.

7. Council Approval that Allows the Director of Public Works or His Designee to Waive Landfill Fees for Acceptance of Clean Soils Received at the Landfill.
8. Approval of Amendment No. 1 to Contract No. C10132135 with CAD Masters, Inc. for the Development, Enhancement, and Ongoing Support and Maintenance of the Utilities Asset Management System in an Amount of \$300,000 Per Year for a Total Amount Not To Exceed \$1,500,000 for Up To Five Years.

9. ~~Approval of Two Amendments to City of Palo Alto Utilities Energy Efficiency Program Agreements and Adoption of One Budget Amendment Ordinance: 1) Amendment No. 1 to Contract No. C11140925 with Ecology Action for up to \$300,000 in Additional Funds for Additional Business Energy Efficiency Rebates for a Total Not to Exceed Amount of \$1,817,397 through FY 2014; 2) Amendment No. 1 to Contract No. C10134341 with OPOWER, Inc. for up to \$250,000 in Additional Funds for Additional Home Energy Reports For a Total Not to Exceed Amount of \$843,083 through FY 2013; and 3) Ordinance Amending the Budget for FY 2012 to Provide an Additional Appropriation of \$425,000 Within the Electric Fund for Two Demand-Side Management Programs.~~
10. Approval of Amendment No. 1 to Contract with Ghirardelli and Associates, to Extend the Term and Add \$29,000 for a Total Not to Exceed \$179,000 for Construction Management on the Stanford Avenue/ El Camino Real Intersection Improvements Project (CIP PL-07002).
11. Approval of Sub Lease Agreements with Palo Alto Community Child Care and Community Creative Learning Center for Extended Child Care Services at 12 Palo Alto Unified School District Sites.
12. Approval of Contract for Hewlett-Packard Software Maintenance Support Services for the City of Palo Alto Hewlett Packard Computer Systems.
13. Approval of Agreement with PAHC Housing Services, LLC for Administration and Consulting Services for Up to Two Years in an Amount Not to Exceed \$165,000 Per Year for the Below Market Rate Housing Program.
14. Appointments of Stepheny McGraw and Susan Rosenberg to the Storm Drain Oversight Commission for two terms ending on December 31, 2015.
15. Request for Council Approval of Draft City of Palo Alto Response Letters to the Bay Area Council to the Metropolitan Transportation Commission Letter.
16. ~~Revised Rail Committee Guiding Principles for Council Approval.~~

**MOTION PASSED for Agenda Item Nos. 7-8, 10-15: 9-0**

## AGENDA CHANGES, ADDITIONS, AND DELETIONS

16a. (Former No. 9) Approval of Two Amendments to City of Palo Alto Utilities Energy Efficiency Program Agreements and Adoption of One Budget Amendment Ordinance: 1) Amendment No. 1 to Contract No. C11140925 with Ecology Action for up to \$300,000 in Additional Funds for Additional Business Energy Efficiency Rebates for a Total Not to Exceed Amount of \$1,817,397 through FY 2014; 2) Amendment No. 1 to Contract No. C10134341 with OPOWER, Inc. for up to \$250,000 in Additional Funds for Additional Home Energy Reports For a Total Not to Exceed Amount of \$843,083 through FY 2013; and 3) Ordinance Amending the Budget for FY 2012 to Provide an Additional Appropriation of \$425,000 Within the Electric Fund for Two Demand-Side Management Programs.

**MOTION:** Council Member Scharff moved, seconded by Council Member Holman to refer this item to the Finance Committee.

**MOTION PASSED:** 9-0

## ACTION ITEMS

17. Adoption of Two Resolutions: (1) Resolution 9204 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1501 of the Merit System Rules and Regulations to Adopt a New Memorandum of Agreement (MOA) with International Association of Firefighters (IAFF), Local 1319", and (2) Resolution 9205 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act (PEMHCA) for Local 1319, International Association of Fire Fighters."

