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8.	Recommendation that Council Authorize Approval of the Agreement Between the City of Palo Alto and Palo Alto Unified School District for Shared Funding of Two School Resource Officer Positions
9.	Approval of 6 Contract Amendments: (a) Amendment No. 2 to 4Leaf, Inc. Contract C13149364, Increasing Compensation by \$1,500,000 to \$3,000,000; (b) Amendment No. 2 to Kutzmann & Associates, Inc. Contract C13149368, Increasing Compensation by \$363,000 to \$726,000; (c) Amendment No. 2 to Interwest Consulting Group Contract C13149365, Increasing Compensation by \$50,000 to \$150,000; (d) Amendment No. 1 to CSG Consulting Contract C13149366, Increasing Compensation by \$50,000 to \$100,000; (e) Amendment No. 1 to TRB & Associates Contract C13149369, Increasing Compensation by \$50,000 to \$100,000; and (f) Amendment No. 1 to West Coast Code Consultants Contract C13149367, Increasing Compensation by \$385,000 to \$770,000, to Renew Contracts and Amend Scope of Work Each for a One-Year Term Extension for On-Call Inspection, Plan Check Services, and Capital Improvement Costs
10.	Approval of Professional Services Contract with Plante & Moran, PLLC for Enterprise Resource Planning Evaluation Assessment in the Amount of \$142,175
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12.	Approval of Design Contract No. C14153579 with BKF Engineers in the Amount of \$180,000 for the Embarcadero Road Satellite Parking Project
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15.	Approval of a Purchase Order with Owen Equipment in a Not to Exceed Amount of \$409,233.50 for the Purchase of a Hydro-Excavator Truck (Scheduled Vehicle and Equipment Replacement Capital Improvement Program VR-13000)
16.	Resolution 9427 entitled "Resolution of the Council of the City of Palo Alto to Establish the Palo Alto Bicycle Advisory Committee (PABAC) as the Bicycle Advisory Committee for purposes of the Transportation Development Act Program."
17.	Resolution 9433 entitled "Resolution of the Council of the City of Palo Alto Approval of Amendments to Power Purchase Agreements with Elevation Solar C LLC" and Resolution 9435 entitled "Resolution of the Council of the City of Palo Alto Western Antelope Blue Sky Ranch B LLC."
18.	Approval of a Construction Contract with D.L. Falk Construction, Inc. in the Amount of \$2,718,350, Approval of Amendment Number 2 to Contract No. C12144101 with WMB Architects, Inc. in the Amount of \$141,565 for a Not-to-Exceed Amount of \$426,256 for the City Hall Remodel Project PE-12017, and Adoption of a Budget Amendment Ordinance 5254 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2014 to Provide an Additional Appropriation in the Amount of \$1,607,109."
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Services; Adoption of five Resolutions, including: Resolution 9428 entitled "Resolution of the Council of the City of Palo Alto Adopting a Dark Fiber Rate Increase of 2.6% and Amending Utility Rate Schedules EDF-1 and EDF-2;" Resolution 9429 entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain Rates by 2.6 Percent Per Month Per Equivalent Residential Unit for Fiscal Year 2015;" Resolution 9430 entitled "Resolution of the Council of the City of Palo Alto Amending the 2012-2013 Compensation Plan for Management and Professional Adopted by Resolution No. 9357 to Add One New Position and Change the Title of Two Positions;" Resolution 9431 entitled "Resolution of the Council of the City of Palo Alto Amending the 2013-2015 Memorandum of Agreement Service Employees International Union (SEIU), Adopted by Resolution No. 9398 to Add One New Position and Correct the Salary of One Position;" Resolution 9432 entitled "Resolution of the Council of the City of Palo Alto and Amending the Terms for the Utility Management Professional Association, Adopted by Resolution No. 9359 to Correct the Salary for One Position and Add Two New Positions (CONTINUED FROM JUNE 9. 21. Discussion and Council Direction Regarding Potential November 2014 Charter Amendments Relating to Council Seats, Including Reducing the Number of Council Seats from Nine to Seven, Increasing the Limit on Terms from Two to Three Terms, Providing for Terms to Begin in 23. Public Hearing: Recommend Adoption of an Ordinance Requiring All New Multi-Family Residential and Non-Residential Construction to Provide for Current or Future Installation of EV Chargers174 22. Resolution 9434 entitled "Resolution of the Council of the City of Palo Alto Authorize the Placement of a Ballot Measure on the November 4, 2014 General Election to Increase the City's Transient Occupancy Tax (TOT) by Two Percent and Modernize TOT Ordinance to Ensure Equal Treatment of Traditional and Online Bookings."......177 COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS......178

06/16/2014 115- 147

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid

arrived at 7:00 P.M., Shepherd

Absent:

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Joe Saccio, Kathryn Shen, Sandra Blanch, Val Fong, Molly Stump)

Employee Organization: Utilities Management and Professional Association of Palo Alto (UMPAPA)

Authority: Government Code Section 54957.6(a)

The City Council reconvened from the Closed Session at 6:10 P.M. and Mayor Shepherd announced no reportable action.

STUDY SESSION

2. Study Session on the County of Santa Clara Expressway Study Program and Update on the Page Mill Road & I-280 Interchange Project.

Jaime Rodriguez, Chief Transportation Official, introduced members of the Santa Clara County Roads & Airport Department who were providing the presentation.

Dawn Cameron, County Transportation Planner, Santa Clara County Roads & Airport Department, provided a map of the eight County Expressways and mentioned the Expressways involving Palo Alto would be Page Mill Road, Oregon Expressway, and Foothill Expressway. Central Expressway did not enter into Palo Alto although it did end into Alma Street and there was always a concern when an Expressway and city street merged. The concept of the Expressway was designed to supplement commuter congestion from freeways and relieve city streets. The initial Comprehensive Expressway Study (Study) began in 2001 and was finalized in 2003. The Study provided information on the current and future needs, funding sources, and setting priorities. There was an administrative update to the Study in 2008.

It was anticipated the traffic levels would increase substantially over the next five-years. They were preparing the Program Environmental Impact Report (PEIR) including elements of the County's General Plan Circulations and Mobility Element, addressing future congestion issues. The future needs of Page Mill Road, Oregon Expressway, and Foothill Expressway were expanding capacity and interchange/intersection easements. They were considering a future grade separation underground for Foothill Expressway near Embarcadero Road for the high school. City Staff had requested the Study focus more on Page Mill Road with conceptual land and lane studies.

Mr. Rodriguez pointed out the concept plan mentioned by Ms. Cameron was how Staff performed most transportation projects because of the ability to engage the community and the stakeholders for the area in question. The timing for the Expressway Study was critical because it would feed into the Valley Transportation Authority (VTA) plan process for the VTA Transportation Plan 2040 (2040) beginning next year.

Robert Neff encouraged the Council move forward with the Expressway 2040 proposed plan for the Page Mill Road and Highway 280 interchange because it would allow safer access during the interchange and a safe access way onto Old Page Mill Road for pedestrians and bicyclists. Proposing widening Page Mill Road to 6 lanes would not solve the issue which was the merge from and to the Highway 280 interchange.

