



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
May 6, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:30 P.M.

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

Absent: Kniss

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY
Potential Litigation – One Matter
Subject: Construction of the Mitchell Park Library and Community Center
Authority: Government Code Section 54956.9
2. CONFERENCE WITH CITY ATTORNEY
Potential Initiation of Litigation - One Case
Subject: Class-Action Litigation Alleging Price-Fixing by Foreign Manufacturers of Lithium ion Batteries
Authority: Government Code section 54956.9

Mayor Scharff reported that the City Council authorized a 50 page pre-default letter to Flintco, the contractor for Mitchell Park Library which will be available the following day on the City Website. The City Council also voted to authorize initiation of litigation against certain foreign manufacturers regarding lithium ion batteries, a complete description of the litigation would be made available the following day by the City Attorney.

MINUTES APPROVAL

MOTION: Council Member Price moved, seconded by Council Member Schmid to approve the minutes of March 14, March 18, and April 22, 2013 as amended.

MOTION PASSED: 8-0 Kniss absent

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CONSENT CALENDAR

Council Member Berman recused himself from Agenda Item Number 14 due to an investment in a company that makes reusable plastic bags.

Vice Mayor Shepherd registered a no vote on Agenda Item Number 13.

Council Member Klein registered a no vote on Agenda Item Number 13.

MOTION: Council Member Schmid moved, seconded by Council Member Holman to approve Agenda Item Numbers 6-14.

6. Record of Land Use Action Approving a Conditional Use Permit for Beer and Wine Service at Freebirds World Burrito Located at 2305 El Camino Real.
7. Appeal of and Recommendation to Uphold Director's Architectural Review Approval of the Co-location by AT&T Mobility LLC of One Pole-Mounted Wireless Communication Antenna and Associated Equipment Boxes on the Existing Utility Pole Within the City's Public Utility Easement on 3704 Carlson Circle.
8. Approval of a One-Year Extension of the Sierra Infosys Contract (C10135998) for Annual SAP Support in the amount of \$250,000.00 per year for the Support and Maintenance of SAP Industry-Specific Solution for Utilities (IS-U), SAP Enterprise Central Component (ECC 6.0), Customer Relationship Management System (CRM), Business Intelligence System (BI) and Utilities Customer Electronic Services (UCES).
9. Resolution 9331, entitled "Confirming that the City Manager is Authorized to Report Greenhouse Gases Generated in Municipal and Utility Operations to Federal and State Agencies and to Participate in Cap and Trade Programs."
10. Request for Authorization to Increase the Existing Blanket Purchase Order with Cooper Power Systems, Inc. by \$225,000 for Fiscal Year 2013 and to Approve a \$225,000 Blanket Purchase Order with Cooper Power Systems, Inc., for Fiscal Year 2014 for the Purchase of Padmount Switches.

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11. Recommendation to Purchase Eighteen (18), 5-Year Extended Warranties for New Electrocardiogram (EKG) Monitors for a Not-to-Exceed Total of \$93,000.
12. Approval of a Contract with Advanced Design Consultants, Inc. in the Total Amount of \$234,869 for Design of Mechanical, Electrical and Fire Life Safety Upgrades for the Lucie Stern Community Center Complex (CIP PF-09000).
13. Ordinance 5193, entitled "Amending the Zoning Map to Add the Ground Floor (GF) Combining District (regulated under PAMC Section 18.30(C)) to Properties on the 600 block of Emerson Street Zoned CD-C-P (Commercial-Downtown Community with Pedestrian Combining District) and Street Fronting Ground Floor Spaces Zoned CD-S-P (Commercial-Downtown Service with Pedestrian Combining District), as Listed on the Ordinance's Exhibits 1 and 2 (Passed: April 8, 2013, 6-3 Klein, Shepherd, Price no)."
14. Ordinance 5194, entitled "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 (Passed: April 15, 2013, 8-0, Berman not participating)"

MOTION FOR AGENDA ITEM NUMBERS 6-12 PASSED: 8-0 Kniss absent

MOTION FOR AGENDA ITEM NUMBER 13 PASSED: 6-2 Kniss absent, Klein, Shepherd, no

MOTION FOR AGENDA ITEM NUMBER 14 PASSED: 7-0 Kniss absent, Berman not participating

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15. Review of Guiding Principles for Stanford University Medical Center Fund Allocations and Allocation of \$2Million to Project Safety Net.

