



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
April 15, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, Shepherd

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, Kathryn Shen, Sandra Blanch, Marcie Scott, Darrell Murray)
Employee Organization: Palo Alto Police Manager's Association (PAPMA)
Authority: Government Code Section 54957.6(a)

Donna Grider, City Clerk, noted that Darrell Murray would not be participating in the Closed Session but in his place will be Dania Torres Wong attending.

2. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Subject: City of Palo Alto et al. v. California High-Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2010-80000679 Authority: Government Code section 54956.9(a)

The City Council returned from Closed Session at 7:15 P.M. Mayor Scharff reported that there was no reportable action from the Closed Session on labor negotiations. Mayor Scharff reported that on the Closed Session regarding High Speed Rail the City Council voted unanimously not to appeal the Judge's decision.

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STUDY SESSION

3. Update on the Progress in Implementing the Climate Protection Plan Earth Day Report.

The City Council learned that key Greenhouse Gas (GHG) goals contained in Palo Alto's 2007 Climate Action Plan (Plan) were met, based on data for 2012, an important milestone year in the Plan. The 2012 GHG emissions from City operations were estimated to be 53 percent below 2005 levels, exceeding Council's goal to reduce these emissions by 20 percent by 2012. GHG emissions in 2012 by the City and Community combined were estimated to be down 22 percent below 2005 levels, exceeding the Council goal of 15 percent reduction below 2005 levels by 2020. A detailed breakdown of these estimates was reported in the April 15, 2013 Staff Report. City Staff will begin to revise the Plan to accommodate a further reduction in GHGs and a rising sea level, leading to the adoption of new goals by City Council in 2014. This work will be done in concert with an update to the City's Comprehensive Plan, which is being done in the same time frame. Transportation GHG emissions are roughly 40 percent of the community's total and both the Comprehensive Plan and the revised Climate Action Plan will benefit from new vehicle use estimates which will be performed in the upcoming months. New GHG estimates were also assembled for the City's largest facilities and a summary of related energy projects since 2005 was made available via the Staff Report. The City's largest energy user is the Wastewater Treatment Plant, where a 16 percent GHG reduction has been achieved since 2005. The Wastewater Plant served 5 neighboring communities in addition to Palo Alto.

SPECIAL ORDERS OF THE DAY

4. Proclamations Expressing Appreciation to Terry Godfrey, Rachel Samoff, Rob Steele, and Environmental Volunteers for Outstanding Public Service.

Council Member Berman read the Proclamation for Terry Godfrey into the record.

Council Member Schmid read the Proclamation for Rachel Samoff into the record.

Council Member Burt read the Proclamation for Robert Steele into the record.

Vice Mayor Shepherd read the Proclamation for the Environmental

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Volunteers into the record.

5. Selection of Candidates to be Interviewed for the Library Advisory Commission for Two Terms Expiring on January 31, 2016.

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Holman to interview seven candidates for the Library Advisory Commission.

MOTION PASSED: 9-0

6. Selection of Candidates to be Interviewed for the Public Art Commission for One Term Expiring on April 30, 2015.

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Price to interview four candidates for the Public Art Commission.

MOTION PASSED: 9-0

CONSENT CALENDAR

Vice Mayor Shepherd indicated she would not participate in Agenda Item Number 10 due to an interest in property within the Business Improvement District.

Council Member Berman indicated he would not participate in Agenda Item Number 13 due to a business interest in plastic bags.

Council Member Holman registered a No vote on Agenda Item Number 7.

MOTION: Council Member Klein moved, seconded by Council Member Kniss to approve Agenda Item Numbers 7-15.

7. Recommendation that City Council Approve a Contract with OPower for the Provision of Home Utility Reports to Residents Comparing Energy and Water Use.
8. Resolution 9328 entitled "Resolution of the Council of the City of Palo Alto Approving and Authorizing the City Manager to Execute and Amend the Northern California Power Agency Operating Agreement for Scheduling Coordination Services for Renewable Resources.
9. Approval of Six On-call Building and Inspection Services Contracts as follows: 1) 4Leaf in the amount of \$725,000, 2) Interwest Consulting Group in the amount of \$50,000, 3) CSG Consultants in the Amount of

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\$50,000, 4) West Coast Code Consultants in the Amount of \$385,000, 5) Kutzmann & Associates in the Amount of \$240,000, and 6) TRB & Associates in the Amount of \$50,000.