Vice Mayor Kniss stated there was a great deal of consternation with respect to the Oregon Expressway intersection as it runs from the El Camino Real. She asked for an example of where the improvement to Oregon Expressway was planned.

Dan Collen, Deputy Director, Santa Clara County Roads & Airport Department, noted the County was aware the Oregon Expressway project had continued longer than anticipated. The contractor has entered into the penalty phase of the timing in the agreement. He reported the electrical subcontractor had increased their crews and made productive progress on their end resulting in a better synchronization of the signal lights to decrease the delay until the construction was complete.

Vice Mayor Kniss asked how unhappy constituents communicate their concerns.

Mr. Collen stated persons interested in an update of the status or unhappy with the delays may contact the Santa Clara County Roads & Airport Department.

Mr. Rodriguez noted the County website would be updated extensively with the project listing and status which would be available on the Planning site.

Council Member Price asked if it would be a logical assumption that the intersection delay of various segments would rank in a priority level of the project order.

Ms. Cameron said prioritizing issues within the ranking of projects was selected by a criterion. Those criteria would be discussed by the Expressway 2040 Policy Advisory Board (2040 PAB) to determine its validity and need for alteration. The level of service was first priority followed by the safety priority whether it was vehicular, pedestrian or bicycle.

Council Member Price asked if there was discussion on Park and Ride lot expansion.

Ms. Cameron stated generally the Park and Ride lots were out of the scope of the County. The lots were the control of the owner of the property. The County would be addressing the lot issues with VTA and Caltrain with respect to the Page Mill Road/Highway 280 expansion.

Council Member Price asked what was meant by the term defer of the Highway 280/Page Mill Road area. How open ended was the deferment.

Mr. Collen stated when the County spoke to the Caltrain staff, they felt the priority was to get it right and were aiming for options all involved communities were content with. At the present time there was no pressing date to speak of.

Ms. Cameron mentioned there was a focus study on the Highway 280/Page Mill Road interchange.

Mr. Rodriguez added for that reason the Staff proposed concept plan was so valuable.

Council Member Berman was surprised not to see on either the current or 2025 schedule the El Camino Real/Page Mill Road/Oregon Expressway intersection.

Ms. Cameron agreed that section was not standing out on its own because it was being absorbed in the other directions. What was occurring was an operational problem, what was needed was an extension to the double left turn lane westbound Page Mill Road onto El Camino Real therefore freeing up the straight through lanes.

Council Member Berman asked how the County planned on working the driverless cars into the Expressway 2040 plan.

Mr. Collen stated at the present time there were no accommodations or factors involving the driverless cars. They were aware by 2030 the concept may become a reality and therefore provided a presentation during the first 2040 PAB meeting. The County was aware of the technology growth but at the moment there was not an implication for the local road operators.

Mr. Rodriguez commented the City was not waiting for the change but driving for it. In August of 2014 there will be an award to the traffic center in Palo Alto for pushing their traffic data signal into the web. Smart vehicle manufacturers can take the data and place it in the hands of the drivers.

Council Member Berman was hesitant to support the long term and expensive task of widening the streets without more detailed knowledge on driverless technology and the knowledge of how the impacts of a higher volume of vehicles traveling through intersections would affect the issues.

Mr. Collen acknowledged the concern and stated Staff's issues were not knowing whether the driverless vehicles would reduce the necessary capacity on the roads or induce more travel.

Council Member Klein asked when the expected completion date was for Oregon Expressway.

Mr. Collen stated the current construction schedule indicated the first week of September.

Council Member Klein asked where the additional necessary funding was slated to come from to complete the Expressway projects.

Ms. Cameron noted the initial step was to identify the needs and projects then look for funding. The options were mitigations from cities, state grant programs, and the one-time funding sources.

Council Member Klein asked the amount if funds from the proposed sales tax would go toward the Expressway projects.

Ms. Cameron said Mr. Guardino indicated he desired to see something for every project; although, he did not specify an amount.

Mr. Rodriguez explained the City collected several different traffic fees for projects. Currently the Stanford/El Camino Real Corridor Fund had \$3.4 million.

Council Member Klein mentioned a concern of the ramp from Alma Street onto the Page Mill Road/Oregon Expressway heading westward. The ramp was very short with limited visual access.

Mr. Rodriguez agreed the area was of high concern for Staff as well. A proposal coming to Council soon included concept work on Page Mill Road from Highway 280 to just before Alma Street. After speaking with the County, for an additional \$60,000 the ramps could be included to identify the necessary near term improvements.

Council Member Klein asked for the ideas and concepts for improvements to the ramps that were not in the millions of dollar range.

Mr. Rodriguez mentioned reviewing the alignments of the existing off ramps where they T into Alma Street, the potential to straightening out the off ramps, whether signalization of the off ramps along Alma Street would improve the flow; although, there was no true knowledge.

Ms. Cameron noted if there was to be a signalization connection from Alma Street there would need to be a manner of travel for the vehicles outside of the ramp. An alternative would decrease the traffic and liability. The Alma Street ramp would require more traffic analysis because it was not as simple as what would fit but rather to review the travel movements themselves.

Council Member Burt brought up the westbound traffic on Oregon Expressway to El Camino Real which backs up to Ramona Street. He asked the difference between the consideration of a major delay and a severe delay.

Ms. Cameron explained there was an operational problem for the left turn lane because it was a dual left turn for a brief distance with a continued single lane turn. There was not ample capacity for all of the left turn traffic to make it into the left turn lane which caused a spill back effect. The goal would be to make the dual left turn lane extend all of the way back to the beginning of the single left turn lane which would add capacity to the left turners and remove them from the through traffic.

Council Member Burt understood the suggested change to the traffic pattern. His initial question was why that area was designated as a major delay and not a severe delay.

Ms. Cameron explained the technical definition of intersection level F was if the average delay of every vehicle approaching or going through the intersection was 80 seconds or more.

Council Member Burt asked for clarification on average; was that throughout the day.

Ms. Cameron stated average during the peak period. The practice was there may be a delay of more than 80 seconds in more than one signal but the majority of the traffic was completing the process within the 80 second cycle.

Council Member Burt said the intersection was based on all movement.

Ms. Cameron stated yes.

Council Member Burt recalled the metric did not include the number of lanes but he requested that be added. He raised the safety issue of reduced speed zones on Page Mill Road and Foothill Expressway for pedestrians and bicycles. He asked what the caring capacity of a road system was within the VTA and how that should interplay with zoning created as cities and county planning.

Mr. Rodriguez clarified there was tracking at a regional level how jobs and housing had a transportation impact of the infrastructure on the entire county.

Ms. Cameron noted the County was identifying potential improvements but the Expressway 2040 Plan was focused on the near term 2025 year. Mr. Rodriguez and Mr. Collen were very involved in the VTA planning efforts which was where all of the cities in the Santa Clara County and San Mateo County were coming together to discuss and review the greater issues.

