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TO LINK TO REPORT
(SUBJECT TO CHANGE)**

Agenda posted according to PAMC Section 2.04.070. A binder containing supporting materials is available in the Council Chambers on the Friday preceding the meeting.

Special Meeting
Council Chambers
December 15, 2003, 6:45 p.m.

ROLL CALL

SPECIAL ORDERS OF THE DAY

1. Resolution of the Council of the City of Palo Alto Expressing Appreciation to Randy Baldschun Upon His Retirement
2. Resolution of the Council of the City of Palo Alto Expressing Appreciation to Katy Obringer Upon Her Retirement
3. Resolution of the Council of the City of Palo Alto Expressing Appreciation to Del Thorpe Upon His Retirement

ADJOURNMENT

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Regular Meeting
Council Chambers
December 15, 2003, 7:00 p.m.

ROLL CALL

ORAL COMMUNICATIONS

Members of the public may speak to any item not on the agenda; three minutes per speaker. Council reserves the right to limit the Oral Communications period to 30 minutes

APPROVAL OF MINUTES

November 10, 2003
November 17, 2003

CONSENT CALENDAR

Items will be voted on in one motion unless removed from the calendar by a Council Member.

LEGISLATIVE

1. **CMR:528:03** Recommendation that Council Adopt the Resolution Declaring Weeds to be a Nuisance and Set February 2, 2004 for a 12/15/03

Public Hearing

Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Nuisance and Setting a Hearing for Objections to Their Proposed Destruction Or Removal



2. **CMR:541:03** Approval of a Budget Amendment Ordinance to Commit Funds for Reimbursable Grant Funding in the Amount of \$299,536; Approval of a Contract with A & A Construction in the Amount of \$522,000 for the Construction of the Arastradero Preserve Gateway Facility, Subject to Simultaneous Approval of a Deduct Change Order to the Construction Contract in the Amount of \$74,000, for a Total Contract Amount of \$448,000

Ordinance of the Council of the City of Palo Alto Amending the Budget for the Fiscal Year 2003-04 to Increase Revenue in the Amount of \$135,711 and Increase Expense in the Amount of \$299,536 for CIP OS-98012 (Arastradero Preserve Gateway Facility Project)

Contract with A&A Construction in the Amount of \$504,000 for the Construction of the Arastradero Preserve Gateway Facility, Subject to Simultaneous Approval of a Deduct Change Order to the Construction Contract in the Amount of \$56,000 for a Total Contract Amount of \$448,000

3. Approval of the City of Palo Alto's 2003-04 Disadvantaged Business Enterprise (DBE) Program & Adoption of a Resolution Implementing the Program

Resolution of the Council of the City of Palo Alto Adopting the 2003-04 Disadvantaged Business Enterprise (DBE) Program For Federally Funded City Transportation Projects

ADMINISTRATIVE

4. **CMR:516:03** Approval of Agreements for Animal Services Between the City of Palo Alto and the Cities of Los Altos, Los Altos Hills, and Mountain View for Emergency Animal Control and Sheltering Services from January 1, 2004 to June 30, 2014 and Approval of Agreement for Animal Services Between the City of Palo Alto and the City of Sunnyvale for Sheltering Services from January 1, 2004 through June 30, 2024

Agreement for Animal Services Between the City of Palo Alto and the City of Los Altos

Agreement for Animal Services Between the City of Palo Alto and the Town of Los Altos Hills

Agreement for Animal Services Between the City of Palo Alto and the City of Mountain View

Agreement for Animal Services Between the City of Palo Alto and the City of Sunnyvale

5. **CMR:487:03** Contract for a Utilities Expenditure in the Amount of \$78,682 to McDonald Family LCC for Installation, Maintenance and Monitoring of Geothermal Heat Pump Demonstration Project at 2151 and 2185 Park Boulevard, Palo Alto
6. **CMR:557:03** Request to Approve Landscape Master Plan for Williams House (351 Homer Avenue) as Part of Lease Agreement Between City of Palo Alto, owner, and Museum of American Heritage, tenant.
7. **CMR:558:03** 2003 Shoreline Concert Season Results and Recommendation to Direct Staff to Meet Annually with Clear Channel Communication Staff and Report Annually on the Shoreline Concert Season
8. Request for Authorization to Increase Amount of Existing Contracts with the Law Firms of Sidley & Austin; Roger Beers; Richards Watson & Gershon; Spiegel & McDiarmid; Moses & Singer; Davis Wright & Tremaine; and McCarthy & Berlin
- 8A. Initiation and Referral to Planning Commission of Amendment to Title 18 (Zoning), Chapter 18.01 (Adoption, Purposes And Enforcement), Section 18.01.60 (Noncompliance A Public Nuisance) of the Palo Alto Municipal Code Relating to the City Attorney's Authorization to Initiate and Prosecute Criminal and Civil Actions to Abate Zoning Violations as Public Nuisances

COUNCIL COMMITTEE RECOMMENDATION

9. **CMR:483:03** Finance Committee Recommendation for Adoption of Two Resolutions to Revise Utility Rate Stabilization Reserve Guidelines and Terminate Gas Rate Schedule G-7

