



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
April 1, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:10 P.M.

Present: Berman, Holman arrived at 7:25 P.M., Klein, Kniss, Price, Scharff

Absent: Burt, Schmid, Shepherd

STUDY SESSION

SPECIAL ORDERS OF THE DAY

1. Proclamation Honoring the Neighbor's Abroad Delegation From Sister City Oaxaca, Mexico.

Council Member Kniss read the proclamation into the record.

Soledad Osogobio Cuevas President of the Sister City Committee read in Spanish the letter from Luis Ugartechea Beque, City of Oaxaca, Mexico.

2. Selection of Candidates to be Interviewed for the Library Bond Oversight Committee for Five Terms Ending on May 31, 2017.

MOTION: Council Member Kniss moved, seconded by Council Member Price to interview all the candidates for Library Bond Oversight Committee.

SUBSTITUTE MOTION: Council Member Klein moved, seconded by Mayor Scharff to not interview any applicant, but place on the April 8, 2013 Consent Calendar, the appointment of the five incumbents; Sandra Hirsh, John Melton, Dena Mossar, James Schmidt, and Alice Smith.

SUBSTITUTE MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

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3. Selection of Candidates to be Interviewed for the Historic Resources Board for One Unexpired Term Ending on May 31, 2014 and Three Terms Expiring on May 31, 2016.

MOTION: Council Member Kniss moved to interview all of the applicants.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Council Member Klein moved, seconded by Mayor Scharff to: 1) place on the April 8, 2013 Consent Calendar, the appointment of the three incumbents; David Bower, Beth Bunnenberg, and Patricia DiCicco to the three terms expiring on May 31, 2016; and 2) schedule an interview with Margaret Wimmer for the unexpired term ending on May 31, 2014.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

4. Selection of Candidates to be Interviewed for the Human Relations Commission for Two Terms Expiring on March 31, 2016.

MOTION: Council Member Kniss moved, seconded by Council Member Holman to interview all of the applicants.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

MINUTES APPROVAL

MOTION: Council Member Kniss moved, seconded by Council Member Holman to approve the minutes of February 11, 2013.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

CONSENT CALENDAR

MOTION: Council Member Klein moved, seconded by Council Member Berman to pull Agenda Item Number 9 from the Consent Calendar and continue it as an Action Item on April 8, 2013.

MOTION PASSED: 6-0

MOTION: Council Member Kniss moved, seconded by Council Member Price to approve Agenda Item Numbers 5- 8, 10-12.

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5. Approval of Amendment Number One to the Water Supply Agreement with the City and County of San Francisco.
6. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of December 31, 2012 and Revised Workplan.
7. Approval of Contract with D&M Traffic Services, Inc. for a Total of \$150,000 to Provide On Call Traffic Safety Services.
8. Approval of Enterprise Wastewater Treatment Fund Contract with Kennedy/ Jenks Consultants in the Total Amount of \$205,430 for the Design of Dual Media Filters Optimization Project at Regional Water Quality Control Plant - Capital Improvement Program Project WQ-80021.
- ~~9. Approval of Amendment Number 2 to Contract #C10131396 in the Amount of \$1,260,000 with CDM Smith Inc. to Provide Additional Services Associated With the Reservoir, Pump Station, and Well at El Camino Park and Mayfield Pump Station Augmentation Project WS-08002, for a Total Not to Exceed Amount of \$6,387,802.~~
10. Approval of a Contract with Geosyntec Consultants in the Total Amount of \$241,000 for Preliminary Site Remediation Design and Permitting Services for the Former Los Altos Treatment Plant Located at 1237 North San Antonio Road (CIP PO-12002).
11. Resolution 9325 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Submit a Grant Application to the California Department of Water Resources for an Enhanced Regional Flood Warning System for the San Francisquito Creek Watershed."
12. Appointment of Lanie Wheeler to the Emergency Standby Council, Replacing Judy Kleinberg.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

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13. Approval of a Water Enterprise Fund Contract with RMC Water and Environment, Inc. for a Total Not to Exceed Amount of \$193,914 to Complete the Environmental Analysis of Expanding the City's Recycled Water Delivery System.

