



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
September 9, 2013

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:35 P.M.

Present: Burt, Holman, Klein, Price arrived at 5:40 P.M., Scharff, Schmid, Shepherd

Absent: Berman, Kniss

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL
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 Litigation (1 Case)
Relating to State Water Project Property Tax Levy
Govt Code Section Section 54956.9(d)(4)

The City Council adjourned from Closed Session at 7:00 P.M. and Mayor Scharff announced there was no reportable action.

SPECIAL ORDERS OF THE DAY

3. Proclamation Expressing Appreciation for the Volunteer Efforts of Manao and Peter Keegan in Establishing a Student Exchange To Yangpu District, Shanghai, China.

MINUTES APPROVAL

MOTION: Council Member Klein moved, seconded by Council Member Price to approve the minutes of August 5 and August 8, 2013.

MOTION PASSED: 7-0 Berman, Kniss Absent

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CONSENT CALENDAR

Staff recommended that Agenda Item Number 14 be continued to September 16, 2013.

MOTION: Mayor Scharff moved, seconded by Council Members Burt and Klein to move Agenda Item Number 7 from the Consent Calendar to a date uncertain.

MOTION: Council Member Klein moved, seconded by Vice Mayor Shepherd to approve Agenda Item Numbers 4-6 and 8-13.

Council Member Holman registered a no vote on Agenda Item Number 10.

4. Approval of Three Contracts with: 1) Navigant Consulting Inc. for Electric Regulatory and Technical Consulting Services for a Total Amount Not to Exceed \$117,500 Over Three Years; 2) Flynn Resources Consulting Inc. for Electric Regulatory and Technical Consulting Services for a Total Amount Not to Exceed \$225,000 Over Three Years; and 3) Navigant Consulting Inc. for Gas Regulatory and Technical Consulting Services for a Total Amount Not to Exceed \$225,000 Over Three Years.
5. Approval to Increase the Existing Sole Source Purchase Authority with National Meter and Automation, Inc. in the Amount of \$150,000 a Year for Two Years for a Total Not to Exceed Amount of \$900,000 to Purchase Additional Meters for the Large Water Meter Replacement/Repair Project.
6. Approval to Utilize the Renewal of The Western State Contracting Alliance (WSCA) Contract for Wireless and Cellular Services with Verizon Wireless.
7. ~~Council Review of an Appeal of the Director's Architectural Review Approval of a 15,000 square foot, Four story, 50 foot, Mixed Use Building in the CD-C GF-P Zone District located at 240 Hamilton Avenue and a Mitigated Negative Declaration.~~
8. Ordinance 5207 entitled "Ordinance of the Council of the City of Palo Alto Amending Chapter 9.14 (Smoking And Tobacco Regulations) of the Palo Alto Municipal Code to Establish New Smoking Restrictions for All Parks; Increase No-Smoking Buffer Zones from 20 to 25 feet for Consistency with LEED Standards; and Make Findings Regarding the

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Purpose of No-Smoking Regulations (1st Reading August 12, 2013 PASSED: 8-1 Burt no)".

9. Ordinance 5208 entitled "Ordinance of the Council of the City of Palo Alto Revising the Municipal Code Pertaining to Boards and Commissions Recruitment Process (1st Reading August 12, 2013 PASSED: 9-0)".
10. Ordinance 5209 entitled "Ordinance of the Council of the City of Palo Alto amending the PAMC to add section 9.61.020 to establish Community Facilities Hours, including Cubberley, Stern and Mitchell Community Centers (1st Reading August 19, 2013 PASSED: 7-1 Berman absent, Holman no)".
11. Vote to Endorse the Slate of Candidates for the Division's Executive Committee for 2013-14 and Direct the City Clerk to Forward to Jessica Stanfill Mullin, the Regional Public Affairs Manager for the Peninsula Division, League of California Cities the Completed Ballot for the City of Palo Alto.
12. Budget Amendment Ordinance 5210 entitled "Ordinance of the Council of the City of Palo Alto in the Amount of \$585,000 to Fund the November 2013 Election Costs for Measure D".
13. Approval of Walk and Roll to School Maps for the Safe Routes to School Program for Public Schools.
14. ~~Approval of Utilities Enterprise Fund Construction Contract No. C14141174 with DN Tanks, Inc. In a Not to Exceed Amount of \$340,000 for Repairs at Mayfield Reservoir.~~

MOTION PASSED to approve Agenda Item Numbers 4-6 and 8, 9, 11-13 PASSED: 7-0 Berman, Kniss absent

MOTION PASSED to approve Agenda Item Number 10 PASSED: 6-1 Holman no, Berman, Kniss absent

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15. Policy and Services Committee Recommends Approval of the Allocation of the Stanford University Medical Center Funds.

