



City of Palo Alto

City Council Staff Report

(ID # 9906)

Report Type: Consent Calendar

Meeting Date: 12/10/2018

Summary Title: Second Reading: Municipal Code 9-7 Council Members

Title: SECOND READING: Ordinance of the Council of the City of Palo Alto Amending Section 2.04.190 (Standing Committees – Special Committees) of Chapter 2.04 (Council Organization and Procedure) of Title 2 (Administrative Code); and Amending Section 12.10.060 (Coordination with City) of Chapter 12.10 (Street Cut Fees) of Title 12 (Public Works and Utilities) of the Palo Alto Municipal Code to Conform to a Seven-Member City Council (FIRST READING: October 29, 2018 PASSED 9-0)

From: City Manager

Lead Department: City Clerk

This was first heard by the City Council on October 29, 2018 where it was unanimously approved. Below is the Motion that passed.

MOTION: Council Member Scharff moved, seconded by Mayor Kniss to:

- A. Amend the Municipal Code and Council Procedures and Protocols to conform to a seven-member Council:
 - i. Adopt on first reading an Ordinance amending Municipal Code section 2.04.190 to reduce number of Council Members on Finance and Policy and Services from four to three and Section 12.10.060 to change the votes required to resolve a certain type of appeal from five to a majority;
 - ii. Amend the Council Procedures and Protocols to reduce four to three the number of Council Members who may sign a Colleagues' Memo and who may serve on an Ad Hoc Committee; and
- B. Refer to Policy and Services additional discretionary changes to the Municipal Code and/or Procedures and Protocols.

AMENDMENT: Council Member Holman moved, seconded by Council Member Kou to require two City Council members to remove an item from the Consent Calendar.

AMENDMENT FAILED: 4-4-1 Dubois, Holman, Kou, Tanaka yes, Fine abstain

MOTION PASSED: 9-0

Attachments:

- Attachment A: Ordinance

NOT YET ADOPTED

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Section 2.04.190 (Standing Committees – Special Committees) of Chapter 2.04 (Council Organization and Procedure) of Title 2 (Administrative Code); and Amending Section 12.10.060 (Coordination with City) of Chapter 12.10 (Street Cut Fees) of Title 12 (Public Works and Utilities) of the Palo Alto Municipal Code to Conform to a Seven-Member City Council.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1: The Council of the City of Palo Alto finds and declares as follows:

A. In November, 2014, the Charter of the City of Palo Alto was amended by the electorate to reduce the City Council to seven members (from the current nine member council) effective January 1, 2019.

B. In order to prevent conflicts with the California Brown Act, relevant sections of the Palo Alto Municipal Code must also be amended to reflect the seven-member Council.

SECTION 2. Section 2.04.190 of the Palo Alto Municipal Code is hereby amended as follows (deleted text is in ~~striketrough~~, new text is underlined):

2.04.190 Standing committees - Special committees.

(a) Not later than the second regular council meeting in January, the mayor shall appoint two standing committees, consisting of ~~four~~ three members each from the members of the council. The mayor shall appoint each council member to only one standing committee and shall appoint the chairperson of each committee. The mayor, or the vice-mayor at the request of the mayor, may act as an ex officio, voting member of each committee when one or more regular committee members are absent.

(b) The standing committees shall be designated, respectively, committee on finance and committee on policy and services, and shall meet at 7:00 p.m. in the city hall on the day established by Section 2.04.200.

(c) Council members may attend meetings of committees of which they are not members, without participating in any manner, but only committee members or ex officio committee members shall vote in committee in accordance with subsection (a) of this section.

(d) Council members who submit matters to the council which are referred to a standing committee may appear before the standing committee to which the referral has been made in order to speak as proponents of the matter. Standing committee meetings during which such referrals may be considered shall be noticed as council meetings for the purpose of enabling the standing committee to discuss and consider the matter with a quorum of the council present.

NOT YET ADOPTED

(e) In addition to standing committees the mayor may, subject to approval of the council, appoint such other special committees of council members, private citizens or both as deemed desirable and necessary to assist and advise the council in its work.

SECTION 3. Section 12.10.060 of the Palo Alto Municipal Code is hereby amended as follows (deleted text is in ~~striketrough~~, new text is underlined):

12.10.060 Coordination with city.

(a) Before a person, utility or public utility applies for an "Application and Permit for Construction in the Public Street" to construct in the public rights-of-way or any street, alley, sidewalk or other public place, the applicant shall notify the director of public works-city engineer, and the city engineer, or designee, shall review on behalf of the applicant the utility master plans and the city's five-year repaving plan on file with the department of public works. The applicant shall coordinate, to the fullest extent practicable, with the utility and street work shown on such plans to minimize damage to, and avoid undue disruption and interference with the public use of such public rights-of-way, streets, alleys, sidewalks or other public places. Such coordination shall include:

(1) Whenever two or more parties have concurrently proposed a major excavation in the same block during a five-year period, they shall meet and confer with the director of utilities, or designee, regarding whether it is feasible to conduct a joint operation. If the director, or designee, determines that it is feasible to conduct a joint operation, a single contractor shall be selected and a single application fee charged.

(2) Any person, utility or public utility aggrieved by the director's decision to require a joint operation may, within thirty days of receipt of the director's written notice, file an appeal with the city manager in written form in a manner prescribed by the director. Within thirty days of the filing of a timely appeal from the director's determination, the city manager shall review the appeal and issue a recommendation to the council to uphold or overturn the action or determination of the director. The recommendation of the city manager shall be placed on the consent calendar of the council within thirty days of the filing of the appeal. In determining such appeal, the council shall consider the impact of the proposed excavation on the neighborhood, the applicant's need to provide services to a property or area, facilitating the deployment of new technology as directed pursuant to official city policy, and the public health, safety, welfare and convenience. The council may adopt the recommendation of the city manager, or remove the appeal from the consent calendar, which shall require ~~five votes~~ a majority vote, and take action to uphold or overturn the recommendation of the city manager. The decision of the council is final.

(b) To avoid future excavations and to reduce the number of street excavations, any person, utility or public utility providing utility or communications service shall be requested, when practicable, to install sufficient conduit to accommodate the reasonably foreseeable future business growth needs of that person, utility or public utility.

NOT YET ADOPTED

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. CEQA. The City Council finds and determines that this Ordinance is not a “project” within the meaning of section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately.

SECTION 6. Effective Date. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Deputy City Attorney