



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
June 16, 2014

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

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid arrived at 7:00 P.M., 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, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Val Fong, Molly Stump)
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 6:10 P.M. and Mayor Shepherd announced no reportable action.

Study Session

2. Study Session on the County of Santa Clara Expressway Study Program and Update on the Page Mill Road & I-280 Interchange Project.

Agenda Changes, Additions and Deletions

MOTION: Council Member Scharff moved, seconded by Vice Mayor Kniss to move Action Item Number 24 to the Consent Calendar to refer it to Finance Committee discussion.

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MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Council Member Price to continue Agenda Item Number 19 to August 4, 2014.

MOTION PASSED: 9-0

Minutes Approval

MOTION: Council Member Holman moved, seconded by Mayor Shepherd to approve the minutes of April 29, 2014.

MOTION PASSED: 9-0

Consent Calendar

MOTION: Council Member Schmid moved, seconded by Council Member Holman, third by Council Member Scharff to remove Agenda Item Number 12 to be heard at a later date.

MOTION: Council Member Berman moved, seconded by Council Member Price to approve Agenda Item Numbers 3-11, 13-18a.

3. Adoption of Fiscal Year 2015 Investment Policy.
4. Approval of a Contract with Tandem Creative, Inc. In The Amount of \$90,000 for Graphic Design and Printing for the Quarterly Production of the Enjoy! Catalog Classes and Activities Guide.
5. Park Improvement Ordinance 5252 entitled, "Park Improvement Ordinance of the Council of the City of Palo Alto for the Magical Bridge Playground (1st Reading: June 2, 2014 PASSED: 9-0)."
6. Council Approval of Amendment No. 6 to Agreement No. C1136231 With The Housing Trust Silicon Valley to Provide a Contribution in the Amount of \$200,000 from the Residential Housing In-Lieu Fund for Fiscal Year 2013/14 to be Expended Through Fiscal Year 2017/18, Authorize the City Manager to Execute Amendment No. Six with the Housing Trust Silicon Valley, and Adoption of a Budget Amendment Ordinance 5253 entitled "Budget Amendment Ordinance of the Council

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of the City of Palo Alto of \$200,000 from the Residential Housing In-Lieu Fund.”

7. Resolution 9425 entitled “Resolution of the Council of the City of Palo Alto Approving a Professional Services Agreement between the Northern California Power Agency and the Cities of Alameda, Palo Alto and Santa Clara for Electric Transmission, Generation and Regulatory Consulting Services for a Total Not to Exceed Amount of \$166,669 for the One Year Contract Term.”
8. Recommendation That Council Authorize Approval of the Agreement Between the City of Palo Alto and Palo Alto Unified School District for Shared Funding of Two School Resource Officer Positions.
9. Approval of 6 Contract Amendments: (a) Amendment No. 2 to 4Leaf, Inc. Contract C13149364, Increasing Compensation by \$1,500,000 to \$3,000,000; (b) Amendment No. 2 to Kutzmann & Associates, Inc. Contract C13149368, Increasing Compensation by \$363,000 to \$726,000; (c) Amendment No. 2 to Interwest Consulting Group Contract C13149365, Increasing Compensation by \$50,000 to \$150,000; (d) Amendment No. 1 to CSG Consulting Contract C13149366, Increasing Compensation by \$50,000 to \$100,000; (e) Amendment No. 1 to TRB & Associates Contract C13149369, Increasing Compensation by \$50,000 to \$100,000; and (f) Amendment No. 1 to West Coast Code Consultants Contract C13149367, Increasing Compensation by \$385,000 to \$770,000, to Renew Contracts and Amend Scope of Work Each for a One-Year Term Extension for On-Call Inspection, Plan Check Services, and Capital Improvement Costs.
10. Approval of Professional Services Contract with Plante & Moran, PLLC for Enterprise Resource Planning Evaluation Assessment in the Amount of \$142,175.
11. Staff Request Council Authorize the City Manager to Approve Law Enforcement Data Sharing Agreement.
12. ~~Approval of Design Contract No. C14153579 with BKF Engineers in the Amount of \$180,000 for the Embarcadero Road Satellite Parking Project.~~

