

# ACTION MINUTES

Special Meeting  
September 12, 2011

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:03 P.M.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid arrived @ 6:05 P.M., Shepherd, Yeh

Absent:

1. Potential Topics for Discussion During the City Council Study Session with Assembly Member Rich Gordon.

No action required.

## STUDY SESSION

2. Study Session: Parking Strategies for Downtown and California Avenue Business Districts.

No action required.

## SPECIAL ORDERS OF THE DAY

3. Proclamation Recognizing September as Library Card Sign-Up Month 2011.

Council Member Schmid read the Proclamation into the record.

4. Selection of Candidates to be Interviewed for the Planning and Transportation Commission for One Term Ending on July 31, 2015.

**MOTION:** Council Member Klein moved, seconded by Council Member Shepherd to interview all candidates for the Planning and Transportation Commission term ending on July 31, 2015.

**MOTION PASSED:** 9-0

09/12/2011

5. Selection of Candidates to be Interviewed for the Architectural Review Board for Two Terms Ending on September 30, 2014.

**MOTION:** Vice Mayor Yeh moved, seconded by Council Member Schmid to interview all candidates for the Architectural Review Board for the two terms ending on September 30, 2014.

**MOTION PASSED:** 9-0

6. Inn Vision -Opportunity Center Community Presentation.

No action required.

#### CONSENT CALENDAR

**MOTION:** Council Member Schmid moved, seconded by Council Member Holman to pull Agenda Item No. 11, to become Agenda Item No. 14a.

**MOTION:** Council Member Klein moved, seconded by Vice Mayor Yeh to approve Agenda Item Nos. 7-10, and 12-14.

7. Recommendation from Finance Committee to Preliminarily Approve Fiscal Year 2011 Re-appropriation Requests to be Carried Forward into Fiscal Year 2012.
8. Approval of Amendment No. 1 in the Amount of \$28,013 to Contract No. C11138402 with TMAD, Taylor & Gaines for a Total Contract Amount of \$159,600 for Adding Design of Two Permanent Load Banks to the Power Monitoring and Standby Generator Replacement Project at the Water Quality Control Plant – Capital Improvement Program Project WQ-80021.
9. Approval of Response to Santa Clara County Grand Jury Report “Can You Hear Me Now? Emergency Dispatch in Santa Clara County”.
10. Approval of Response to Santa Clara County Grand Jury Report on “Fighting Fire or Fighting Change? Rethinking Fire Department Response Protocol and Consolidation Opportunities”.
- ~~11. Approval of Response to the 2010-2011 Santa Clara County Civil Grand Jury Report “Rehiring of Pensioners: Bad Policy, Good Business or Both?”.~~

12. Approval of a Contract with Riezebos Holzbaur Group (RHDG) in the Amount of \$93,350 for Graphic Design, Printing and Photography for the Quarterly Production of the Enjoy! Catalog Classes and Activities Guide.
13. Resolution 9199 entitled "Resolution of the Council of the City of Palo Alto Waiving the Community Services Department's Recreation Municipal Fees for Nickelodeon's 8th Annual Worldwide "Day of Play" on September 24, 2011."
14. Approval of Professional Services Agreement with Geodesy in the amount of \$164,720 for Development Support of New Computer Applications Linked to the Geographic Information System (GIS).

**MOTION PASSED for Agenda Item Nos. 7-10, and 12-14: 9-0**

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 14a. (Former Item No. 11) Approval of Response to the 2010-2011 Santa Clara County Civil Grand Jury Report "Rehiring of Pensioners: Bad Policy, Good Business or Both?"

**MOTION:** Council Member Holman moved, seconded by Council Member Scharff to direct Staff to rewrite the response to include comments from Council Members to meet the response deadline to the Grand Jury of September 19, 2011

**MOTION PASSED:** 9-0

**MOTION:** Council Member Klein moved, seconded by Council Member Shepherd to move Agenda Item No. 17 forward to become Agenda Item No. 14b.