Council Member Scharff understood Central Expressway was not adjacent to Palo Alto although it was a vital part of the communities travel. He asked what the vision was for improvements to the Expressway.

Mr. Collen explained when the right-of-way was originally purchased there was long term planning in place building the structure wide enough for 6-lanes. Only 4-lanes were actually constructed but with the ability for widening as future needs required.

There were funds remaining in the earmarked dollars and Measure B funds accompanied in the widening of the eastern end and continuous widening through to Lawrence Expressway and auxiliary lanes. He acknowledged there was an issue at Mary Avenue in Sunnyvale.

Ms. Cameron stated Rengstorff and the Moffett exist were increasing in traffic demand but also not having the railroad tracks grade separated created congestion. Because of the lack of grade the signals cannot be coordinated as would be preferred. The work Palo Alto was doing with Google with respect to the bicycle routes and connections would be watched carefully as another means of transportation.

Council Member Holman echoed the westbound Page Mill Road issues, caring capacity of the roadways was important because it assisted the Staff in planning and zoning. She asked for the assumptions used to determine the roadway conditions in 2025 and 2040.

Mr. Rodriguez stated the VTA maintained a transportation land use model which broke down every city in the County of Santa Clara to a Traffic Analysis Zone or a (TAZ). Each city maintained the TAZ assumptions for the VTA.

Council Member Holman asked what assumptions Palo Alto Staff was making. What was the occupancy per thousand feet.

Mr. Rodriguez said the first step was to see what the region was expecting of Palo Alto such as the Association of Bay Area Governments (ABAG) as far as development of housing and assumptions of job creation and growth. Staff reviewed the historic growth in Palo Alto and work at a linear slow growth.

Council Member Holman noted it would be helpful to have a visual of the process in a table format for quantification purposes. She asked if the widening of Page Mill Road or the bicycle paths had any impact on the landscaping.

Mr. Rodriguez was uncertain whether Page Mill Road could be widened which was the purpose of the Concept Plan. The report attempted to disclose sections of Page Mill Road where widening could be possible. The section from Deer Creek Road to Highway 280 had a bike path that was rarely used so the plan was to create a multi-use path similar to the Stanford University trail between Deer Creek Road and Coyote Hill.

Council Member Holman mentioned the Page Mill Road Park & Ride was being utilized by corporate facilities where their employee's parked and the corporate busses picked them up. She noted the Palo Alto Comprehensive Plan speaks to not widening roadways. An important element to understand was the impact of greenhouse gas for the major and severe designation of traffic analysis.

Mayor Shepherd asked for an update to the Highway 280/Page Mill Road intersection proposed signal light implementation.

Ms. Cameron stated Caltrans had proposed signalizing the southbound Highway 280 off-ramp. The goal was to assist moving traffic off of the freeway and avoid the spillback. Los Altos Hills had concerns with the increase in traffic flow at the light onto Page Mill Road approaching too quickly when that section was not designed to support the anticipated capacity. Caltrans did not have a clear consensus regarding the signalization or the Park & Ride area; one community was against it while others were for it. The County agreed to fund a more in-depth study if Caltrans was willing to hold off on simply shelving the project.

Mr. Rodriguez expressed the users of the Highway 280 interchange at Page Mill Road were not from Palo Alto but rather San Mateo County or the San Francisco area. Those voices had not been heard and that was why Palo Alto Staff provided such an intense outreach program.

Mayor Shepherd asked if the train was considered as part of the traffic impact. If the modernization became a reality, the train would be more frequent and thus fewer vehicles able to pass through a signal cycle.

Mr. Collen stated the Oregon Expressway underpass had the pumps changed for a higher level capacity which was anticipated to alleviate some stress during the rainy season.

Ms. Cameron noted the County was aware with respect to the more frequent passing of the trains which was one of the issues with the signaling in Mountain View. The past and current Expressway Plans included grade separation for ease of traffic flow and signaling coordination.

Mr. Rodriguez agreed the same issue was on Alma Street where the train passes 12 times per hour. Signal synchronization has been impossible to coordinate.

AGENDA CHANGES, ADDITIONS AND DELETIONS

Mayor Shepherd asked if there was consensus for a special City Council meeting for Wednesday, June 18th for some of the Agenda Items from this evening's agenda.

Council Member Burt suggested discussing June 30th as the next City Council meeting since Council Members will be out on Wednesday, the 25th.

Council Member Scharff requested Council reflect by a show of hands who will be out on June 30th. He believed a number of the Agenda Items could be reviewed quickly.

Mayor Shepherd acknowledged the meeting was 30-minutes behind schedule.

Council Member Holman stated she could attend on June 25th but not until 7:00 pm.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Kniss to move Action Item Number 24, "Resolution of the Council of the City of Palo Alto Authorize the Placement of a Ballot Measure on the November 4, 2014 General Election to Increase the City's Transient Occupancy Tax (TOT) by Two Percent and Modernize TOT Ordinance to Ensure Equal Treatment of Traditional and Online Bookings", to the Consent Calendar deferring it to Finance Committee.

Mayor Shepherd asked if the item could be discussed once it was moved to Consent.

Molly Stump, City Attorney, explained Council could speak to the Motion; although, once the Motion was approved the Item could not be spoken to.

Council Member Klein was uncertain Item 24 could be moved to Consent because it requested Council discussion.

Ms. Stump stated the Motion included additional information but felt it was not a notice issue because the potential action was noticed.

Council Member Holman wanted to be clear to the public who came to speak to Item 24 they had the opportunity to speak even if the Item moved to Consent.

Ms. Stump clarified the proposed times on the Agenda were not limitations to the ability of the Council to adjust the locations or the removal of an Item.

MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Council Member Price to continue Agenda Item Number 19, "Public Hearing: Adoption of a Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein, to August 4, 2014".

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

James Keene, City Manager, announced there was a small wildland fire in the foothills on June 13th, the City has been working diligently on increasing the awareness and availability of the resources during this dry season. On June 20th a Fire Academy Graduation will be held at the Jewish Community Center. He and a few Council Members joined our Sister City of Oaxaca for the 50th Anniversary Celebration in Oaxaca, Mexico.

ORAL COMMUNICATIONS

Richard Brand, spoke regarding recent political citings in the newspaper.

Richard Calhoun, spoke regarding Palo Alto Police Department elder abuse policy 326. He felt the policy was inadequate for the safety and security of the elderly.

Stephanie Munoz, spoke regarding the residents of Buena Vista Mobile Home.

MINUTES APPROVAL

MOTION: Council Member Holman moved, seconded by Mayor Shepherd to approve the minutes of April 29, 2014.

MOTION PASSED: 9-0

CONSENT CALENDAR

Robert Moss, spoke regarding Agenda Item No. 12. He shared his concern with adding parking structures in the Baylands when there were ample spots available in the Downtown area.

Scottie Zimmerman, Friends of the Palo Alto Animal Shelter, spoke regarding Agenda Item No. 18A. She felt it was time to improve the building and services for the animals of the community.