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13. Resolution 9426 entitled "Resolution of the Council of the City of Palo Alto Determining the Proposed Calculation of the Appropriations Limit for Fiscal Year 2015."
14. Approval of Separate Five-Year Contracts with Genuent USA, LLC, Intratek Computer, Inc., Digital Intelligence Systems, LLC, GTC Systems, Inc., Modis, Inc., Bodhtree Solutions, Inc. and Signature Technology Group, Inc. For IT Temporary Staffing Support Services in a Total Amount Not to Exceed \$500,000 Per Fiscal Year for All Seven Contracts.
15. Approval of a Purchase Order with Owen Equipment in a Not to Exceed Amount of \$409,233.50 for the Purchase of a Hydro-Excavator Truck (Scheduled Vehicle and Equipment Replacement Capital Improvement Program VR-13000).
16. Resolution 9427 entitled "Resolution of the Council of the City of Palo Alto to Establish the Palo Alto Bicycle Advisory Committee (PABAC) as the Bicycle Advisory Committee for purposes of the Transportation Development Act Program."
17. Resolution 9433 entitled "Resolution of the Council of the City of Palo Alto Approval of Amendments to Power Purchase Agreements with Elevation Solar C LLC" and Resolution 9435 entitled "Resolution of the Council of the City of Palo Alto Western Antelope Blue Sky Ranch B LLC."
18. Approval of a Construction Contract with D.L. Falk Construction, Inc. in the Amount of \$2,718,350, Approval of Amendment Number 2 to Contract No. C12144101 with WMB Architects, Inc. in the Amount of \$141,565 for a Not-to-Exceed Amount of \$426,256 for the City Hall Remodel Project PE-12017, and Adoption of a Budget Amendment Ordinance 5254 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2014 to Provide an Additional Appropriation in the Amount of \$1,607,109."
- 18a. (Former Agenda Item Number 24) Colleagues' Memo from Council Members Berman, Holman, Klein and Schmid Regarding Local Animal Services.

MOTION PASSED for Agenda Item Numbers 3-11, 13-18a: 9-0

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- ~~19. Public Hearing: Adoption of a Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein -- (STAFF REQUESTS THIS ITEM BE CONTINUED TO AUGUST 4, 2014).~~
20. Public Hearing: Adoption of the Budget Ordinance 5255 entitled "Budget Amendment Ordinance of the Council for the City of Palo Alto for Fiscal Year 2015, including Adoption of Operating and Capital Budgets and Municipal Fee Schedule;" Ordinance of the Council Amending Chapter 2.08 of Title 2 of the Palo Alto Municipal Code to Add Section 2.08.250 Creating a New Department of Development Services; Adoption of five Resolutions, including: Resolution 9428 entitled "Resolution of the Council of the City of Palo Alto Adopting a Dark Fiber Rate Increase of 2.6% and Amending Utility Rate Schedules EDF-1 and EDF-2;" Resolution 9429 entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain Rates by 2.6 Percent Per Month Per Equivalent Residential Unit for Fiscal Year 2015;" Resolution 9430 entitled "Resolution of the Council of the City of Palo Alto Amending the 2012-2013 Compensation Plan for Management and Professional Adopted by Resolution No. 9357 to Add One New Position and Change the Title of Two Positions;" Resolution 9431 entitled "Resolution of the Council of the City of Palo Alto Amending the 2013-2015 Memorandum of Agreement Service Employees International Union (SEIU), Adopted by Resolution No. 9398 to Add One New Position and Correct the Salary of One Position;" Resolution 9432 entitled "Resolution of the Council of the City of Palo Alto and Amending the Terms for the Utility Management Professional Association, Adopted by Resolution No. 9359 to Correct the Salary for One Position and Add Two New Positions (CONTINUED FROM JUNE 9, 2014)."

Council Member Klein advised that he would not be participating in the budget as it related to Stanford University because his wife is on faculty.

MOTION: Council Member Berman moved, seconded by Council Member Price moved and seconded to approve the Police and Fire CIP Budgets related to Stanford University.

MOTION PASSED: 8-0 Klein not participating

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MOTION: Council Member Price moved, seconded by Council Member Berman to adopt the Budget Ordinance for Fiscal Year 2015, including Adoption of Operating and Capital Budgets and Municipal Fee Schedule; Ordinance of the Council Amending Chapter 2.08 of Title 2 of the Palo Alto Municipal Code to Add Section 2.08.250 Creating a New Department of Development Services; Adoption of five Resolutions, including: Adopting a Dark Fiber Rate Increase of 2.6% and Amending Utility Rate Schedules EDF-1 and EDF-2; Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain Rates by 2.6 Percent Per Month Per Equivalent Residential Unit for Fiscal Year 2015; Amending the 2012-2013 Compensation Plan for Management and Professionals Adopted by Resolution No. 9357 to Add One New Position and Change the Title of Two Positions; Amending the 2013-2015 Memorandum of Agreement Service Employees International Union (SEIU), Adopted by Resolution No. 9398 to Add One New Position and Correct the Salary of One Position; and Amending the Terms for the Utility Management Professional Association, Adopted by Resolution No. 9359 to Correct the Salary for One Position and Add Two New Positions; and to add an additional \$68,380 in HSRAP funding, increasing the Fiscal Year 2015 Revised Proposed Budget funding for HSRAP to \$1,316,178, and establish an additional \$50,000 HSRAP Reserve for future use.

