

# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting December 14, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:01 P.M.

Present: Berman arrived at 5:03 P.M., Burt, DuBois, Filseth, Holman,

Kniss, Scharff, Schmid, Wolbach

Absent:

#### **Closed Session**

CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (James Keene, Molly Stump, Suzanne Mason, Dania Torres Wong, Alison Hauk) Employee Organizations: Palo Alto Police Officers Association (PAPOA); Palo Alto Police Managers' Association (PAPMA); Palo Alto Fire Chiefs' Association (FCA); International Association of Fire Fighters (IAFF), Local 1319; Service Employees International Union, (SEIU) Local 521; Management, Professional and Confidential Employees; Utilities Management and Professional Association of Palo Alto (UMPAPA) Authority: Government Code Section 54957.6(a).

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Schmid to go into Closed Session.

**MOTION PASSED:** 8-0 Berman absent

Council went into Closed Session at 5:02 P.M.

Council returned from Closed Session at 6:23 P.M.

Mayor Holman announced no reportable action.

## Special Orders of the Day

2. 2015 City Manager Year in Review.

Agenda Changes, Additions and Deletions

None.

### Minutes Approval

3. Approval of Action Minutes for the November 30, 2015 Council Meeting.

**MOTION:** Council Member Burt moved, seconded by Vice Mayor Schmid to approve the Action Minutes for the November 30, 2015 Council Meeting.

**MOTION PASSED**: 9-0

#### Consent Calendar

**MOTION:** Council Member Burt moved, seconded by Mayor Holman, third by Council Member Wolbach to pull Agenda Item Number 4- Approval of Scope of Work and Evaluation Criteria... to be heard at a later date.

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach, third by Council Member Kniss to pull Agenda Item Number 17-Adoption of an Ordinance...to Move the Day of Policy and Services and Finance Committee Meetings... to be heard at a later date.

**MOTION:** Vice Mayor Schmid moved, seconded by Council Member Kniss to approve Agenda Item Numbers 5-16, incorporating comments from the City Manager relating to Agenda Item Number 10- Approval of the Fire Insurance Settlement Payment..., Agenda Item Number 18 Attachment B (Resolution Amending Salary Schedules) only, and 19-22a.

4. Approval of Scope of Work and Evaluation Criteria for Request for Proposals for Design Development, Environmental Review and Preparation of Construction Cost Estimates for a New Downtown Parking Garage to be Built on the Existing Parking Lot D.

- 5. Approval of an Assignment and Assumption Agreement to the Lease Between the City of Palo Alto, R&T Restaurant Corporation and Hee King Bistro Inc. for the Palo Alto Municipal Golf Course Restaurant.
- 6. Approval of a Contract With Spencon Construction, Inc. in the Amount of \$1,402,581 for the 2016 Sidewalk, Curb and Gutter Repairs Project.
- 7. Approval of Amendment Number 1 to Contract Number C13149733 With Clean Harbors Environmental Services, Inc. in the Amount of \$103,135 for a Total Compensation not to Exceed \$679,692 for the Transport and Disposal of Ash and Sludge for the Regional Water Quality Control Plant.
- 8. Approval of Contract Number C16161210 With Shah Kawasaki Architects in the Total Amount not to Exceed \$599,052 to Provide Architectural Design Services for Fire Station 3 Replacement Capital Improvement Program Project PE- 15003.
- 9. Authorization to Operate the Golf Course From January 1, 2016 to June 30, 2016 and <u>Budget Amendment Ordinance 5366</u> Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto to Increase Golf Course Revenues Estimate in the Amount of \$600,956 and Provide Additional Expense Appropriation in the Amount of \$600,956."
- 10. Approval of the Fire Insurance Settlement Payment of \$553,599 From State Farm Insurance Company for the Property Owned by the City of Palo Alto and Frank Benest at 2257 Bryant Street and Authority to Sell Property.
- 11. Approval of Amendment Number 1 to C & S Engineers, Inc. Contract Number C151555208A to Include Required Federal Contract Provisions and to Increase the Contract by \$650,000 for a Total Not-to-Exceed Amount of \$900,000 for Professional Engineering and Design Services; Approval of Amendment Number 1 to Mead & Hunt, Inc. Contract Number C151555208B to Include Federal Contract Provisions; and Budget Amendment Ordinance 5367 Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto to Close the Airfield Electrical Evaluation/Study Project (AP-16001) and Reduce the Anticipated Federal Aviation Administration (FAA) Reimbursement in the Amount of \$90,000 and Restore Available Project Budget of \$123,415 to the Airport Enterprise Fund; and Establish the Airport