Carole Hyde spoke regarding Agenda Item No. 18A. She was prepared to argue the merits of their ideas at the Finance Committee meeting when they agendize the proposed building modernization. She felt the proposed partnership would benefit all involved.

Herb Borock spoke regarding Agenda Item No. 18A. He spoke on the number of Council Members required to return an Item back to the Action Agenda Item.

Beth Ward, Humane Society, spoke regarding Agenda Item No.18A. The Santa Clara County Animal Services maintained the Palo Alto Animal Services but wanted to be sure there was a sustainable service for the community. The County put together a proposal to assist the Palo Alto Animal Services and agreed with the Staff there should be an RFP for the best services available.

MOTION: Council Member Schmid moved, seconded by Council Member Holman, third by Council Member Scharff to remove Agenda Item Number 12, "Approval of Design Contract No. C14153579 with BKF Engineers in the Amount of \$180,000 for the Embarcadero Road Satellite Parking Project", to be heard at a later date.

MOTION: Council Member Berman moved, seconded by Council Member Price to approve Agenda Item Numbers 3-11, 13-18a.

- 3. Adoption of Fiscal Year 2015 Investment Policy.
- 4. Approval of a Contract with Tandem Creative, Inc. In The Amount of \$90,000 for Graphic Design and Printing for the Quarterly Production of the Enjoy! Catalog Classes and Activities Guide.

- 5. <u>Park Improvement Ordinance 5252</u> entitled, "Park Improvement Ordinance of the Council of the City of Palo Alto for the Magical Bridge Playground (1st Reading: June 2, 2014 PASSED: 9-0)."
- 6. Council Approval of Amendment No. 6 to Agreement No. C1136231 With The Housing Trust Silicon Valley to Provide a Contribution in the Amount of \$200,000 from the Residential Housing In-Lieu Fund for Fiscal Year 2013/14 to be Expended Through Fiscal Year 2017/18, Authorize the City Manager to Execute Amendment No. Six with the Housing Trust Silicon Valley, and Adoption of a <u>Budget Amendment Ordinance 5253</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto of \$200,000 from the Residential Housing In-Lieu Fund."
- 7. Resolution 9425 entitled "Resolution of the Council of the City of Palo Alto Approving a Professional Services Agreement between the Northern California Power Agency and the Cities of Alameda, Palo Alto and Santa Clara for Electric Transmission, Generation and Regulatory Consulting Services for a Total Not to Exceed Amount of \$166,669 for the One Year Contract Term."
- 8. Recommendation that Council Authorize Approval of the Agreement Between the City of Palo Alto and Palo Alto Unified School District for Shared Funding of Two School Resource Officer Positions.
- 9. Approval of 6 Contract Amendments: (a) Amendment No. 2 to 4Leaf, Inc. Contract C13149364, Increasing Compensation by \$1,500,000 to \$3,000,000; (b) Amendment No. 2 to Kutzmann & Associates, Inc. Contract C13149368, Increasing Compensation by \$363,000 to \$726,000; (c) Amendment No. 2 to Interwest Consulting Group Contract C13149365, Increasing Compensation by \$50,000 to \$150,000; (d) Amendment No. 1 to CSG Consulting Contract C13149366, Increasing Compensation by \$50,000 to \$100,000; (e) Amendment No. 1 to TRB & Associates Contract C13149369, Increasing Compensation by \$50,000 to \$100,000; and Amendment No. 1 to West Coast Code Consultants Contract C13149367, Increasing Compensation by \$385,000 to \$770,000, to Renew Contracts and Amend Scope of Work Each for a One-Year Term Extension for On-Call Inspection, Plan Check Services, and Capital Improvement Costs.

- Approval of Professional Services Contract with Plante & Moran, PLLC for Enterprise Resource Planning Evaluation Assessment in the Amount of \$142,175.
- 11. Staff Request Council Authorize the City Manager to Approve Law Enforcement Data Sharing Agreement.
- 12. Approval of Design Contract No. C14153579 with BKF Engineers in the Amount of \$180,000 for the Embarcadero Road Satellite Parking Project.
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- 14. Approval of Separate Five-Year Contracts with Genuent USA, LLC, Intratek Computer, Inc., Digital Intelligence Systems, LLC, GTC Systems, Inc., Modis, Inc., Bodhtree Solutions, Inc. and Signature Technology Group, Inc. For IT Temporary Staffing Support Services in a Total Amount Not to Exceed \$500,000 Per Fiscal Year for All Seven Contracts.
- 15. Approval of a Purchase Order with Owen Equipment in a Not to Exceed Amount of \$409,233.50 for the Purchase of a Hydro-Excavator Truck (Scheduled Vehicle and Equipment Replacement Capital Improvement Program VR-13000).
- 16. Resolution 9427 entitled "Resolution of the Council of the City of Palo Alto to Establish the Palo Alto Bicycle Advisory Committee (PABAC) as the Bicycle Advisory Committee for purposes of the Transportation Development Act Program."
- 17. Resolution 9433 entitled "Resolution of the Council of the City of Palo Alto Approval of Amendments to Power Purchase Agreements with Elevation Solar C LLC" and Resolution 9435 entitled "Resolution of the Council of the City of Palo Alto Western Antelope Blue Sky Ranch B LLC."

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- 18a. (Formerly Number 24) Colleagues' Memo from Council Members Berman, Holman, Klein and Schmid Regarding Local Animal Services.

MOTION PASSED for Agenda Item Numbers 3-11, 13-18a: 9-0

ACTION ITEMS

- 19. Public Hearing: Adoption of a Resolution Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein (STAFF REQUESTS THIS ITEM BE CONTINUED TO AUGUST 4, 2014).
- 20. Public Hearing: Adoption of the Budget Ordinance 5255 entitled "Budget Amendment Ordinance of the Council for the City of Palo Alto for Fiscal Year 2015, including Adoption of Operating and Capital Budgets and Municipal Fee Schedule: "Ordinance of the Council Amending Chapter 2.08 of Title 2 of the Palo Alto Municipal Code to Add Section 2.08.250 Creating a New Department of Development Services; Adoption of five Resolutions, including: Resolution 9428 entitled "Resolution of the Council of the City of Palo Alto Adopting a Dark Fiber Rate Increase of 2.6% and Amending Utility Rate Schedules EDF-1 and EDF-2;" Resolution 9429 entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain Rates by 2.6 Percent Per Month Per Equivalent Residential Unit for Fiscal Year 2015;" Resolution 9430 entitled "Resolution of the Council of the City of Palo Alto Amending the 2012-2013 Compensation Plan for Management and Professional Adopted by Resolution No. 9357 to Add One New Position and Change the Title of Two Positions;" Resolution 9431 entitled "Resolution of the Council of the City of Palo Alto Amending the 2013-2015 Memorandum of Agreement Service Employees International Union (SEIU), Adopted by Resolution No. 9398 to Add One New Position and Correct the Salary of One Position;"

Resolution 9432 entitled "Resolution of the Council of the City of Palo Alto and Amending the Terms for the Utility Management Professional Association, Adopted by Resolution No. 9359 to Correct the Salary for One Position and Add Two New Positions (CONTINUED FROM JUNE 9, 2014)."