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MOTION: Council Member Price moved, seconded by Council Member Klein to approve a contract with RMC Water and Environment, Inc. (RMC) to complete the environmental analysis of an expanded recycled water project to serve the Stanford Research Park for \$176,286, plus a contingency of \$17,628, for an amount not to exceed \$193,914. Staff also recommends that Council approve this contract as a "sole source" exemption from the City's competitive bidding process under its authority in Palo Alto Municipal Code Section 2.30.360(d).

MOTION FAILED: 4-2 Holman, Scharff, no, Burt, Schmid, Shepherd absent

Grant Kolling, Senior Assistant City Attorney, stated that the City Charter requires an affirmative vote of a majority of the Council to approve a award contract, without five votes is does not pass.

MOTION Council Member Klein moved, seconded by Council Member Berman to continue this item to the Council meeting of April 8, 2013.

MOTION PASSED: 4-2 Holman, Scharff, no, Burt, Schmid, Shepherd absent

14. Approval of the 2013 Federal and State Legislative Program.

MOTION: Mayor Scharff moved, seconded by Council Member Price to refer to Policy and Services Committee the issue of hiring a state lobbyist.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

MOTION: Mayor Scharff moved, seconded by Council Member Holman to approve the 2013 Federal and State Legislative Program, to include RHNA reform.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

15. Direct City Clerk to Return Ballot Designating the City Council's Vote for the Two League of California Cities Amendments to Membership Bylaws.

MOTION: Council Member Kniss moved, seconded by Council Member Berman to move to support the League's two amendments to the League's bylaws to the membership and vote yes on amendment number 1-Resolutions submitted to the League for presentation to the General

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Assembly must be concurred in by at least five or more cities or by city officials from at least five or more cities; To vote yes and amendment number 2- The League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present.

SUBSTITUTE MOTION: Council Member Klein moved, seconded by Mayor Scharff to direct our delegate, Vice Mayor Shepherd, to vote on the two amendments after consideration of the issues, according to her conscience.

MOTION TO CONTINUE: Council Member Holman moved to continue this item to next Council meeting.

MOTION FAILED DUE TO LACK OF SECOND

SUBSTITUTE MOTION PASSED: 5-1 Holman no, Burt, Schmid, Shepherd absent

16. Authorization to the City Manager to Fly the Rainbow Flag in King Plaza and Potential Adoption of a Resolution 9326 Authorizing the City Manager to Fly the Rainbow Flag in King Plaza; and Possible Additional Discussion and Action Adopting a Position Regarding Proposition 8 and/or the Federal Defense of Marriage Act (DOMA)

MOTION: Mayor Scharff moved, seconded by Council Member Holman to authorize the City Manager to fly the Rainbow Flag in King Plaza and adopt the Resolution on page 346 of the report.

AMENDMENT: Council Member Holman moved to authorize the City Manager to fly the Rainbow Flag in King Plaza at a minimum until the Supreme Court decision is reached.

AMENDMENT FAILED DUE TO LACK OF SECOND

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

COUNCIL MEMBERS QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Berman reported on his trip to Washington D.C. with the Silicon Valley Leadership Group to meet with Senators and Congress Members on various important issues, including tax reform, fiber to the premise, transportation.

Council Member Holman brought for Colleagues copies of 2012 Stewardship report on Santa Clara Valley Water District and she encouraged her

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colleagues to participate in the League of Cities Bocce Ball Tournament on Thursday, April 18, 2013.

Council Member Kniss stated that the Bay Area Air Quality Management District spare the air days are making a difference in the valley air.

Council Member Price attended the Project Cornerstone event last week, and a Project Safety Net meeting.

Council Member Klein spoke about the Bay Area Water Supply & Conservation Agency Board meeting where they discussed no water rationing this year, the progress of upgrades to local dams.

Mayor Scharff reported on attending the Regional Housing Needs Assessment (RHNA) appeals meeting today and the status of claims by several local cities.

MOTION: Council Member Klein moved, seconded by Mayor Scharff to direct Staff to bring to the Regional Housing Mandate Committee a discussion on possible RHNA allocation reforms.

Council Member Price wanted to confirm that the issue is not just the allocation numbers but also the methodology used by each county.

MOTION PASSED: 6-0 Burt, Schmid, Shepherd absent

ADJOURNMENT: The meeting was adjourned at 10:08 P.M.