Perimeter Fencing Project (AP-16003) in the Amount of \$179,838 and Increase the Anticipated FAA Reimbursement in the Amount of \$161,854; and Increase the Ending Fund Balance in the Airport Enterprise Fund by \$15,431."

- 12. Resolution 9566 Entitled, "Resolution of the Council of the City of Palo Alto to Adopt Healthy Social, Cultural and Physical Environments that Promote and Support Wellbeing and Creative Expression for Ourselves, Our Families and Our Community in Support a of Healthy City/Healthy Community."
- 13. Resolution 9567 Entitled, "Resolution of the Council of the City of Palo Alto Amending the Memorandum of Agreement for Service Employees International Union (SEIU), Local 521 to: 1) Increase the Salary Range for the "Traffic Operations Lead" Position in the Planning and Community Environment (PCE) Department, and 2) Change the Classification Title to "Traffic Engineering Lead"; and Adoption of a Related Ordinance Amending the Table of Organization."
- 14. Approval of Seven Separate Three-Year Contracts With Bodhtree Solutions, Inc., Sierra Infosys, Inc., HPC Heck & Partner Consulting, Inc. dba: HPC America, Techlink Systems, Inc., Quintel-MC, Inc., DGN Technologies, Inc., and Khalid Salman Mohammed for SAP Professional Services in a Total Amount not to Exceed \$250,000 Annually for all Seven Contracts.
- 15. Approval of and Authorization for the City Manager to Execute an Amendment to Contract Number C15154740 With DNV GL Energy Services USA Inc. to Extend the Term Through June 30, 2017 and to Increase the Compensation by \$31,200 for a Total not to Exceed Amount of \$265,129; and <a href="Budget Amendment Ordinance 5368">Budget Amendment Ordinance 5368</a> Entitled, "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2016 to Provide an Appropriation in the Amount of \$32,100 From the General Fund Budget Stabilization Reserve."
- 16. Amendment of the Table of Organization to add One Full-Time Equivalent (FTE) Project Manager to the Public Works Department to Implement and Maintain the Infrastructure Management System, and to Coordinate Regular Reporting to Council and the Public on Infrastructure Status, Capital Improvement Projects Status, and the Infrastructure Plan, and Budget Amendment Ordinance 5369.

- 17. Adoption of an Ordinance Amending Municipal Code Section 2.04.200 to Move the Day of Policy and Services and Finance Committee Meetings From Tuesdays to Wednesdays Beginning in 2016.
- 18. Approval of a Contract for Prevailing and Minimum Wage Contract Compliance Program in the Amount of \$189,000, Adoption of Resolution 9568 Entitled, "Resolution of the Council of the City of Palo Alto Increasing Palo Alto SEIU Hourly and Limited Hourly Employee Wage Rates to Reflect Implementation of City's Minimum Wage Ordinance" and Adoption of a Related Budget Amendment Ordinance."
- 19. Adoption of an Ordinance Amending Municipal Code Section 2.07.010 to Update Post Government Employment Regulations to Include all City Department Heads.
- 20. Authorize the City Manager or his Designee to Execute the Revised Agreement Which Would Allow the Palo Alto Police Department to Provide Law Enforcement Services to the new Levi's Stadium in Santa Clara With Respect to Increased Security During the 2016 Super Bowl.
- 21. Confirmation of Appointment of Rumi Portillo as Director of Human Resources (Chief People Officer) and Approval of Employment Agreement.
- 22. Palo Alto Fire Department Quarterly Performance Report for First Quarter Fiscal Year 2016.
- 22a. Approval of Amendment Number Three to the Palo Alto-Stanford Fire Protection Agreement With the Board of Trustees of the Leland Stanford Junior University Extending the Term for One Year for a Total Fee of \$6.5 Million, and Approval of a Related Budget Amendment Ordinance Reducing the General Fund Budget Stabilization Reserve by \$675,000 to Offset a Reduction in FY 2016 Fire Department Revenues. (Continued from December 07, 2015) (STAFF REQUESTS THIS ITEM BE CONTINUED TO JANUARY 11, 2016).