Walter Rossmann, Office of Management and Budget Director, recapped the previous Council tentative approvals for the budget processes and requested Council approve the Fiscal Year (FY) 2015 Budget.

Public Hearing reopened at 8:05 P.M.

Stephanie Munoz spoke of the Budget Reserve and suggested there be a special portion in the Reserve for items needed but not thought of.

Public Hearing closed at 8:07 P.M.

Molly Stump, City Attorney, announced the budget discussions allowed for the separation of specific items within the budget that may be of conflict to the voting members. Stanford would be heard as a separate item due to conflicts of interest for certain Council Members.

Council Member Klein advised he would not be participating in the budget as it related to Stanford University because his wife was on the faculty.

MOTION: Council Member Berman moved, seconded by Council Member Price to approve the Police, Fire, and CIP Budgets related to Stanford University.

MOTION PASSED: 8-0 Klein not participating

MOTION: Council Member Price moved, seconded by Council Member Berman to adopt the Budget Ordinance for Fiscal Year 2015, including Adoption of Operating and Capital Budgets and Municipal Fee Schedule; Ordinance of the Council Amending Chapter 2.08 of Title 2 of the Palo Alto Municipal Code to Add Section 2.08.250 Creating a New Department of Development Services; Adoption of five Resolutions, including: Adopting a Dark Fiber Rate Increase of 2.6% and Amending Utility Rate Schedules EDF-1 and EDF-2; Amending Utility Rate Schedule D-1 (Storm and Surface Water Drainage) to Increase Storm Drain Rates by 2.6 Percent Per Month Per Equivalent Residential Unit for Fiscal Year 2015;

Amending the 2012-2013 Compensation Plan for Management and Professionals Adopted by Resolution No. 9357 to Add One New Position and Change the Title of Two Positions; Amending the 2013-2015 Memorandum of Agreement Service Employees International Union (SEIU), Adopted by Resolution No. 9398 to Add One New Position and Correct the Salary of One Position; and Amending the Terms for the Utility Management Professional Association, Adopted by Resolution No. 9359 to Correct the Salary for One Position and Add Two New Positions; and to add an additional \$68,380 in Human Services Resource Allocation Process (HSRAP) funding, increasing the Fiscal Year 2015 Revised Proposed Budget funding for HSRAP to \$1,316,178, and establish an additional \$50,000 HSRAP Reserve for future use.

Council Member Price thanked the Staff and the Finance Committee Members for their hard work in producing the FY 2015 Budget.

Vice Mayor Kniss acknowledged Staff's presence attending the Council Meetings over the lengthy process of reviewing the Budget process.

Council Member Holman asked for a clarification on the Motion. Originally there was \$30,000 added to the HSRAP budget then an additional \$60,000. She asked where the original \$30,000 went in the Motion.

Jim Keene, City Manager, noted the amount was within the original budget itself, what Council was approving was the changes to the original budget. The Motion included HSRAP finding for \$100,000 which was the calculated combined amounts.

MOTION PASSED: 9-0

Council Member Holman thanked Christine Paras for her help organizing the Finance Committee discussions and Motions so the Council had a clear vision.

Christine Paras, Principal Management Analyst, accepted the accolades and provided her own to the Budget Staff who assisted her during the Finance Committee meetings.

21. Discussion and Council Direction Regarding Potential November 2014 Charter Amendments Relating to Council Seats, Including Reducing the Number of Council Seats from Nine to Seven, Increasing the Limit on Terms from Two to Three Terms, Providing for Terms to Begin in December and Other Matters.

Mayor Shepherd asked the City Attorney to explain the process for preparing the Ballot Measure language.

Molly Stump, City Attorney, explained the City Council had been working on the topic of governance for a number of years and Staff was looking for final direction. If Council settled on the nature of Ballot Measures desired for the November 2014 election, Staff would return to the next Council meeting with the specific language for the Ballot Measure(s) and the Resolution calling for the election. She emphasized any changes being requested needed to call out a specific date of when the change would be implemented. Another procedural issue would be whether or not Council wished to combined or group issues. There would be costs associated with multiple Ballot Measures if the issues were not combined; the City Clerk could advise on the costs.

Council Member Price, Chair of the Policy & Services Committee, discussed the Colleagues Memo created in June of 2013 regarding the Council term limits and reduction of Council seats. The term limits passed at Committee level on a 3-1 vote. One of the thoughts for a third term was to maintain regional appointments and building an expertise to better serve the City. A negative thought was limiting the opportunity for new Council Members. The seat reduction passed at Committee level on a 3-1 vote. A main discussion point was the effective date and the ability for more efficient and shorter meetings. The concern with fewer seats was whether or not there would be a broad enough representative of the community. Council compensation was discussed without a resolution but was returning to the Committee for further discussion. The order of Council candidate names was discussed and the options for this possibility was saving funds, incorporating Ballot Measure language around similar items and the Committee agreed the Charter changes could be proposed as separate Ballot Measures.

Council Member Klein stated the matter of changing the date and structure of the Reorganization meeting came to the Council in the form of a Colleagues Memo in an effort to rationalize the process of when Council Members took office. The proposal was identical to General Law Cities and most Charter Cities. The new Council Members would take office on the first regular Council meeting in December after the election certification. His concern was the Charter stated the Council term ended on December 31st while the new Council was not sworn in until after January 1st. There was a gap without a Mayor or Vice Mayor in place if there was a need for the authority figure.

Cheryl Lilienstein urged Council not to reduce the Council seats. Palo Alto needed more representation not less. A reduction in Council seats and extending current term limits would erode democracy.

Tom DuBois was against extending the term limits and reducing the Council seats. It was rare for incumbents to be voted out of office therefore creating large government politics which Palo Alto did not need. Public trust would be greatly improved if all of the current Council Members were excluded from both proposed Charter Amendments. The City should have a single topic per Ballot Item.

Tom Jordan spoke against reducing the Council seats. He recommended Council monitor their speaking time to reduce the length of meetings. He believed the lack of candidates was because of the hostility on the dais. The proposal for extended term limits was from the Council not the community.

Robert Moss urged the Ballot items should be presented individually. The size of the Council was not the efficient issue; it was a matter of the Council Member's not focusing on the items in front of them. He felt extending the term limits to three terms was satisfactory to the community. To prevent the implication of term limits being self-serving, the effective date should be 2016.

Herb Borock spoke of the Charter provision where the list of candidate names and Ballot Measures be chosen by lot. The issue was it was lacking any specifics of how, when, or where this should occur. He mentioned the new Council Members could be sworn in by the City Clerk on the first business day after the Registrar of Voters office certified the votes. There did not need to be a ceremonial meeting. He opposed the reduction of Council seats and extended term limits.

Stephanie Munoz stated reducing the Council seats would decrease the ability to disagree with one another and maintain a majority.

Council Member Burt asked if the intention was to combine all of the topics or separate them.

Mayor Shepherd explained that was the final matter to be discussed.