**MOTION:** Council Member Klein moved, seconded by Council Member Schmid to accept Staff recommendation to approve: 1) Resolution amending Section 1501 of the Merit System Rules and Regulations to adopt a new Memorandum of Agreement (MOA) between the City of Palo Alto and IAFF Local 1319 for the period of July 1, 2010 through June 30, 2014, 2) Resolution to implement the new employee and future retiree health care contributions provision by fixing the Employer's Contribution under the Public Employees Medical and Hospital Care Act (PEMHCA) for Fire employees represented by IAFF, Local 1319, and 3) Direct Staff to return to the Policy & Services Committee November meeting with a report as to implementation and timing of changes as a result of the elimination of minimum staffing.

**MOTION PASSED: 9-0**

18. PUBLIC HEARING: Approval of a Mitigated Negative Declaration, Tentative Map and Record of Land Use Action to Subdivide a 2.64 Acre Site Into 10 Single Family Lots Located at 525 San Antonio Avenue.

Public Hearing opened at 10:38 P.M.

Public Hearing closed at 10:40 P.M.

**MOTION:** Council Member Scharff moved, seconded by Council Member Shepherd to accept Staff and the Planning and Transportation Commission (P&TC) recommendation to approve the Mitigated Negative Declaration and a Tentative Map application to subdivide the 2.64 acre site consisting of two parcels zoned R-1 (8,000) into 10 single family lots, subject to the findings and conditions of approval contained in the Record of Land Use Action.

**MOTION PASSED: 9-0**

19. Council Direction Regarding California Avenue Transit Hub Corridor Streetscape Improvements Project Sidewalk Widening Options.

**MOTION:** Council Member Burt moved, seconded by Council Member Klein to: 1) Encourage Staff to focus on a concept version of a Modified Hybrid Plan alternative to include assurance of a net gain in parking spaces on California Avenue, 2) Better treatment to pedestrian safety in the northeast end from Birch Street to the plaza, and 3) Stay close to the cost of what is currently proposed in the Modified Hybrid Plan.

**AMENDMENT:** Council Member Schmid moved, seconded by Council Member Scharff to have Staff look at both the Central Plaza Concept Plan and the Parallel Parking on both sides of California Avenue Concept Plan.

**AMENDMENT PASSED:** 5-4 Burt, Holman, Klein, Shepherd no

**MOTION AS AMENDED PASSED: 9-0**

20. Submittal of Mitchell Park Library and Community Center Monthly Report and Council Direction to Staff to Continue Monthly Reports.

Council Member Price advised she would not be participating as she has a preexisting business partnership with Turner Construction, she left the meeting at 12:52 A.M.

**MOTION:** Vice Mayor Yeh moved, seconded by Council Member Shepherd to: 1) Accept this update on the Mitchell Park Library and Community Center (MPL&CC) construction contract change orders; and 2) Direct staff to continue to submit monthly reports to Council.

**MOTION PASSED:** 8-0 Price absent

#### COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Vice Mayor Yeh reported on attending the annual Northern California Power Agency meeting.

Council Member Klein spoke on attending the Santa Clara County Cities Association (SCCCA) meeting where Assembly Member Jim Beall spoke on pension reform. Additionally, the SCCCA is holding their annual holiday party on December 8 in Sunnyvale.

Council Member Burt reported that he attended the Metropolitan Transportation Commission (MTC) planning. On October 15, 2011 Senator Simitian held a town hall meeting where he discussed a poll that he conducted on cost overruns of high speed rail and his skepticism of the MTC.

Council Member Shepherd reported on Project Safety Net, Developmental Assets which they rolled out to local schools and their campaign to get this out to the community.

Mayor Espinosa asked each Council Member to speak to one or two community groups about the Developmental Assets Program and get these groups to adopt 2-3 assets.

Council Member Klein spoke about Diana Steeples who passed away on October 3, 2011 and was the driving force behind the Senior Coordinating Council. She started the program with the urging of the City Council. The program is now Avenidas, which is the City's response to senior programs.

ADJOURNMENT: The meeting was adjourned at 1:33 A.M. in memory of Diana Steeples who passed away on October 3, 2011.