



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
December 1, 2014

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:04 P.M.

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

Absent:

CLOSED SESSION

1. CONFERENCE WITH ATTORNEY/LEGAL COUNSEL
Potential Litigation Relating to the Mitchell Park Library
and Community Center Construction
Significant Exposure to Litigation: 1 Potential Case
Potential Initiation of Litigation: 1 Potential Case
Authority: Government Code Section 54956.9

The City Council reconvened at 7:11 P.M. and the Mayor announced no reportable action.

SPECIAL ORDERS OF THE DAY

2. Proclamation for Marion Mandell, Vice-President of Oaxaca, Mexico
Neighbors Abroad of Palo Alto.

APPROVAL OF MINUTES

MOTION: Council Member Price moved, seconded by Council Member Berman to approve the minutes of October 6, 2014, 20, 27 and November 3, 2014

MOTION PASSED: 9-0

12/01/2014

ACTION AGENDA

CONSENT CALENDAR

Council Member Klein registered a no vote on Agenda Item Number 10-SECOND READING: Adoption of an Ordinance XXXX Regarding Vehicle Habitation (First Reading Nov. 17, 2014).

MOTION: Council Member Klein moved, seconded by Council Member Scharff, third by Council Member Burt to remove Agenda Item Number 7- Approval of and Authorization for the City Manager to Execute Two Professional Services Contracts with Columbia Telecommunications dba CTC Technology & Energy for Consulting Services for (1) a Fiber-to-the-Premise Master Plan in the Amount of \$144,944 and (2) a Complementary Wireless Network Plan in the Amount of \$131,650; and Adoption of Budget Amendment Ordinance for FY 2015 to Provide Appropriation in the Amount of \$276,594 from Fiber Optics Fund, from Consent to be heard at a later date.

MOTION: Council Member Holman moved, seconded by Mayor Shepherd, third by Council Member Burt, Council Member Scharff to continue Agenda Item Number 5- Affirm Director of Planning and Community Environment's Individual Review Approval of a New Two-Story Home located at 1066 Metro Circle., to be continued to February 9, 2015.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Price to approve Agenda Item Numbers 3-4, 6, 8-11.

3. Resolution 9471 entitled "Resolution of the Council of the City of Palo Alto Amending the Conflict of Interest Code for Designated City Officers and Employees as Required by the Political Reform Act and Regulations of the Fair Political Practices Commission and Repealing Resolution No. 9299."
4. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of September 30, 2014.
5. ~~Affirm Director of Planning and Community Environment's Individual Review Approval of a New Two Story Home located at 1066 Metro Circle.~~
6. Palo Alto Shuttle and Rideshare Program for the Future (Staff Requests Item be Continued to February 2, 2015).
7. ~~Approval of and Authorization for the City Manager to Execute Two Professional Services Contracts with Columbia Telecommunications~~

ACTION AGENDA

~~dba CTC Technology & Energy for Consulting Services for (1) a Fiber-to-the-Premise Master Plan in the Amount of \$144,944 and (2) a Complementary Wireless Network Plan in the Amount of \$131,650; and Adoption of Budget Amendment Ordinance for FY 2015 to Provide Appropriation in the Amount of \$276,594 from Fiber Optics Fund.~~

8. Resolution 9472 entitled "Resolution of the Council of the City of Palo Alto Suspending City Policy Against Requiring Prevailing Wage, Unless and Until SB 7 is Enjoined or Invalidated."
9. Approval of a Contract with Susan Narduli in the Amount of \$174,477 for the Development, Design, Fabrication and Installation of an Interactive New Media Artwork to be Installed in the Lobby of City Hall.
10. Ordinance 5286 entitled "Ordinance of the Council of the City of Palo Alto Repealing the Prohibition on Human Habitation of Vehicles (Ordinance No. 5206, codified as Palo Alto Municipal Code Section 9.06.010) (First Reading: November 17, 2014 PASSED: 7-1 Klein no, Holman absent)".
11. Approval of a Junior Museum and Zoo Environmental Review Services Funding Agreement Between the City of Palo Alto and the Friends of the Palo Alto Junior Museum and Zoo, Inc.; Approval of a Contract with David J. Powers & Associates, Inc. In an Amount not to Exceed \$114,565 for the Rinconada Park Master Plan and Junior Museum & Zoo Environmental Assessment; and Adoption of a Budget Amendment Ordinance 5287 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2015 to Provide an Additional Appropriation in the Amount of \$114,565 for the Rinconada Park Master Plan and Design Project (CIP PE-12003) Partially Offset with a Contribution in the Amount of \$57,283 from the Friends of the Palo Alto Junior Museum and Zoo, Inc."