Council Member Burt stated his issue with the order was he may or may not choose to support a topic depending on whether or not it was linked to another. He suggested discussing the merit of placing the topics as a single Measure.

MOTION: Council Member Burt moved, seconded by Council Member Scharff to discuss whether Charter amendments should be combined or have separate measures for voter consideration first.

Council Member Scharff believed addressing the issue of Ballot topics individually promoted a better understanding of the issues for the Council and community.

MOTION PASSED: 7-2 Kniss, Schmid no

Vice Mayor Kniss noted throughout the history of Palo Alto City Council the number of seated Members had shrunk to the current 9. There could always be an argument for more or less Members. In 1991 a seated Council Member beginning their third term recommended term limits. She did not support combining the Ballot Measures because she believed the community would prefer to have a choice in each decision.

Council Member Klein agreed the topics should be considered separately. He has had constituents mention to him preferences for one direction or the other; if there were a number of different opinions there would be voters to take both sides.

Council Member Scharff said there was a two-step process; the Council making a decision then the voters making theirs. If the topics were combined that right was taken away from the voters.

MOTION: Council Member Scharff moved, seconded by Council Member Price that if Council placed Charter Amendments on the November 2014 Ballot to have each Measure voted on separately, except for the requirement of the local lottery, and if Council wished to place that on the Ballot it may be included as a combined Measure.

Council Member Scharff believed it was important in building public trust to provide them the opportunity to vote on individual items as they chose.

Council Member Price felt separating the topics was less confusing to the voters.

Council Member Holman asked for clarification of the meaning of the Motion. There has not been a determination of anything going on the Ballot.

Council Member Scharff stated if Council decided to place any of the items on the Ballot they would be placed separately.

Mayor Shepherd mentioned she would vote to see the lottery separated out.

MOTION PASSED: 9-0

MOTION: Vice Mayor Kniss moved, seconded by Council Member Klein that if permissible, to change term limits to three consecutive terms, to be on the 2014 ballot not to take effect until 2018, and no current Council Member would have the opportunity of a third term.

Vice Mayor Kniss stated if history was reflective of term limits, most seated Council Members would not complete a third term. She mentioned in the past 14 years more than 8 of the seated Council Members did not complete a second term. She believed if there was a Council Member who chose to serve a third term it could serve the community well.

Council Member Klein stated in the early 1990's he voted against term limits and he continued to disagree with their benefit. He wanted to be clear the Colleagues Memo was to place the extended term limits on the Ballot not to extend the terms of any specific Council Member.

Council Member Schmid spoke against the Motion. Democracy provided more turn-over, fresh perspective and a wider range of ideas which were more important than efficiency. Term limits were not a matter of Palo Alto needing to catch up to other cities or be like other cities but rather Palo Alto was leading the way for other cities in democracy.

Council Member Holman stated she would not be voting in support of the Motion. Her concern was the topic of discussion was not brought about by the constituents but seated Council. She favored having broader participation by Council and the community and serving 8-years was sufficient. She asked the Maker to reconsider the Motion language to verify the use of the word permissible.

Molly Stump, City Attorney, clarified the action requested in the Motion was permissible so the added language in the Motion was unnecessary.

Council Member Berman asked for clarification on the language of effective date of the term limits. He asked if the term limits would apply to incumbent Council Members or only incoming Council Members.

Vice Mayor Kniss clarified the date was to ensure it would not apply to incumbent Council Members.

Council Member Berman stated he would support the term limit Motion if it was clearly written to not include incumbent Council Members.

Ms. Stump said if the Motion was to have no existing seated Council Members eligible to serve a consecutive third term the effective date would be 2022.

Mr. Keene asked if language could be placed in the Motion to clearly state the term limits would not apply to incumbents.

Ms. Stump said if the desire was for the term limits to not be available for any seated Council Members, there should be an implementation date of 2022.

Council Member Berman asked the City Attorney to review what the State Legislature did to the ballot when they changed their term limits.

Ms. Stump noted the current election cycle for 2018 was in November while the seated Council Members would begin their term in January of 2019. If the desire was to not have the third consecutive term available to the current seated Council she could draft the Ballot language to accomplish that goal. The newly elected, not incumbent, Council Members of the November 2014 election would be eligible for a third term.

Vice Mayor Kniss said if the ballot language was to change on the swearing in of the newly elected Council Members to the election year they would be sworn in during 2013 not 2014.

Mayor Shepherd suggested removing the date of 2018 from the Motion and replace it with language clarifying no currently seated Council Member would be eligible for a third consecutive term.

Council Member Berman said from a policy standpoint he wanted it to be clear it was for good governance and policy but he was not supportive of the Motion. Being on City Council was a positive opportunity for the citizens to get involved with their community so he was against lowering the number of Council Members.

Council Member Scharff agreed with the regional body issue where a Council Member loses their seat when they leave for two-years and returns.

Council Member Burt believed term limits were not about choosing to continue to run but rather about the power of incumbency that squeezed out the other members of the community who would otherwise be attempting to serve. The concept to consider was whether or not to retain a process that was put into place to keep opportunities fresh for new people in the community to serve and to reduce the very strong power of incumbency.

He felt the community expected the Council to be citizen representative and not foremost politicians.

Mayor Shepherd believed if Palo Alto did not have seated members on regional boards it would be difficult to favor Palo Alto interests at a higher level than current.

MOTION FAILED: 4-5 Klein, Kniss, Price, Shepherd yes

MOTION: Council Member Scharff moved, seconded by Council Member Holman to not place the reduction of Council seats from 9-7 on the 2014 Ballot.

Council Member Scharff felt reduction of the Council seats would not benefit the citizenry. Comparing Palo Alto seated Council Members to other cities of similar size was not a valid argument because Palo Alto was unique with their own utilities and a very actively involved community. Having 9 Council Members caused a higher level thought process.

Council Member Holman mentioned the addition of the airport increased the Council's workload. She agreed there were things that could be done to reduce meeting lengths but reducing Council was not the most logical. She felt providing a reasonable compensation would encourage more candidates. Public service was important and that was the purpose of Council and serving your community should not be a financial hardship.

Council Member Price was not supportive of the Motion. She stated other communities did well with 5 or 7 Council Members. She noted it was challenging for Staff to manage 9 different Council Members and their schedules.

Council Member Burt agreed the workload on Staff for a 9-Member Council was heavy. He felt a 9-Member Council was a less efficient governing body. Although, a larger body provided a more diverse representation of the citizenry, drove the need for a broader majority in initiatives and Motions, and there was a sharing of the workload.

Council Member Klein stated over the years of his service it has been requested to reduce the number of Council where he had not been interested. He did not feel 7-members would reduce the workload nor would remaining at 9-members increase the representation throughout the community.

He believed the decision belonged with the people because he has seen a decrease in the number of candidates both for Council and the boards and commissions. He believed it was based on the demands placed upon those volunteers.

Council Member Berman opposed the Motion. He has heard a number of issues with the length of the meetings. The number of Council was not a matter of how well the community was represented. He believed the voters should decide.

Council Member Schmid endorsed democracy and therefore he supported the Motion.

