



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
October 22, 2012

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:05 P.M.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid arrived at 7:05 p.m., 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, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Marcie Scott, Darrell Murray, Val Fong)

Employee Organization: Utilities Management and Professional Association of Palo Alto (UMPAPA)

Authority: Government Code Section 54957.6(a)

The City Council reconvened from the Closed Session at 6:05 P.M. and Mayor Yeh advised no reportable action.

## STUDY SESSION

### 2. City Council Study Session with Senator Simitian Proposed Topics of Discussion.

Senator Simitian addressed Vice Mayor Scharff regarding the regional housing needs allocation transfer request with Santa Clara County. He said the housing allocation should be a condition of the development so as not to aggravate the housing imbalance. He said there were challenges getting the State to understand the imbalance in part due to student housing. He hopes to be helpful with the issue should he become a county supervisor. He also addressed a Staff Member's question regarding the California High Speed Rail and Caltrain rail corridor. He said there have been some good outcomes

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from the outreach of Palo Alto and other organizations including the commitment to a blended system and the projected cost of the total build out has been reduced dramatically. He encouraged the City to return to the Legislature again to get commitments confirmed. He discussed the issue of a raised tax vote by the people and the Governor's Office process and the opportunity for trigger cuts to be implemented depending on the upcoming election.

Roland Lebrun spoke regarding Caltrain and County Parks. Plan A for Caltrain should be procurement approach similar to that of airlines that keeps 440 million here in California rather than paying a foreign manufacturer to build the trains. 25 percent of the California park system has been turned over to the conservation plan. The Palo Alto parks were going to be used to widen 101. The parks belong to Palo Alto not to the County and should not be used that way.

Herb Borock spoke regarding the High Speed Rail. He discussed a long history of speed tests that seemed to be going backwards instead of forward and provided documentation to Council.

## SPECIAL ORDERS OF THE DAY

3. Presentation From the City of Heidelberg, Germany
4. Selection of Candidates to be Interviewed for the Public Art Commission for One Unexpired Term Ending on April 30, 2015.

**MOTION:** Council Member Shepherd moved, seconded by Vice Mayor Scharff to direct Staff to recruit for additional applications Public Art Commission.

**MOTION PASSED:** 9-0

5. Selection of Candidates to be Interviewed for the Library Advisory Commission for One Unexpired Term Ending on January 31, 2014

**MOTION:** Council Member Shepherd moved, seconded by Vice Mayor Scharff to direct Staff to recruit for additional applicants Library Advisory Commission.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** before starting the recruitment, to request Staff to advise Council on the viability of the Library Advisory Commission given

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the reduction in applicants, the number of resignations prior to the completion of their terms.

## **MOTION PASSED** 9-0

6. Selection of Candidates to be Interviewed for the Parks and Recreation Commission for Four Terms Ending on December 31, 2015

**MOTION:** Council Member Shepherd moved, seconded by Council Member Holman to direct Staff to bring back on the Consent Calendar the appointment of the two incumbents, and reopen the recruitment for the remaining two vacancies.

## **MOTION PASSED** 8-1, Schmid no

### MINUTES APPROVAL

**MOTION:** Council Member Espinosa moved, seconded by Council Member Klein to approve the minutes of September 18, 2012.

## **MOTION PASSED:** 9-0

### CONSENT CALENDAR

**MOTION:** Council Member Scharff moved, seconded by Council Member Holman to approve Agenda Item Nos. 7-11.

7. Policy and Services Committee Recommendation to Accept the Report on the Status of Audit Recommendations (June 2012).
8. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of June 30, 2012.
9. Approval of Increase to Purchase Order with One Workplace to Add \$71,646 for a Total Amount Not to Exceed \$703,794 for Standard Furniture for the Mitchell Park Library and Community Center.
10. Approval of Annual Report of Williamson Act Contracts Within the City of Palo Alto.
11. Approval of a Contract with NOVA Partners, Inc. in a Total Amount Not to Exceed \$756,933 for Construction Management Services for the Main Library Measure N Project - Capital Improvement Program Project PE-11000.

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**MOTION PASSED:** 9-0

## ACTION ITEMS

12. Approval of Letter of Intent to Participate in Cool Cities Challenge.

**MOTION:** Council Member Shepherd moved, seconded by Council Member Klein to authorize the City Manager or his designee to sign the Letter of Intent to participate in the Cool Cities Challenge.

**MOTION TO CALL THE QUESTION:** Council Member Klein moved, seconded by Council Member Price to call the question.

**MOTION TO CALL THE QUESTION PASSED:** 7-2 Holman, Scharff no

**MAIN MOTION PASSED:** 7-2 Holman, Scharff no

Council Member Schmid left the meeting at 10:00 P.M..

13. Human Relations Commission Recommends Adoption of a Resolution In Support of an Amendment to the United States and California Constitutions to State "Corporations are Not People and Money is Not Speech" in Response to United States Supreme Court Decision of Citizen's United vs. Federal Communications Commission.

**MOTION:** Council Member Klein moved, seconded by Council Member Shepherd whereas the City Council believes the Citizens United Case was wrongly decided, now therefore we direct staff to prepare and the Mayor to sign a letter for our federal office holders urging them to adopt a constitutional amendment for submittal to the states which would have the effect of overturning the Citizens United Case.

**AMENDMENT:** Moved by Mayor Yeh, seconded by Vice Mayor Scharff to add at the end of the Motion "such proposed amendment to be informed by the dissent of Justice Stevens in the Citizens United Case."

**AMENDMENT PASSED:** 6-2 Espinosa, Klein no, Schmid absent

**MOTION AS AMENDED PASSED:** 7-1 Espinosa no, Schmid Absent

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14. Colleague's Memo from Mayor Yeh, Council Members Price and Shepherd Regarding a Council Youth Commission Liaison.

**MOTION:** Council Member Holman moved, seconded by Council Member Klein to continue item and ask authors to return at the earliest possible date with a revised memo better identifying the problems/goals intended to be resolved/achieved and clarity on how those would be achieved.

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

## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Shepherd said that she and Council Member Holman participated in the League of Cities Annual Event. She learned that about 50 percent of Sacramento's dollars go to education, about 10 percent to the criminal justice system, and about 23 percent to human services.

Council Member Price and several other Council Members attended a pancake breakfast fundraiser for Project Safety Net which was sponsored by partners such as the Fire Department, Lucille Packard, and Stanford.

Mayor Yeh said that \$4500 was raised at the fund raiser.

Council Member Holman said she attended the event later in the day and was told that over 800 people attended.

ADJOURNMENT: The meeting was adjourned at 11:07 P.M.