MOTION PASSED: 9-0

21. Discussion and Council Direction Regarding Potential November 2014 Charter Amendments Relating to Council Seats, Including Reducing the Number of Council Seats from Nine to Seven, Increasing the Limit on Terms from Two to Three Terms, Providing for Terms to Begin in December and Other Matters.

MOTION: Council Member Burt moved, seconded by Council Member Scharff to discuss Item Number 5-Combined or separate ballot measures first.

MOTION PASSED: 7-2 Kniss, Schmid no

MOTION: Council Member Scharff moved, seconded by Council Member Price if Council places Charter Amendments on the ballot to have each measure voted on separately, except for the requirement of the local lottery, and if Council wishes to place that on the ballot it may be included as a combined measure.

MOTION PASSED: 9-0

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MOTION: Vice Mayor Kniss moved, seconded by Council Member Klein that if permissible, to change term limits to three consecutive terms, to be on the 2014 ballot, and no current Council Member will have the opportunity of a third term.

MOTION FAILED: 5-4 Klein, Kniss, Price, Shepherd yes

MOTION: Council Member Scharff moved, seconded by Council Member Holman to not place the reduction of council seats from 9-7 on the 2014 ballot.

SUBSTITUTE MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to place on the 2014 ballot the reduction of council seats to seven members to take effect in 2018.

SUBSTITUTE MOTION PASSED: 5-4 Burt, Holman, Scharff, Schmid no

MOTION: Council Member Klein moved, seconded by Council Member Schmid to have the new Council Members take office at the first regular meeting of the Council after receiving the certified results and at that time the Council reorganization would occur, to take effect immediately following the 2014 election.

MOTION FAILED: 4-5 Berman, Klein, Schmid, Shepherd, yes

MOTION: Vice Mayor Kniss moved, seconded by Mayor Shepherd to eliminate the lottery provision from the Charter, to be included in the other Measure going on the 2014 ballot.

MOTION FAILED: 2-7 Kniss, Shepherd yes

MOTION: Council Member Scharff moved, seconded by Council Member Berman to direct the City Attorney to remove the below obsolete sentences in the Charter, Section 2- Number- Term Limits- *The terms of council members who took office on July 1, 1977, shall expire on December 31, 1981. Commencing January 1, 1992, no person shall be eligible to serve consecutively in more than two full terms of office as a member of the council. Any partial term of office longer than two years shall be deemed a full term. Terms of office commenced before January 1, 1992, shall not be counted when determining eligibility under this section.*

MOTION PASSED: 9-0

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MOTION: Council Member Price moved, seconded by Council Member Holman to hear Agenda Item Number 23 prior to Agenda Item Number 22.

MOTION PASSED: 8-0 Schmid absent

23. Public Hearing: Recommend Adoption of an Ordinance Requiring All New Multi-Family Residential and Non-Residential Construction to Provide for Current or Future Installation of EV Chargers.

MOTION: Council Member Burt moved, seconded by Council Member Scharff to approve the first reading of the Ordinance to adopt Section 16.14.380 of the Palo Alto Municipal Code adopting local amendments to the California Green Building Standards Code requiring that all new Multi-family Residential and Non-Residential construction provide for current and future installation of Electric Vehicle chargers. Direct Staff to return to Council with a Code change to clarify disconnecting devices be within line of sight.

MOTION PASSED: 8-0 Schmid absent

22. Authorize the Placement of a Ballot Measure on the November 4, 2014 General Election to Increase the City's Transient Occupancy Tax (TOT) by Two Percent and Modernize TOT Ordinance to Ensure Equal Treatment of Traditional and Online Bookings.

MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to adopt the at places revised Resolution calling for a special election to increase the City's Transient Occupancy Tax (TOT) by two percentage points and update the TOT Ordinance to confirm equal treatment of traditional and online bookings.

MOTION PASSED: 8-0 Schmid absent

MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to direct staff to return on consent at the Council meeting on June 23, 2014 with minor revisions to the UUT Resolution calling election.

MOTION PASSED: 8-0 Schmid absent

Inter-Governmental Legislative Affairs

None

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Council Member Questions, Comments and Announcements

Council Member Scharff reported that he was appointed to the Association of Bay Area Government Executive Board.

Mayor Shepherd reported that she, Vice Mayor Kniss, Council Member Scharff, and City Manager Keene had just returned from Oaxaca, Mexico where they celebrated the 50th anniversary of our Sister City agreement with them.

ADJOURNMENT: The meeting was adjourned at 11:27 P.M.