MOTION: Council Member Price moved, seconded by Council Member Holman to approve the Policy and Services Committee recommendations:

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1) Once the City Council is in receipt of the Infrastructure Committee report, the Council will develop a ranked master list of projects to use for the Stanford University Medical Center funds (excluding the Community Health and Safety Category), and each year thereafter as part of the budget process; the Finance Committee and Council shall review the status of Stanford University Medical Center funds and projects on the master list for possible revision, until such time that the funds are exhausted, and 2) in a parallel process, the Policy and Services Committee will review the allocation of restricted funds under the category of Community Health and Safety of the Stanford University Medical Center funds and make recommendations to the Council until such time that the funds are exhausted.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER TO delete "use for" and add "guide the allocation of the use of"

MOTION PASSED: 7-0 Berman, Kniss absent

16. Adoption of a Resolution of the Council of the City of Palo Alto Renaming the Main Library as the Rinconada Library.

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Schmid to approve the recommendation of the Library Advisory Commission and approve the Resolution to change the name of the Main Library to "Rinconada Library" as recommended by the Library Advisory Commission and supported by the Palo Alto Historical Association.

SUBSTITUTE MOTION: Council Member Klein moved, seconded by Council Member Price to refer this item to the Policy and Services Committee with directions that they work with Palo Alto Historical Association to bring a recommendation to the City Council to rename the Main Library for a deceased, distinguished Palo Altan.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to include that the Policy and Services Committee can recommend the continued use of the name Main Library if an appropriate individual cannot be determined.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove the words "deceased, distinguished Palo Altan." and add "distinguished person in Palo Alto history."

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SUBSTITUTE MOTION PASSED: 4-3 Scharff, Schmid, Shepherd no, Berman, Kniss Absent

17. Finance Committee Recommendation that the City Council Adopt a Resolution 9372 entitled "Resolution of the Council of the City of Palo Alto Suspending PaloAltoGreen's Full Needs Program for All Electric Customers and Reducing PaloAltoGreen's Commercial Electric Block Rate by Repealing Rate Schedule E-1-G and Amending Rate Schedules E-2-G, E-4-G, E-7-G and E-18-G, and Directing Staff to Develop a PaloAltoGreen Gas Program and a Plan for Accumulated PaloAltoGreen Revenues".

MOTION: Council Member Burt moved, seconded by Council Member Schmid to: 1) Approve the attached Resolution suspending the PaloAltoGreen Full Needs Program for all electric customers and reducing rates for PaloAltoGreen's Commercial Customer Block Program to \$2 per 1,000 kWh block, or 0.2 cents per kilowatt-hour (cent/kWh), 2) direct Staff to develop a PaloAltoGreen Gas Program to provide an opportunity for participants to reduce or eliminate greenhouse gas emissions related to their natural gas usage, to be implemented by July 2014, and 3) Direct Staff to return with a recommendation on how to allocate accumulated revenues, if any, associated with the PaloAltoGreen program by June 2014.

MOTION PASSED: 7-0 Berman, Kniss absent

18. Approval of City Positions for the 2013 League of California Cities Resolutions.

MOTION: Council Member Holman moved, seconded by Council Member Price to approve Staff recommendation that the Council authorize the City's voting delegate to vote on the two (2) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in Sacramento, September 18-20, 2013 and approve the general guidance as provided: 1) Resolution calling upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding to prioritize water bonds to assist local government in water conservation, groundwater recharge and reuse of stormwater and urban runoff programs (Support), and 2) Resolution calling upon the Governor and Legislature to enter into discussions with the League and California Police Chiefs' Association representatives to identify and enact strategies that will ensure the success of public safety realignment from a local municipal law enforcement perspective (Support).

MOTION PASSED: 7-0 Berman, Kniss absent

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COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Price said she participated in the launch of the Bike Share Program on August 29, 2013. The City Manager's Office was working on how to fill the vacant Project Safety Net Manager position. The Ojakians received the Jefferson Award for their work with suicide prevention and mental health advocacy.

Council Member Burt requested two items for future Council Meetings: 1) Consideration of discontinuation of the Transfer Development Rights (TDR) of downtown, and 2) a need to review with the Architectural Review Board the role of the downtown urban guidelines.

Mayor Scharff said that the first item, regarding the TDR, was already being worked on by Staff.

Council Member Burt asked what the expected timeframe was for Staff to bring the item to Council.

James Keene, City Manager, said it would be within the next couple of months.

Council Member Burt said that if it was part of comprehensive program that would take longer because of other components, he would like to have this piece move forward more quickly to avoid a compounded problem.

Mayor Scharff said it was coming back within 45 days.

Molly Stump, City Attorney said it was not being delayed due to being part of a comprehensive program.

Council Member Burt said that 45 days was reasonable. His concern was founded by the ARB finding that the guidelines were irrelevant to Agenda Item Number Seven. He reformed his request to indicate that Council should agendize a review of the downtown urban guidelines and give direction to ARB on their future use.

MOTION: Council Member Burt moved, seconded by Council Member Price to agendize for a future City Council meeting the consideration of Transfer Development Rights in downtown and to review with Architectural Review Board (ARB) the role of the downtown urban guidelines and provide direction to the ARB on their future.

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Council Member Holman asked that Staff bring to Council a review of the findings that are required of the Architectural Review Board and a standard for compatibility.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER for Staff to bring to Council a review of the findings that are required of the Architectural Review Board and a standard for compatibility.

Council Member Schmid asked if the report Staff was working on would include the comprehensive downtown parking study.

Ms. Stump said no. This report would come in advance of that and would, on an interim basis, suspend the use of certain parking exceptions pending a larger conversation by Council.

NO VOTE REQUIRED

ADJOURNMENT: The meeting was adjourned at 9:52 P.M.