Vice Mayor Kniss noted in the 1990's all 9 Council Members worked full-time while the current Council there were only 2 who worked. She was not in support of the Motion because she agreed the voters should have the opportunity to decide.

SUBSTITUTE MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to place on the 2014 Ballot the reduction of Council seats to 7 Members, to take effect in 2018.

Mayor Shepherd believed Palo Alto would be well represented with 7-Members.

Vice Mayor Kniss explained the City Council was considered indirect democracy because they represented the community. The community voted for the candidate they felt would represent them fairly with good judgment. She supported the Substitute Motion so democracy could prevail.

Council Member Holman asked the City Clerk for the estimated cost of election.

Donna Grider, City Clerk, clarified the cost was \$65,000 per Measure to the Registrar of Voters plus approximately \$10,000 for legal notices.

Council Member Holman agreed if the community desired a change to the democratic setting they should come forward and request it. She did not believe the Council should take the lead on changing the seating.

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

Council Member Burt asked for clarification on the newly elected Council Members. He asked if they could be sworn in on the first business day after the certification of the election.

Ms. Stump stated that was correct or on the 1st day in January.

MOTION: Council Member Klein moved, seconded by Council Member Schmid to have the new Council Members take office at the first regular meeting of the Council after receiving the certified election results and at that time the Council reorganization would occur, to take effect immediately following the 2014 election.

Council Member Klein stated the change would put Palo Alto in line with the majority of other cities and the efficiency of the Council would begin at the start of the year. He also believed the Council leaving office remained in office until the new Members were sworn in.

Council Member Schmid mentioned there would be 12 weeks between the election and the first business Council meeting date. That sequence was not well reflected of the election outcome. The elected Council Members should have the opportunity to participate in City business prior to 3 months after they were elected.

Mayor Shepherd asked if the Maker and Seconder would accept adding the issues of cleaning up the Ballot order to their Motion.

Council Member Scharff believed the Palo Alto process was unique to our City and it worked. He did not feel there was a necessary reason for change.

Council Member Klein disagreed. Until 1980 Palo Alto had elections in May and they began their seat right after.

Council Member Scharff felt the time between the election and the first business meeting allowed the elected Member to acclimate. The argument of an emergency and not having an official Mayor or Vice Mayor in office was irrelevant since the City ran on a City Manager platform.

Vice Mayor Kniss noted the President of the United States, the Legislatures, and the Santa Clara County Board of Supervisors were all sworn in during January after a November election.

Council Member Price stated she would not be supporting the Motion. She felt once the election was certified the assignment options should be sent to all seated Council Members so in January the elected Mayor had the opportunity to begin the process of selection. There were options to have three working business meetings in January given other days of the week.

Council Member Burt reiterated in the event of a major disaster there were Council responsibilities outside of those of the City Manager. He agreed in the event the Mayor and Vice Mayor would not be continuing in January of the new year there needed to be a mechanism in place to address the possibility of unusual circumstance. He asked if the current Mayor had the authority to elect an acting Mayor for the duration of December 31st until the selection process in January.

Ms. Stump clarified the Body had the ability to vote as a majority to make interim appointments.

Council Member Burt suggested including this issue as part of the policies reviewed to codify the Council procedures. During the 2014 season the Council could take the matter up for discussion during the final business meeting of the year.

Council Member Berman supported the Motion because he felt the process created a better and more efficient schedule. He did not feel it was necessary for new Council Members to wait so long before getting sworn in and receiving the opportunity to get involved. A key role of appointing Mayor and Vice Mayor was the opportunity for them to strategize over the holiday break before the start of the new year.

Council Member Holman was not supporting the Motion. She believed the Council protocols could address potential emergency situations.

Mayor Shepherd supported the Motion and agreed the additional time for the Mayor and Vice Mayor would be of benefit for planning the upcoming year.

MOTION FAILED: 4-5 Berman, Klein, Schmid, Shepherd, yes

Council Member Schmid cited the Charter read "the initiatives were by lottery" leaving the City Council to determine whether the lottery was from the Secretary of State or local.

Ms. Stump stated traditionally the Council conducted their own City of Palo Alto lottery or passed a Resolution adopting the Secretary of States lottery which applied generally throughout the State.

It was permissible at any election where candidates were listed on the Ballot to move forward with the adoption of the Secretary of States lottery.

Council Member Schmid asked whether it was essential to have a Charter Amendment approved by the people.

Ms. Stump stated no, it would avoid the administrative task of approving the Resolution during election periods.

Vice Mayor Kniss recalled the cost of the Ballots and asked if the initiative was added to another Ballot would additional costs be incurred.

Ms. Stump clarified the Clerk's numbers for the costs were per Measure. By adding the lottery initiative to the reduction of Council seats Measure, the charge would be for one Measure.

MOTION: Vice Mayor Kniss moved, seconded by Mayor Shepherd to eliminate the lottery provision from the Charter, to be included in the reduction of Council seats Measure on the 2014 Ballot.

Mayor Shepherd seconded the Motion because she believed changing the Charter would save time on a regular basis voting on the lottery each election.

Council Member Klein would not support the Motion since there was no connection to the reduction in Council seats.

Council Member Holman asked what the accomplishment was in altering the Charter.

Ms. Stump stated it was a Staff recommendation as a means to reduce administrative tasks.

Ms. Grider declared there was not always a Resolution for the lottery issue and when there was not a quorum of City Council Members available the decision was to follow the Secretary of States lottery.

Council Member Holman asked if the matter could be addressed in the Council protocols or no.

Ms. Stump stated no, it was in the City Charter and needed to be implemented.

Ms. Grider confirmed the approval of the Resolution to accept the Secretary of States lottery was on the August 4th tentative agenda.

Council Member Scharff shared his concern with the combining of the two initiatives. If the reduction of Council seats failed the lottery would fail as well. If the Resolution was approved after the voters spoke, it may appear as though the Council was not abiding by the vote. He believed the lottery should be a separate Measure or not done at all.

Council Member Price decided not to support the Motion after hearing from her Colleagues.

MOTION FAILED: 2-7 Kniss, Shepherd yes

Ms. Stump stated it was good drafting practice when amending the Charter to remove obsolete transitional provisions. There were two sentences: 1) the terms of Council Members who took office on July 1, 1977 shall expire on December 31, 1981 and 2) Terms of office commenced before January 1, 1992 shall not be counted when determining eligibility under this section. Neither of the sentences had relativity and she suggested removing them.

MOTION: Council Member Scharff moved, seconded by Council Member Berman to direct the City Attorney to remove the below obsolete sentences in the Charter, Section 2- Number- Term Limits- The terms of council members who took office on July 1, 1977, shall expire on December 31, 1981. Commencing January 1, 1992, no person shall be eligible to serve consecutively in more than two full terms of office as a member of the council. Any partial term of office longer than two years shall be deemed a full term. Terms of office commenced before January 1, 1992, shall not be counted when determining eligibility under this section.

MOTION PASSED: 9-0

Council Member Schmid left the meeting at 10:40 P.M.

