



Regular Meeting
November 7, 2011

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:00 P.M.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh arrived at 7:27 P.M.

Absent:

SPECIAL ORDERS OF THE DAY

1. Acterra Stewardship - Habitat Tracker Program - Community Partnership Presentation.

Michael Closson, Executive Director of Acterra presented a brief history of the relationship between the City of Palo Alto and Acterra. In 1984, the City adopted the Conceptual Master Plan for the Pearson Arastradero Preserve. The plan called for entering into a contract with a Steward (a non-profit, local community based organization) to help maintain the preserve - specifically looking at habitat restoration, removal of non-native weeds, and educational opportunities. The City has enjoyed a successful stewardship agreement with Acterra for 14 years (Started as Bay Area Action in April 1997). Last year Acterra propagated and planted over 17,000 native plants with over 2,000 hours of volunteers. He spoke about Acterra's current activities associated with the City of Palo Alto which includes the Green@Home Program, Stewardship Program, Nature hikes, and Environmental Education.

2. Resolution 9207 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Rebecca Lynn Phillips Upon Her Retirement".

Council Member Schmid read the Resolution into the record.

11/07/2011

MOTION: Council Member Burt moved, seconded by Council Member Shepherd to adopt the Resolution expressing appreciation to Rebecca Lynn Phillips upon her retirement.

MOTION PASSED: 8-0 Yeh absent

3. Resolution 9208 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Douglas W. Keith Upon His Retirement".

Council Member Scharff read the Resolution into the record.

MOTION: Council Member Scharff moved, seconded by Council Member Price to adopt the Resolution expressing appreciation to Douglas W. Keith upon his retirement.

Mark Petersen-Perez spoke in praise of Mr. Keith and the knowledge that will be lost with his retirement.

MOTION PASSED: 8-0 Yeh absent

Doug Keith spoke of his history working for the City and thanked his family and Police Department colleagues for their support.

Police Chief, Dennis Burns thanked the Council for recognizing Doug Keith and Becca Phillips for their dedication and support of the City. He expressed his appreciation to both of them and wished them a wonderful retirement.

4. Appointment for One Position on the Planning and Transportation Commission Ending July 31, 2015.

First Round of voting for one position on the Planning and Transportation Commission ending July 31, 2015:

Voting For Sarah Carpenter:

Voting For Sunny Dykwel: Price, Yeh

Voting For Leonard Ely:

Voting For Tzuchi Fan:

Voting For Mark Michael: Burt, Espinosa, Klein, Scharff, Shepherd

Voting For Gordana Pavlovic:

Voting For Doria Summa: Holman, Schmid

Voting For Mark Weill:

City Clerk, Donna Grider announced that Mark Michael with 5 votes was appointed to the Planning and Transportation Commission ending July 31, 2015.

5. Appointments for Two Positions on the Architectural Review Board Ending September 30, 2014.

MOTION: Council Member Shepherd moved, seconded by Council Member Klein to direct the City Clerk to go back out and recruit for one position on the Architectural Review Board Ending September 30, 2014.

Council Member Burt asked for clarification on the Motion.

Council Member Shepherd explained Council would vote for one candidate now in order to seat a position and recruit a second time to expand the selection pool.

MOTION PASSED: 8-0 Yeh absent

First Round of voting for One Position on the Architectural Review Board ending September 30, 2014:

Voting For Robert Kuhar:

Voting For Lee Lippert: Price

Voting For Whitney Lundeen:

Voting For Clare Malone Prichard: Burt, Espinosa, Holman, Klein, Scharff, Schmid, Shepherd, Yeh

Voting For Richard Pearce:

Voting For Sasan Pedramrazi:

Voting For Carolyn Samiere:

City Clerk, Donna Grider announced that Clare Malone Prichard with 8 votes was appointed to one position on the Architectural Review Board Ending September 30, 2014.

6. Appointment for One Unexpired Position on the Library Advisory Commission Ending January 31, 2014.

First Round of voting for one unexpired position on the Library Advisory Commission ending January 31, 2014:

Voting For Noel Bakhtian: Burt, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

Voting For Sheena Chin: Espinosa,

Voting For Ramarao Digumarthi:

Voting For Philip Lumish:

Voting For Peter Mueller:

City Clerk, Donna Grider announced that Noel Bakhtian with 8 votes was appointed to one unexpired position on the Library Advisory Commission ending January 31, 2014.