MOTION FOR AGENDA ITEM NUMBERS 5-16, 18-22a PASSED: 9-0

#### **Action Items**

23. <u>Resolution 9569</u> Entitled, "Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Public Nuisance and Setting January 11<sup>th</sup>, 2016 for a Public Hearing for Objections to Proposed Weed Abatement."

**MOTION:** Mayor Holman moved, seconded by Council Member Berman to:

- A. Adopt a Resolution declaring weeds to be a public nuisance and setting January 11th, 2016 for a Public Hearing; and
- B. Direct Staff to publish a Notice of the Public Hearing in accordance with the provisions of the Palo Alto Municipal Code.

#### MOTION PASSED: 9-0

24. Conceptual Approval of Expanded Boundaries for the Downtown Residential Preferential Parking (RPP) Program and Council Direction on Parameters for Phase Two of the Program.

Council Member Berman advised he would not participate in this Agenda Item because he owns real property in the RPP District.

Council Member Scharff advised he would not participate in this Agenda Item out of an abundance of caution and will confer with the Fair Political Practices Commission (FPPC) regarding his ability to participate in future Agenda Items relating to the RPP District.

Council Member Filseth advised he would not participate in this Agenda Item because he lives in the RPP District.

Mayor Holman advised she would not participate in this Agenda Item because she owns real property in the RPP District.

Council took a break from 8:52 P.M. to 9:01 P.M.

**MOTION:** Council Member Kniss moved, seconded by Council Member Wolbach to:

- A. Conceptually approve the annexation of additional areas south of Lincoln Avenue and north-east of Guinda Street into the existing Downtown Residential Preferential Parking (RPP) District; and
- B. Conceptually approve additional adjacent neighborhoods for eligibility of annexation into the Downtown RPP district in the future, based on resident petition; and
- C. Direct Staff to return with a Resolution to implement the proposed boundary changes and parameters for Phase 2 of the Downtown RPP Program, scheduled to begin in March 2016, including:
  - Modifying the existing RPP District to distribute employee permits using concentric ring zones around the Downtown core; and
- D. Direct Staff to return with an analysis of program costs and revenues, along with necessary budgeting adjustments to implement desired boundary expansion, including new zones within the existing District, on-site customer service and physical permit sales.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "concentric ring zones" with "microzones as defined by Staff based upon demand."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "limit employee permit sales to 2,000 annually."

**AMENDMENT:** Council Member Burt moved, seconded by Council Member XX to add to the Motion, "not selling worker permits in additional annexed areas."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff and the Stakeholder Group to evaluate and return with recommendations:

- i. Data gathering by Staff and leveraging partners; and
- ii. Recommend the number of employee permits in annexed areas; and
- iii. Evaluate variable pricing; and
- iv. Review the pros and cons of one block side parking for workers in the most highly impacted areas."

**AMENDMENT:** Council Member Burt moved, seconded by Council Member XX to add to the Motion, "schedule a Study Session in January."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER to replace in the Motion, "January" with "January/February."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "schedule an Action Item in January/February."

**AMENDMENT:** Council Member DuBois moved, seconded by Council Member XX to replace Part B of the Motion with, "direct Staff to return with a proposal for an outer limit of the Downtown RPP Program and creation of residential RPP for easy annexation by streets that opt-in."

#### AMENDMENT FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part F (iv), "review the pros and cons of one block side parking for workers in the most highly impacted areas" with "review the pros and cons of distribution mechanism."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to propose a reduction mechanism to decrease employee permit sales based on progress with other traffic reduction programs, and come back to Council with a proposed annual reduction formula. (New Part H)

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion at the beginning of Part H, "During Phase 2 implementation."

**MOTION AS AMENDED PASSED:** 5-0 Berman, Filseth, Holman, Scharff not participating

Council took a break from 10:34 P.M. to 10:39 P.M.