MOTION: Council Member Klein moved, seconded by Vice Mayor Shepherd to refer this item to the Policy and Services Committee to develop formal Guiding Principles and an approval process for the use of Stanford University Medical Center Development Agreement funds. Furthermore, to authorize the use of \$2 million from such funds for Project Safety Net.

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AMENDMENT TO MOTION: Council Member Schmid moved to add to guiding principles approval process for gathering ideas from staff and council.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 8-0 Kniss absent

16. Public Hearing: Hear Objections to the Levy of Proposed Assessments on the Palo Alto Downtown Business Improvement District and Adoption of a Resolution 9332, entitled "Confirming the Report of the Advisory Board and Levying Assessment for Fiscal Year 2014 on the Downtown Palo Alto Business Improvement District".

Vice Mayor Shepherd advised she would not be participating in this Item as her husband had a lease in the Business Improvement District (BID).

MOTION: Mayor Scharff moved, seconded by Council Member Price to adopt a resolution confirming the report of the advisory board and to levy an assessment for fiscal year 2014 on the Downtown Palo Alto Business Improvement District.

MOTION PASSED: 7-0 Kniss absent, Shepherd not participating

17. Public Hearing: Adoption of a Resolution 9333, entitled "Approving the Proposed Fiscal Year 2014 Community Development Block Grant Funding Allocations and the Draft 2014 Action Plan".

MOTION: Council Member Burt moved, seconded by Council Member Price to; 1) Adopt the attached funding Resolution allocating CDBG funding as recommended by staff in the 2014 Action Plan, 2) Authorize staff to submit the 2014 Action Plan to the Department of Housing and Urban Development by the May 15, 2013 deadline, and 3) Authorize the City Manager, or designee, to execute the 2014 application and Action Plan for CDBG funds and any other necessary documents concerning the application and grant agreements and to otherwise bind the City with respect to the application and commitment of funds.

MOTION PASSED: 8-0 Kniss absent

18. Resolution 9334, entitled "Authorizing the Issuance and Sale of General Obligation Bonds Series 2013A For Measure N Projects in the Principal Amount of \$20,695,000, Authorizing and Directing the

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Execution of a Paying Agent Agreement, and Certain Other Related Documents, and Authorizing Official Actions Related Thereto”.

MOTION: Vice Mayor Shepherd moved, seconded by Mayor Scharff to; 1) authorize Staff to issue and sell General Obligation Bonds (Election of 2008, Series 2013A) for Measure N Projects in an amount of \$20,695,000 to finance City library capital improvements, and 2) approve Paying Agent Agreement, Official Notice of Sale, Preliminary Official Statement; and authorize official actions related thereto.

MOTION PASSED: 8-0 Kniss Absent

19. Adoption of a Resolution Amending the 2013 Management and Professional Compensation Plan and Adoption of a Resolution Amending the Merit Rules.

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

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER for the Finance Committee to refer this item back to the City Council no later than the meeting on Monday, June 10, 2013.

MOTION PASSED: 7-1 Kniss absent, Price no

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Price said she had been attending Youth Council Meetings. The youth were interested in engaging on issues such as the Connected City and the Downtown and California Avenue Council Priorities as well as upcoming events such as the Hackathon. She also discussed an Art Center Event and Project Safety Net projects that relate to youth.

Council Member Burt reported that the Santa Clara County Emergency Preparedness Council has begun to explore consolidating efforts. Different functions could merge into an operational council similar to the Valley Transportation Authority Board structure. The Stanford University Steering Committee for the future of Searsville Reservoir formed an advisory committee of stakeholders which includes Palo Alto. He was invited to participate as the Palo Alto Representative.

Vice Mayor Shepherd participated in the Abilities United 50 year anniversary. Palo Alto was honored with an award which she presented to the Council.

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She also announced the League of Cities Conference was coming up and she recommended colleagues attend.

Council Member Holman said she had been selected to serve on the Mid-Peninsula Regional Open Space District's Community Advisory Committee as the Co-Chair.

ADJOURNMENT: The meeting was adjourned at 11:08 P.M.