

# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting January 12, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:06 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid,

Wolbach

#### Absent:

#### **Study Session**

1. Presentation from Caltrain Staff on the Peninsula Corridor Electrification Project Final Environmental Impact Report.

## Special Orders of the Day

- 2. Presentation Regarding the Community Services Department's Summer Programs.
- 3. Resolution 9485 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Greg Betts Upon His Retirement."

**MOTION:** Council Member Kniss moved, seconded by Council Member Berman to adopt the Resolution expressing appreciation to Greg Betts upon his retirement.

#### **MOTION PASSED: 9-0**

#### Consent Calendar

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Schmid to approve Agenda Item Numbers 4-11.

- 4. Approval and Authorization for the City Manager to Execute an Electric Fund Construction Contract with Pacheco Line Builders, Inc. for a Not To Exceed Amount of \$3,000,000 for Three Years, \$1,000,000 per year, for Electric Construction Services, Including Maintenance and Minor System Improvement Work on the City's Overhead Electric Distribution System, and Adoption of a Related <u>Budget Amendment Ordinance 5295</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2015 to Provide Appropriation in the Amount of \$500,000."
- 5. Approval of a Contract With Spencon Construction, Inc. in the Amount of \$1,458,610.30 for the FY 2015 Sidewalk, Curb and Gutter Repairs Project.
- 6. Approval of Contract No. C15156020 With CH2M HILL in the Total Amount Not to Exceed \$2,301,221 to Provide Design & Environmental Consulting Services for Sludge Dewatering and Load Out Facility at Regional Water Quality Control Plant Capital Improvement Program Project WQ- 14001; and Adoption of a <u>Budget Amendment Ordinance 5296</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto in the Amount of \$1,942,651 to Provide Additional Appropriation for the Biosolids Facility Project, WQ-14001."
- 7. Approval of a Contract with Innovative Interfaces Incorporated For Sierra, a Hosted Integrated Library System For the Palo Alto City Library For a First Year Cost Not to Exceed \$188,814, and Full Contract to Last Not More Than Seven Years (2015-2022) For a Total Amount Not to Exceed \$950,301 (CIP Project TE-11001).
- 8. Request for Authorization to Increase Legal Services Agreement with the law firm of Goldfarb & Lipman LLP by an additional \$150,000 for a total not to exceed amount of \$380,000 and <u>Budget Amendment Ordinance 5297</u> entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Adoption of a related Residential Housing In-Lieu Fund Budget Amendment Ordinance."
- 9. Approval of a Short Form Agreement for Revenue Contracts between the City of Palo Alto and the Cardiac Therapy Foundation of the Mid-Peninsula, Inc. Concerning The Use of the Gymnasium Facilities and Associated Fees for the Facility Use at the Cubberley Community Center for Jointly Supported Cardiac Therapy Programs.

- 10. Review and Acceptance of Annual Status Report on Development Impact Fees for Fiscal Year 2014.
- 11. Adoption of an Ordinance Governing Public Art for Municipal Projects.

**MOTION PASSED**: 9-0

#### Action Items

12. Council Action on Preliminary Matters Regarding the Application to Close the Buena Vista Mobilehome Park: (1) Determination of the Owner's Request to Dismiss the Residents Association's Appeal of the Hearing Officer Decision; (2) Adoption of Procedures to Govern the Appeal; and (3) Direction to Staff regarding Scheduling the Appeal.

**MOTION:** Council Member Scharff moved, seconded by Council Member Kniss to continue Agenda Item Numbers 14 and 15 to a date uncertain.

MOTION PASSED: 7-2 DuBois, Wolbach no

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss that Council reject the Mobilehome Park Owner's request to dismiss the Residents Association's Appeal of the Hearing Officer's decision on the closure application and will hear the appeal; Council accepts proposed Appeal procedures with the following changes:

Section 2.e continued with added sentences: "each party may have one expert testify regarding the inferences to be drawn and the weight to be given to the evidence in the record. Each expert will be allotted 10 minutes; in Section 2.g "hearing will be scheduled on about April 2015."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that any requests for new evidence shall be submitted to the City Attorney's Office, who will analyze the proposed evidence and prepare a summary for Council.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Appeal Procedures, Section 2.f. sentence number 3- "not to exceed 3 pages" to "not to exceed 10 pages".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that prehearing statements are to be submitted 21 days in advance of the appeal date.

**MOTION AS AMENDED PASSED: 9-0** 

Council took a break from 10:35 PM returning at 10:49 PM

13. Authorization for the Mayor to Sign a Letter Commenting on the Draft Environmental Impact Report/Environmental Assessment (DEIR) for the Valley Transportation Authority (VTA) Bus Rapid Transit.

**MOTION:** Council Member Scharff moved, seconded by Council Member Kniss to authorize the Mayor to sign the letter providing comments on Valley Transportation Authority's (VTA's) El Camino Real Bus Rapid Transit Project Draft Environmental Impact Report/Environmental Assessment (DEIR).

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that under comment Number 12-direct Staff to include a reference to Caltrain EIR that ramifications of the Caltrain EIR on congestion to Alma Street and perpendicular arterial streets that would compound the impacts on side streets resulting from the dedicated BRT lane.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the end of the introductory paragraph: "Due to lack of mitigation of serious impacts to Palo Alto traffic, Palo Alto opposes dedicated lanes in the City of Palo Alto. VTA should implement suggested alternatives first".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to move Bullet Point 20 on Page 6 of the draft Comment Letter to Bullet Point 1.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER to remove Item 6 sentence, "is today's ridership 73 percent greater than ridership in 1990? Please explain."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add "and Foothill Expressway" to Item 13 between "road" and "where".

#### **MOTION AS AMENDED PASSED: 9-0**

### Inter-Governmental Legislative Affairs

- 14. Utilities Advisory Commission Recommendation that the City Council Adopt a Resolution Approving the City of Palo Alto Utilities Legislative Policy Guidelines.
- 15. Review and Approval of the Draft Legislative Program Manual and Draft Semi-Annual Legislative Strategic Initiatives.

## Council Member Questions, Comments and Announcements

The City Council went into Closed Session at 11:37 P.M.

Mayor Holman announced the meeting would be closed in memory of Gloria Brown who of passed away on December 31, 2014.

#### **Closed Session**

CONFERENCE WITH CITY ATTORNEY-- EXISTING LITIGATION
 Subject: Sipple v. City of Alameda, Los Angeles County Superior Court, Case No. BC 462270
 Subject Authority: Government Code Section 54956.9(d)(1)

The City Council reconvened from the Closed Session at 11:55 P.M. Mayor Holman announced that the Council approved the settlement of Sipple v. City of Alameda, Los Angeles County Superior Court, Case No. BC 462270, for a payment of \$391,710 to be paid in reduced future Telephone User Tax remittances.

Adjournment: The meeting was adjourned in memory of Gloria Brown at 11:56 P.M.