10. Preliminary Approval of the Report of the Advisory Board for Fiscal Year 2012 in Connection with the Palo Alto Downtown Business Improvement District and Adoption of Resolution 9329 Declaring its Intention to Levy an Assessment Against Businesses within the Downtown Palo Alto Business Improvement District for Fiscal Year 2014 and Setting a Time and Place for a Public Hearing on May 6, at 7:00 PM or Thereafter, in the City Council Chambers.
11. Approval of Amendment No. 3 to Extend Contract No. C05109138 for Three Additional Years in the Amount of \$62,000 per Year for a Total of \$186,000 With The United States Geological Survey for San Francisco Bay Monitoring.
12. Approval of Finance Committee Recommendation Regarding Adoption of Budget Amendment Ordinance 5191 Amending the Budget for Fiscal Year 2013 to Adjust Budgeted Revenues and Expenditures in Accordance with the Recommendations in the Midyear Report.
13. Adoption of an Ordinance Amending Palo Alto Municipal Code Section 5.35 to Expand Plastic Bag Ban to Retail and Food Establishments, Require Retailers to Charge Fee for Paper Bag Use and Provision of Phased Implementation.
14. Recommendation to Authorize the City Manager to Execute the Second Amended and Restated Memorandum of Agreement with the Bay Area Recycled Water Coalition to Pursue Federal Legislative Efforts Related to Recycled Water Projects.
15. Resolution 9330 entitled "Resolution of the Council of the City of Palo Alto Approving Amendment Number One to the Water Supply Agreement with the City and County of San Francisco.

MOTION PASSED for Agenda Item Number 7: 8-1 Holman no

MOTION PASSED for Agenda Item Numbers 8, 9, 11, 12, 14 and 15:
9-0

MOTION PASSED for Agenda Item Number 10: 8-0 Shepherd not participating

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MOTION PASSED for Agenda Item Number 13: 8-0 Berman not participating

Action Items

16. Policy & Services Committee Recommendation to Approve Revisions to Section 2.4 of the City Council Protocols Setting Forth the Conduct of Council Liaisons to Palo Alto Boards and Commissions (continued from March 18, 2013).

MOTION: Council Member Klein moved seconded by Mayor Scharff to approve the recommendation from the Policy and Services Committee to include the following changes: Section 2.4 A title to change from "Conduct of Palo Alto Boards and Commissions" to "liaisons to community, county, regional, state and federal bodies," strike the words "and commissions" and add "commissions and task forces," and change Tier 2 to "those of the county, regional, state and federal levels."

AMENDMENT TO MOTION: Council Member Holman moved, seconded by Mayor Scharff add to 2.4 C "Liaison should act as a resource and not participate as a Board or Commission Member."

MOTION: Council Member Klein moved, seconded by Mayor Scharff to call the question.

MOTION PASSED: 7-2 Berman, Kniss no

AMENDMENT TO MOTION PASSED: 6-3 Klein, Berman, Price no

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER in H1 "it is appropriate for the Council Liaison to offer as examples the following at Boards and Commissions meetings stating existing Council policies, institutional memory, background, procedural guidance on the scope of what is appropriate to provide to Council and consider whether the body has the tools it needs to fulfill its role."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER 2.4 G any public comments from a non-liaison Council Member to a Board or Committee is strongly discouraged and should be identified.

AMENDMENT TO THE MOTION: Vice Mayor Shepherd moved, seconded by Council Member Price to add "as approved by Council" after "Community based organizations" in 2.4 A, Tier 3.

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AMENDMENT TO MOTION PASSED: 5-4 Klein, Berman, Scharff, Kniss no

AMENDMENT TO MOTION: Mayor Scharff moved, seconded by Vice Mayor Shepherd to add to H2 "where appointed by the Council, Mayor, or Agency should" after "liaisons."

AMENDMENT TO MOTION PASSED: 9-0

MOTION AS AMENDED PASSED: 9-0

17. Colleagues Memo Requesting that the Staff and Planning and Transportation Commission (PTC) Review Sidewalk Widths With a Focus on El Camino Real and the Grand Boulevard Plan and Return to Council with Suggested Zoning Amendments.

MOTION: Council Member Holman moved seconded by Council Member Schmid that the Staff, Planning and Transportation Commission (PTC) and Architecture Review Board (ARB) review sidewalk widths and how buildings address the street with a focus on El Camino Real and with reference to the Grand Blvd. Design Guidelines and return to Council with suggested zoning amendments that implement the vision expressed in the Grand Boulevard Plan, and revise the South El Camino Real guidelines and zoning as appropriate to make them consistent with this vision. Other major thoroughfares, including but not limited to Alma, Downtown, California Avenue and Charleston should be addressed in this context, as Staff feels is appropriate at this time.

MOTION PASSED: 9-0

ADJOURNMENT: The meeting was adjourned at 10:51 P.M.