



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting
August 11, 2014

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: None

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION
Subject: Markman v. City of Palo Alto, Santa Clara County Superior Court, Case No. 111-CV-210779
Subject Authority: Government Code section 54956.9(a)

The Council returned from the Closed Session at 6:35 P.M. and Mayor Shepherd advised the Council voted 9-0 to authorize a settlement in the matter of Markman v. City of Palo Alto, Case No. 111CV210779, pending in Santa Clara Superior Court. The suit involved a resident who was seriously injured when he fell on a utilities box cover, which has since been replaced. The matter settled for \$150,000 in exchange for a dismissal of the lawsuit and full release of all claims.

AGENDA CHANGES, ADDITIONS AND DELETIONS

Staff requested Agenda Item Number 9- Approval of Contract No. C15155728 in the not to Exceed Amount of \$146,440 with American Institute of Architects California Council to Manage the Design Competition for the Pedestrian & Bicycle Overpass at Highway 101 CIP Project PE-11011, be pulled to be heard at a later undetermined date.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Holman to pull Agenda Item Number 9 to be heard at a later undetermined date.

MOTION PASSED: 6-0 Berman, Burt, Klein absent

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MINUTES APPROVAL

MOTION: Council Member Price moved, seconded by Council Member Berman to approve the minutes of June 16 and 23, 2014.

MOTION PASSED: 9-0

CONSENT CALENDAR

Council Member Klein advised he would not participate in Agenda Item Number 6 as he is a Google Shareholder.

Mayor Shepherd advised she would not participate in Agenda Item Number 6 as she is a Google Shareholder.

Council Member Berman advised he would not participate in Agenda Item Number 6 as he is a Google Shareholder.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Scharff to approve Agenda Item Numbers 2-6.

2. Approval of a Contract with KEMA Services Inc. in the Amount of \$233,030 for Development of Sustainability and Climate Action Plan (S/CAP).
3. Approval and Authorization for the City Manager to Execute a Contract with PAR Electrical Contractors, Inc. For a Total Not to Exceed Amount of \$504,020 for the Pole Replacement Project 2, Which Involves Construction Maintenance Work on the City's Electric Distribution System at Various Locations Throughout the City of Palo Alto.
4. Approval of a Contract with Moore Iacofano Goltsman (MIG) in the Amount of \$499,880 for the Development of a Transportation Management Association Study for Downtown Palo Alto and Adoption of a Budget Amendment Ordinance 5265 in the Amount of \$180,000 Amending the Fiscal Year 2015 Planning and Community Environment Adopted Operating Budget.
5. Approval of Contract Amendment No. One to Contract No. C13147733 in the Amount of \$216,532 with CH2M HILL Engineers, Inc. for Pre-design for the Thermal Hydrolysis Process Anaerobic Digestion Facility, Capital Improvement Program Project WQ-14001.

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6. Approval of a Master Network Hut License Agreement with Google Fiber.

MOTION PASSED for Agenda Items 2-5: 9-0

MOTION PASSED for Agenda Item Number 6: 6-0 Berman, Klein, Shepherd not participating

ACTION ITEMS

7. Adoption of Two Resolutions Related to Hourly Employees: (1) Resolution 9450 entitled "Resolution of the Council of the City of Palo Alto Approving a New Memorandum of Agreement with Service Employees' International Union Local 521 for Represented Hourly Employees and Amending Section 1901 of the Merit System Rules and Regulations;" and (2) Resolution 9451 entitled "Resolution of the Council of the City of Palo Alto Approving a New Compensation Plan for Limited Hourly Employees."

Council Member Burt advised he would participate in this item as he has a child who has worked part-time this summer for the City.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Klein to adopt two Resolutions related to hourly employees: (1) approving a new Memorandum of Agreement with Service Employees' International Union Local 521 for represented hourly employees and amending section 1901 of the Merit System Rules and Regulations; and (2) approving a new compensation plan for limited hourly employees.

MOTION PASSED: 8-0 Burt not participating

8. Approval of Design Contract No. C14153579 with BKF Engineers in the Amount of \$180,000 for the Embarcadero Road Satellite Parking Project (Continued from Consent Calendar on June 16, 2014).

MOTION: Council Member Klein moved, seconded by Council Member Schmid to continue this item to a meeting in September.