CITY MANAGER COMMENTS

City Manager, James Keene reported on the PG&E gas line testing that occurred this past weekend and the leak that was discovered in the transmission line.

ORAL COMMUNICATIONS

Marilu Lopez Serrano spoke regarding the recent death of a 6-year old by vehicle in East Palo Alto.

John Morris spoke regarding the AT&T proposal and gave his reasons why he disagreed with the proposal.

Michael Hodos spoke regarding Professorville parking concerns.

Nancy Peters spoke regarding the AT&T antennae and stated her concern regarding a lack of community meetings.

PaloAltoFreePress spoke regarding small businesses within the Palo Alto Community.

Vanessa Davies spoke regarding the noise and size of the AT&T antennae's and felt the City was catering more towards businesses than residents.

Geri McGilveroy spoke regarding unsafe pedestrians and cyclists on Middlefield Road and requested a 25 MPH electronic speed meter be posted on the street.

Dick Maltzman requested the AT&T antennae be located on El Camino Real as an alternative to residential areas.

Robert Moss provided suggestions to Council on how to respond to the Hohbach project and the recent letters.

APPROVAL OF MINUTES

MOTION: Council Member Shepherd moved, seconded by Vice Mayor Yeh to approve the minutes of September 12, as amended, and September 19, 2011.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Burt moved, seconded by Council Member Price to pull Agenda Item No. 9, to become Agenda Item No. 17a.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Yeh to approve Agenda Item Nos. 7-8, 10-17.

7. Approval of an Electric Enterprise Fund Contract with National Information Solutions Cooperative, Inc., for the Purchase of an Electric Outage Management System in the Amount of \$133,524 for the Initial Year and the Option to Purchase Support and Maintenance for up to Four Additional Years in an Amount not to Exceed \$20,460 Per Year.
8. Approval of Contract with Envisionware, Inc. in a Total Amount Not to Exceed \$475,000 for an Automatic Materials Handling System at the Mitchell Park Library.
9. ~~Approval of a Three-Year Contract With American Guard Services, Inc. in the Amount Not to Exceed \$288,744 Per Year for the First Two~~

~~Years and \$294,409.92 for the Third Year of the Contract for Adult Crossing Guard Services and Authorization for Additional but Unforeseen Work not to Exceed \$28,874 Per Year for the First Two Years and \$29,441 for the Third Year.~~

10. Annual Public Review of Stanford University's Compliance with Development Agreement for the Sand Hill Road Corridor projects.
11. Finance Committee Recommendation to Accept the Audit of Purchasing Card Transactions.
12. Finance Committee Recommendation to Accept the Auditor's Office Quarterly Report as of June 30, 2011.
13. Policy & Services Committee Recommendation to Approve City Council Priorities Quarterly Report.
14. Approval of a Purchase Order with Farwest Corrosion Control Company in the Amount of \$305,084 for the Purchase and Installation of Cathodic Protection Current Interrupters and Remote Monitoring Units for Gas Infrastructure Capital Improvement Projects GS-10003 and GS-10004.
15. Approval of Contract No. C12141854 With the City of Inglewood in an Amount Not to Exceed \$95,000 Per Year for the Handling, Processing, and Collections of Parking Citations for a Five Year Contract.
16. Resolution 9209 entitled "Resolution of the Council of the City of Palo Alto Amending and Restating the Administrative Penalty Schedule and Civil Penalty Schedules for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution Nos. 9105 and 9149".
17. Budget Amendment Ordinance 5132 entitled "Ordinance of the Council of the City of Palo Alto in the Amount of \$65,479 to Fund the Purchase of an Animal Control Truck and Approval of a Purchase Order with Towne Ford Sales in an Amount Not to Exceed \$62,361 for the Purchase of a Animal Control Truck" (Scheduled Vehicle and Equipment Replacement Capital Improvement Program Project VR-11000).

MOTION PASSED for Agenda Item Nos. 7-8, 10-17: 9-0

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 17a. (Former No. 9) Approval of a Three-Year Contract With American Guard Services, Inc. in the Amount Not to Exceed \$288,744 Per Year for the First Two Years and \$294,409.92 for the Third Year of the Contract for Adult Crossing Guard Services and Authorization for Additional but Unforeseen Work not to Exceed \$28,874 Per Year for the First Two Years and \$29,441 for the Third Year.