- 14b. (Former Item No. 17) Recommendation for Vision on Cafe Operations at the New Mitchell Park Library & Community Center Cafe.

**MOTION:** Council Member Scharff moved, seconded by Council Member Klein to include in the Request for Proposal (RFP) moderate social responsibilities and Staff is to bring back to Council their recommendation after the new RFP process has been completed.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to replace moderate social responsibilities with:

In reissuing the RFP, Staff will consider multiple factors: financial feasibility, social services programs, and sustainability efforts in produce and food purchasing.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that the RFP is to include that the proponent will indicate how they would be compatible with and fulfill the programming of the project to include the park, community center, and library.

**AMENDMENT:** Council Member Price moved, seconded by Council Member XXXX that the RFP include criteria that addresses Council Priorities such as Youth Well Being, and Environmental Sustainability, and that significant consideration be given to but not limited to training and job opportunities for developmentally challenged youth and adults.

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**MOTION PASSED:** 9-0

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to continue Agenda Item No. 15 to September 19, 2011.

**MOTION PASSED:** 9-0

Council Member Scharff left the meeting at 11:30 P.M.

#### ACTION ITEMS

~~15. Council Direction in Response to Sustainable Communities Strategy (SB375) Alternative Scenarios and Update of Regional Housing Needs Assessment (RHNA) Process.~~

16. Approval of Increase in Construction Contingency from 10% to 25% on Contract C11136473 with Flintco Pacific Construction, Inc. for Construction of the Mitchell Park Library and Community Center, PE-09006; and Approval of Two Contract Amendments for Additional Construction Management and Design Services: Amendment No. Three with Turner Construction, Inc., to Add \$205,287 for a Total Amount Not to Exceed \$3,783,745 and Amendment No. Five with Group 4 Architecture, Inc. To Add \$220,670 for a Total Amount Not to Exceed \$7,902,421.

**MOTION:** Council Member Klein moved, seconded by Council Member Burt

to approve the following Staff recommendations:

- 1) The existing contingency for construction of the Mitchell Park Library and Community Center PE-09006) ("MPLCC") is 10 percent of the construction contract of \$24,365,000, or \$2,436,500. Staff recommends the construction contingency for contract C11136473 with Flintco Pacific, Inc., be increased by \$3,654,750 an additional 15 percent of the Contract amount. The revised total contingency authorization for this contract would be \$6,091,250 for a total contract contingency of 25 percent,
- 2) Approve and Authorize the City Manager to execute Amendment No. Three (Attachment B) to contract C10131631 with Turner Construction, Inc., to add \$205,297 for additional construction management services for a total contract amount of \$3,783,745. This increase represents a 7.5 percent increase in the Additional Services budget,
- 3) Approve and Authorize the City Manager to execute Amendment No. Five (Attachment C) to contract C09130744 with Group 4 Architecture, Inc., to add \$220,670 for additional design services for a total contract amount of \$7,902,421. This increase represents a 5 percent increase in the Additional Services budget,
- 4) Staff is to provide monthly reports to Council on Change Orders and their resolution,
- 5) Council approval is required on any individual Change Order that exceeds City Manager authority of \$85,000,
- 6) City Attorney to supply monthly reports regarding potential claims against Group 4 either in a confidential report or during a Closed Session.
- 7) Staff is to return to Council for approval of any additional expenditures to achieve LEED Platinum.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change the contingency percentage to 20% and 25%.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to have Staff provide a report to Council from both library oversight committees on their evaluation of the effectiveness of the oversight process.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change recommendation Number 6 to include any potential claims rather than just Group 4 claims.

**MOTION AS AMENDED PASSED:** 7-0 Price, Scharff absent

~~17. Recommendation for Vision on Cafe Operations at the New Mitchell Park Library & Community Center Cafe.~~

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Shepherd asked Staff to provide information to the public regarding the City's involvement in the future of the Varsity Theater.

City Manager, James Keene stated that the future of the theater is dependent upon any future viable prospects for the owners of the building.

ADJOURNMENT: The meeting was adjourned at 1:10 A.M.