Council Member Berman, Council Member Filseth, Mayor Holman, and Council Member Scharff returned to the meeting at 10:39 P.M.

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to continue Agenda Item Number 25- Review and Accept the Public Safety Building Site... to a meeting in January.

**SUBSTITUTE MOTION:** Council Member Burt moved, seconded by Mayor Holman to move forward with Agenda Item Number 25- Review and Accept the Public Safety Building Site... and reevaluate taking up Agenda Item Number 26- Next Steps for the Highway 101 Pedestrian/Bicycle Overpass... later in the evening.

#### **SUBSTITUTE MOTION PASSED: 8-1 Kniss no**

25. Review and Accept the Public Safety Building Site Evaluation Study of California Avenue Parking Lots C-6 and C-7 for Construction of a New Public Safety Building and Public Parking Structure; Direct Staff to Proceed With Design and Environmental Review of a 3-Story Public Safety Building Meeting Zoning Requirements on Lot C-6, and to Proceed With Design and Environmental Review of a New Public Parking Garage on Lot C-7 That Will Provide Approximately 460 (160 Net New) Public Parking Spaces.

**MOTION:** Council Member Scharff moved, seconded by Council Member Berman to direct Staff to proceed with design and environmental review of a 3-story Public Safety Building meeting zoning requirements on Lot C-6, and to proceed with design and environmental review of a new public parking garage using Option C (as described in the Staff Report) on Lot C-7 that will provide approximately 460 public parking spaces (160 net new spaces), including evaluation of costs and other impacts to potentially provide additional parking beyond the 460 spaces.

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**SUBSTITUTE MOTION:** Council Member Wolbach moved, seconded by Council Member XX to:

- A. Review and accept the Public Safety Building Site Evaluation Study of California Avenue Parking Lots C-6 and C-7 for construction of a new Public Safety Building and public parking structure; and
- B. Direct Staff to proceed with design and environmental review of a 3-story Public Safety Building meeting zoning requirements on Lot C-6, and to proceed with design and environmental review of a new public parking garage on Lot C-7 that will provide approximately 460 public parking spaces (160 net new spaces), including evaluation of costs and other impacts to potentially provide additional parking beyond the 460 spaces.

#### SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

**MOTION PASSED**: 9-0

26. Next Steps for the Highway 101 Pedestrian/Bicycle Overpass Project: Direct Staff to Cease Negotiations With Moffat & Nichol, Issue a new Request for Proposal (RFP), and Seek Additional Funding.

**MOTION:** Council Member Wolbach moved, seconded by Council Member Kniss to:

- A. Cease negotiations with Moffat and Nichol for a contract for design of the Moffat and Nichol low-profile suspension bridge, Submission C, from the Adobe Creek Pedestrian & Cyclist Bridge 2014 Design Competition; and
- B. Proceed with a Request for Proposal (RFP) for design services to develop a new bridge concept for the Highway 101 Pedestrian/Bicycle Overpass Capital Improvement Program (CIP) project PE-11011 that meets the current CIP budget of \$10.1 million (not including Staff costs), with a budget addition of \$0.35 million in Regional Improvement Program construction funds and a potential budget contribution of \$1.0 million from Google, for a total anticipated budget of \$11.4 million; and

C. Partner with Google to secure a \$1.0 million contribution from the company to supplement the project budget for the Highway 101 Pedestrian/Bicycle Overpass; and

D. Pursue additional public and private funding to support inclusion of enhancements to standard bridge design and construction cost increases, for a potential upper project budget of \$13 to \$17 million.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in Part C of the Motion, "a \$1.0 million contribution" with "additional funding options."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from Part C of the Motion, "and a potential budget contribution of \$1.0 million from Google."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "\$10.1 million (not including Staff costs), with a budget addition of \$0.35 million in Regional Improvement Program construction funds for a total anticipated budget of \$11.4 million" with "\$13 million."

**SUBSTITUTE MOTION:** Council Member DuBois moved, seconded by Council Member XX to move forward with the Moffat and Nichol bridge design with a hard budget of \$13 million.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from Part D of the Motion, "for a potential upper project budget of \$13 to \$17 million."

MOTION AS AMENDED PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 12:58 A.M.

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