MOTION: Council Member Price moved, seconded by Council Member Holman to hear Agenda Item Number 23 prior to Agenda Item Number 22.

MOTION PASSED: 8-0 Schmid absent

23. Public Hearing: Recommend Adoption of an Ordinance Requiring All New Multi-Family Residential and Non-Residential Construction to Provide for Current or Future Installation of EV Chargers.

Peter Pirnejad, Development Services Director, stated there were three types of electric vehicle categories; EVSE Installed or fully functional electric vehicle chargers, EVSE Ready Outlet or Wiring and outlet for seamless future installation, and Conduit Only or raceway panel; capacity and box. The types of new construction being effective by the Electronic Vehicle (EV) installations are new multi-family structures, hotels, and commercial buildings. The proposed requirement for every new multi-family was one EV outlet, 25 percent of guest parking was EV ready and new single family homes must be EV ready. For new non-residential commercial buildings 25 percent of all parking spaces were required to have Conduit, Outlet or EVSE while hotels were 30 percent.

Public Hearing opened at 10:46 P.M.

Arthur Keller, Planning and Transportation Commission, EV Taskforce Member, requested once Council made a determination on the Electric Vehicle (EV) requirements they return the matter to the EV Task Force for monitoring and price issues prior to submitting a report to the Policy & Services Committee for vetting.

Mike Thompson, EV Task Force Member, appreciated the charging stations throughout the City. He stated it made visiting or doing business with Palo Alto easier and more convenient. He agreed there should be a fee for charge in order to avoid the abuse of parking in the charge station spots.

Richard Cassel, EV Taskforce Member, remarked as an electrical engineer there was an issue with the lack of requirement for a disconnect. The City of Mountain View allowed for a disconnection within the line of site and worked with the national Electric Code.

Emma Remry volunteered at the Project Brain Home where the nation's first permanent residential EV charging station was installed. The proposed Ordinance would set the standard for EV chargers in the City and parking structures.

Wendy Lee strongly supported the proposed Ordinance.

Craig Lewis concurred the adoption of the proposed Ordinance would pass Carbon Free Palo Alto into the transportation sector.

Stephanie Munoz felt the Council was making personal life style choices for the citizens and an economic choice to favor one type of business over another.

Jim Barbera supported the proposed Ordinance.

Public Hearing closed at 11:00 P.M.

Council Member Burt asked Staff to speak to the disconnect issues brought up by the EV Task Force.

Mr. Pirnejad stated the requirement was the disconnect be either a visible lockable disconnect or a plug located in the actual charging cabinet. What was occurring in commercial buildings or homes where the charging station was located in the garage was that the disconnect was nowhere in sight. The resolution was to have the disconnect within sight of the electric vehicle in the event of a fire there was the ability to shut down the connection.

Council Member Burt asked if that was a code interpretation or actual code language.

Mr. Pirnejad said the code language was the disconnect needed to be within reasonable sight.

Council Member Burt asked if the "within line of sight" could be codified within the code.

Mr. Pirnejad stated yes.

MOTION: Council Member Burt moved, seconded by Council Member Scharff to approve the first reading of the Ordinance to adopt Section 16.14.380 of the Palo Alto Municipal Code adopting local amendments to the California Green Building Standards Code requiring that all new Multi-family Residential and Non-Residential construction provide for current and future installation of Electric Vehicle chargers. Direct Staff to return to Council with a Code change to clarify disconnecting devices be within line of sight.

Council Member Scharff believed the proposed Ordinance would allow for anyone to purchase an electric vehicle and have the safety and security of being able to charge their vehicle.

Council Member Price asked where the cost efficiency issues were between the Policy & Services Committee and the EV Task Force.

Mr. Pirnejad stated the suggestion was there were a number of ways to tackle pricing once the vehicle had a full charge. The essence was not to generate revenue as much as it was to encourage more use of the stations and the removal of your vehicle once it was fully charged.

Council Member Price asked what Staff was looking to take away from the meeting.

Mr. Pirnejad said the goal would be to review the existing structures and see how they could be encouraged, incentivized, or mandated to be EV ready when they were upgraded or remodeled.

James Keene, City Manager, believed the comment from some of the Task Force members was for the issue to return to the Task Force for refining prior to being submitted to the Policy & Services Committee.

MOTION PASSED: 8-0 Schmid absent

22. Resolution 9434 entitled "Resolution of the Council of the City of Palo Alto Authorize the Placement of a Ballot Measure on the November 4, 2014 General Election to Increase the City's Transient Occupancy Tax (TOT) by Two Percent and Modernize TOT Ordinance to Ensure Equal Treatment of Traditional and Online Bookings."

Molly Stump, City Attorney, announced Staff would be recommending the Council direct them to return with a minor modification to the Ballot question on the Utilities Users Tax (UUT). Specifically, the Telephone Tax Clean-Up item where the Council voted to reduce the tax.

Shakarie Byerly, FM3, provided a brief presentation regarding the polling services on the UUT Measure. She recommended language clarification on the Ballot Measure to heighten the approval rating throughout the community.

Herb Borock noted his concern with the Ballot question included the examples of what the tax funds would be used for. He did not feel it was appropriate to include the spending as it may sway the voters on items that the funds would not actually spent on.

MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to adopt the At Places revised Resolution calling for a special election to increase the City's Transient Occupancy Tax (TOT) by two percentage points and update the TOT Ordinance to confirm equal treatment of traditional and online bookings.

Council Member Berman asked if FM3 took into account the low turnout during the Primary Election during their polling.

Ms. Byerly stated the firm went into the polling process very conservatively. They based their process on the last 6 elections.

Council Member Price asked if the Ballot language included the current TOT amount for voter clarity.

Ms. Stump did not believe the Ballot question had the actual numbers for the existing or proposed TOT amounts.

Council Member Holman asked for clarification on the TOT taxes with respect to Airbnb.

Ms. Stump clarified the clean-up language stated if the person was a broker who facilitated short-term rentals under 30-days the guest would be responsible for paying the tax. The broker had the responsibility of collecting the tax from the guest or the facility and if they failed the City would collect the funds from the broker.

Council Member Klein mentioned the Council had voted to fund the Public Safety Building from other sources which was why as mentioned by a citizen it was not included in the Ballot question as a sample of expended funds.

MOTION PASSED: 8-0 Schmid absent

MOTION: Mayor Shepherd moved, seconded by Vice Mayor Kniss to direct Staff to return on the Consent Calendar at the Council meeting on June 23, 2014 with minor revisions to the UUT Resolution calling the election.

MOTION PASSED: 8-0 Schmid absent

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Scharff reported that he was appointed to the Association of Bay Area Government Executive Board.

Mayor Shepherd reported that she, Vice Mayor Kniss, Council Member Scharff, and City Manager Keene had just returned from Oaxaca, Mexico where they celebrated the 50th anniversary of our Sister City agreement.

<u>ADJOURNMENT:</u> The meeting was adjourned at 11:27 P.M.

ATTEST:	APPROVED:	
City Clerk	Mayor	

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.