MOTION PASSED for Agenda Item Numbers 3-4, 6, 8-9, 11: 9-0

MOTION PASSED for Agenda Item Number 10: 8-1 Klein no

ACTION ITEMS

12. Approval of the Proposed Grocery Store Tenant (College Terrace Market) Within PC 5069 (College Terrace Centre) Based on the Finding that the Proposed Grocery Tenant Would Likely be Comparable in Quality of Products and Services as JJ&F as it Existed and Operated on December 7, 2009 at 2180 El Camino Real (Continued from November 17, 2014)

ACTION AGENDA

MOTION: Council Member Klein moved, seconded by Vice Mayor Kniss to reject the tenant as not likely to be comparable in quality of products and services and direct staff to return on December 8, 2014 on the Consent Calendar with notice of an extension to the PC Ordinance until March 31, 2015.

AMENDMENT: Council Member Scharff moved, seconded by Council Member Burt approval of the following conditions of approval, which shall be included in a voluntary agreement to be executed by the City Manager and the property owner before issuance of any grading, excavation or building permit:

1. The Council finds that the current proposal does not meet the findings required by the PC Ordinance because it does not provide long term grocery business viability;
2. The Owner/Applicant shall modify its contractual arrangements so as to lease the grocery tenant space directly with an experienced grocery store owner operator team; and
3. The operator shall be subject to approval by the City Council prior to issuance of an occupancy permit; and
4. Daily penalties of \$2,000 in the event the approved market goes out of business and is not replaced with another experienced grocery operator within six months;

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER that the Council finds that the current proposal does not meet the findings required by the PC Ordinance because it does not provide long term grocery business viability;

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return on December 8, 2014 on the Consent Calendar with notice of an extension to the PC Ordinance until March 31, 2015.

AMENDMENT AS AMENDED PASSED: 7-2 Klein, Schmid No

MOTION AS AMENDED PASSED: 9-0

13. PUBLIC HEARING: Adoption of an Ordinance Establishing a Citywide Framework for Establishment of Neighborhood-Specific Residential Preferential Parking (RPP) Districts.

Continued to December 2, 2014 at 8:30 P.M.

ACTION AGENDA

14. PUBLIC HEARING: Adoption of a Resolution Establishing a Residential Preferential Parking (RPP) Program in the Downtown Neighborhoods.

Continued to December 2, 2014 at 8:30 P.M.

CLOSED SESSION

15. CONFERENCE WITH LABOR NEGOTIATORS
City Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Walter Rossmann, Khashayar "Cash" Alae) Unrepresented Employee Group: Management, Professional and Confidential Employees
Authority: Government Code Section 54957.6
16. CONFERENCE WITH LABOR NEGOTIATORS
City Representatives: Sherry Lund, CAO Committee (Chair Person, Council Members)
Unrepresented Employees: James Keene, City Manager, Molly Stump, City Attorney, Harriet Richardson, City Auditor
Authority: Government Code Section 54957.6

The Council returned from the closed Session at 12:53 A.M.

MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to continue the meeting on December 2, 2014 at 8:30 PM.

MOTION PASSED: 9-0

ADJOURNMENT: The meeting was adjourned at 12:54 A.M. to be continued on Tuesday, December 2, 2014 at 8:30 PM.