MOTION FAILED: 3-6 Burt, Klein, Schmid yes

MOTION: Council Member Holman moved, seconded by Council Member Schmid to eliminate the Embarcadero Road Satellite Project from consideration to solve parking problems, and provide an opportunity to

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discuss the list of potential parking solutions from February 2014 at the August 18, 2014 meeting.

SUBSTITUTE MOTION: Council Member Scharff moved, seconded by Council Member Price to approve a consultant agreement with BKF Engineers in the amount of \$180,000 for the design and environmental review of the Embarcadero Road-Satellite Parking Lot Project, subject to removal of Task 4.7 and other references to the Baylands Athletic Center from the Scope of Work. Additionally, direct Staff to return at the appropriate meeting to analyze the feasibility of using the golf course parking while it is closed.

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

9. ~~Approval of Contract No. C15155728 in the not to Exceed Amount of \$146,440 with American Institute of Architects California Council to Manage the Design Competition for the Pedestrian & Bicycle Overpass at Highway 101 CIP Project PE-11011.~~
10. Approval of the Proposed Grocery Store Tenant (J&A Family 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.

MOTION: Council Member Klein moved, seconded by Council Member Scharff that Council finds that the applicant has not submitted sufficient information for the City to reasonably find that the proposed grocery tenant is likely to be comparable in quality of products and services as the former JJ&F Market as it existed and operated on December 7, 2009.

MOTION PASSED: 9-0

11. Transfer of the Operation of Palo Alto Airport to the City Requiring Adoption of: (1) Resolution 9452 entitled "Resolution of the Council of the City of Palo Alto Approving Four Contracts - the Termination Assignment and Assumption Agreement, the Federal Obligations Assignment and Assumption Agreement, the Federal Aviation Administration Supplemental Lease Agreement, and the State Lands Commission Lease No. PRC ____;" (2) Resolution 9453 entitled "Resolution of the Council of the City of Palo Alto Approving FY 2015 Palo Alto Airport Fees and Charges;" (3) Resolution 9454 entitled "Resolution of the Council of the City of Palo Alto Approving Application of the County Airport Rules and Regulations and General Aviation Aircraft License Agreement to the Palo Alto Airport During FY 2015;"

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and (4) Ordinance Amending Palo Alto Municipal Code Sections 12.04.020, 12.04.030, 12.04.040 and 12.20.010, to add "General Aviation Airport" to Existing Definitions and Permit the Adoption of Airport Fees and Charges by Resolution.

MOTION: Council Member Price moved, seconded by Vice Mayor Kniss to adopt:

1. Resolution, incorporating the Council's explicit approval of: (A) the Termination Assignment and Assumption Agreement between the City and the County, regarding the transfer of sponsorship, management and control of the Palo Alto Airport to the City; (B) the Federal Obligations Assignment and Assumption Agreement among the City, County and the Federal Aviation Administration, regarding the City's assumption of the County's outstanding federal grant agreement assurances and obligations pertaining to the Palo Alto Airport; (C) the Supplemental Lease Agreement between the City and the FAA, regarding the Palo Alto Airport Air Traffic Control Tower lease and Operating Agreement; and (D) a new lease (State Lands Commission Lease No. PRC ___) between the State Lands Commission and the City for the lease of the real property underlying Palo Alto Airport.
2. Ordinance, amending Palo Alto Municipal Code sections 12.20.020, 12.04.030, and 12.040, to include "general aviation airport" in the definition of "public works" and "public utilities," and section 12.20.010, to permit the adoption of Palo Alto Airport fees and charges by resolution.
3. Resolution, approving the FY 2015 Palo Alto Airport fees and charges that will apply to tenants, licensees, permit holders and other users of premises at the Palo Alto Airport after August 11, 2014.
4. Resolution, regarding the City's adoption of both the County's Airport Rules and Regulations and the General Aviation Aircraft License Agreement that will be applicable to tenants, licensees, permit holders and other users of the Palo Alto Airport after August 11, 2014 during FY 2015 until the City develops its own Palo Alto Airport Rules and Regulations and Master License Agreement.

MOTION PASSED: 9-0

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INTER-GOVERNMENTAL LEGISLATIVE AFFAIRS

None

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Price requested an update regarding the status of discussion between Santa Clara Valley Transit Authority and Stanford University regarding the Palo Alto Transit Center.

Council Member Holman asked Staff to provide information to Council regarding the 385 Sherman Avenue project brought up during public comment.

ADJOURNMENT: The meeting was adjourned at 11:46 P.M.