Resolution of the Council of the City of Palo Alto Eliminating Schedule G-7 of the City of Palo Alto Utilities Rates and Charges Pertaining to Gas Service

Resolution of the Council of the City of Palo Alto Authorizing Revisions to the Reserve Guidelines for the Electric Supply Rate Stabilization Reserve, the Electric Distribution Rate Stabilization Reserve, and the Gas Supply Rate Stabilization Reserve

10. **CMR:556:03** The Finance Committee recommends to the City Council that the City exercise its option for a ten-year extension on the Lease and Covenant not to Develop (Agreement) with the Palo Alto Unified School District (PAUSD), which will expire December 31, 2004.
11. **CMR:510:03** The Finance Committee recommends to the City Council introduction of an Ordinance and approval of four electric master agreements as follows:
 1. Approve and authorize the Mayor to execute Master Agreements with the following suppliers who have been deemed qualified to do business with the City with respect to electricity purchases and sales for the period January 2004 through December 2011, under the terms discussed in the report:
 - a. BP Energy Company;
 - b. Coral Power, LLC;
 - c. Duke Energy Marketing America, LLC;
 - d. Sempra Energy Trading Corporation.
 2. Authorize the City Manager or his designee to manage these Master Agreements, and to execute one or more electric commodity transactions in accordance with the terms of the contract.

Ordinance of the Council of the City of Palo Alto Authorizing the City Manager to Purchase a Portion of the City's Electricity Requirements from Certain Prequalified Electricity Suppliers Under Specified Terms and Conditions During Calendar Years 2004 Through 2011, Inclusive

12. **CMR:546:03** The Policy and Services Committee recommends that the City Council adopt guidelines 1 through 4 for off-site telephone participation in Council meetings. Further, to note who is teleconferencing, track specific costs, discourage use of cell phones, and ask the City Clerk to report quarterly.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

HEARINGS REQUIRED BY LAW: Applicants and/or appellants may have up to ten minutes at the outset of the public discussion to make their remarks and up to three minutes for concluding remarks after other members of the public have spoken.

OTHER AGENDA ITEMS: Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of five minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to less than five minutes if necessary to accommodate a larger number of speakers.

UNFINISHED BUSINESS

PUBLIC HEARINGS



13. **CMR:551:03** Public Meeting: Recommendation to City Council to Accept and Approve the Revised Report and Recommendations of the Downtown Business Improvement District (BID) Advisory Board and Adopt the Resolution of Intention that Declares the City Council's Intent to Form a Downtown Business Improvement District and Levy the Assessment on Businesses Located in the BID and Agendize a Public Hearing for January 12, 2004 at Which Interested Persons Can Testify

Resolution of the Council of the City of Palo Alto Confirming the Revised Report of the Advisory Board in Connection with the Establishment of the Proposed Downtown Palo Alto Business Improvement District, Declaring its Intention to Establish said District, Declaring its Intention to Levy an Assessment on Businesses Within said District for Fiscal Year 2003-2004, and Setting a Time and Place for a Public Hearing on the Establishment of the District and the Levy of the Assessment

14. **CMR:552:03** Public Hearing: Pursuant to Government Code Section 30061, Title 3, Division 3, Relating to the Supplemental Law Enforcement Services Fund to Consider the Police Chief's Request for Funding Frontline Law Enforcement Programs

REPORTS OF COMMITTEES AND COMMISSIONS

ORDINANCES AND RESOLUTIONS

15. **CMR:461:03** Adoption of an Ordinance Relating To The Utilities Department to Change the Division Name of Administrative Services to Customer Services to Accurately Reflect to Customer Focus and Nature of Responsibilities of that Division and to Make Changes to the Palo Alto Municipal Code to Clarify Current Practices

Ordinance of the Council of the City of Palo Alto Amending Section 2.08.200 of Chapter 2.08 of Title 2 of the Palo Alto Municipal Code to Effect Changes to the Duties of the Director of Utilities and Changes in the Organizational Structure of the Department of Utilities

REPORTS OF OFFICIALS

COUNCIL MATTERS

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Members of the public may not speak to the item(s).

CLOSED SESSION

This item may occur during the recess or after the Regular Meeting.

Public Comments: Members of the public may speak to the Closed Session item(s); three minutes per speaker.

16. Conference with City Attorney -- Existing Litigation
Subject: Pacific Gas and Electric Company, a California Corporation, Debtor, U.S. Bankruptcy Court Case No. 01-30923DM
Authority: Government Code section 54956.9(a)
17. Conference with City Attorney -- Existing Litigation
Subject: Enron Corporation Bankruptcy, Case No. 01-16034 (AJG)
Authority: Government Code section 54956.9(a)
18. Conference with City Attorney -- Existing Litigation
Subject: Hanna, et al. v. City of Palo Alto, et al., SCC# CV782487;
Flamm and Stevenson v. City of Palo Alto, et al., SCC# CV781800;
Bianchi v. City of Palo Alto, et al., SCC# CV781249
Subject: Authority: Government Code section 54956.9(a)

ADJOURNMENT

Persons with disabilities who require auxiliary aids or services in using City facilities, services, or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact 650-329-2550 (Voice) or 650-328-1199 (TDD)