Police Lieutenant, Ron Watson reviewed the Staff Report and the history of the crossing guard program. All Cities had been selected as the contractor for the crossing guard services in 1999 and several times since that date All Cities was the only respondent to BID requests. During the summer of 2011 a BID request was sent out. Eight responses were received and All Cities was outbid by four of the responses. The contract was awarded to American Guard. They were a security company with many facets including 400 crossing guards on their staff. In researching the company with other cities they contracted with, they received good overall recommendations for a smooth transition when taking over from other companies.

City Manager, James Keene wanted to assure the Council and the residents of Palo Alto that the Staff was making every attempt to provide the best services at the most efficient value. He noted there was sensitivity to the transition issues and Staff had been working with the perspective provider in hiring as many of the current crossing guards as possible.

Council Member Burt asked if the Council was to approve the change in supplier, when would the new crossing guards begin service.

Mr. Watson clarified December 1, 2011 was the switch-over date.

Council Member Burt asked what resources were available and how effectively the transition would take place. He asked if there was a transition period for the new service.

Mr. Watson explained American Guard Services had reached out to many of the current crossing guards to inform them they would be bidding for the contract. The crossing guards were given an information packet with encouragement to apply with their company. He anticipated if the Council approved the contract with American Guard; the company would begin contacting the current guards for employment. The service had existing staffing resources available to them to backfill shortages for the first week or two. The Traffic Safety Team has been known to supplement the crossing guards in time of illness but he noted Staffing was limited.

Council Member Burt asked what the role of the Traffic Safety Team would be in assisting new crossing guards during the transition and was there adequate Staffing to fulfill that role.

Mr. Watson clarified the current Traffic Safety Team had three members and a supervisor. He noted there was daily contact between the crossing guards and the Traffic Safety Team.

Council Member Burt said the Traffic Safety Team spent some time with the crossing guards daily but he wanted to know if there was enough bandwidth for the Traffic Safety Team to cover the transition to crossing guards with less experience.

Mr. Watson noted that new crossing guards made the transition more difficult, although it was a priority for the Traffic Safety Team.

Mr. Keene confirmed the December 1, 2011 start date had been discussed with the Traffic Safety Team and they had a number of reasons as to why the date chosen was preferred.

Council Member Holman asked if the school groups were notified when a Request For Qualifications (RFQ) was sent out given the sensitivity dealing with school aged children.

Mr. Watson had recently taken over the Traffic Safety Team and was unaware if the school groups had been notified regarding the RFQ.

Council Member Holman asked what the wage differential between the new contract and the old provider was for the crossing guards.

Mr. Watson did not have specifics on the wages paid to the guards by their parent company; although he was under the impression the wages for the proposed guards would likely be less than what the current contractor was paying. There was guard retention and some had tenure.

Council Member Holman asked if there was a history of retention in this type of contract service.

Mr. Watson responded yes and stated the City of Walnut Creek had a similar situation where they were able to retain the 80 percent level.

Council Member Holman said because of the contract and the RFQ process, the City did not have much room in the way of latitude in how to address the current situation.

Mr. Keene said the majority of the contract decisions made by the City were through the same process. Although the process was driven by the lowest BID, it was also driven by the most responsive and responsible bid. There were criteria that were evaluated and experience was a key factor.

City Attorney, Molly Stump clarified under the City's policy once the criteria had been met in the bid process, the procedures called for the contract to be awarded to the lowest cost vendor.

Council Member Price asked what the City's approach would be if the retention rate was lower because of the reduced hourly rate.

Assistant City Manager, Pam Antil said Staff had been asked by the Parent Teacher Association (PTA) and the Traffic Safety Team regarding transition training and the retention of superstar guards. The City had not included incentive or bonus pay in any of its contracts and she did not believe the current provider had such programs.

Council Member Price asked what leverage the City had in working with the vendor, if retention was a problem over time. What type of ability was in place to intercede or apply pressure the vendors.

Ms. Antil stated there was a termination clause in each contract so if the City felt the vendor was not performing the work as outlined in the contract there were two provisions; 1) the City Manager could terminate with a ten-day notice without cause or 2) terminate immediately upon written notice with cause.

Mr. Watson agreed it was incumbent upon the contractor to perform the duties accepted in the contract and with this specific contract provider they were expected to have 27 trained guards at the intersections. There were situations expected and the Traffic Safety Team was available to step-in but if the company needed to raise wages to accommodate their contractual agreements that would be an internal issue.

Ms. Antil added both the current and proposed companies had won and lost business from each other multiple times and were familiar with the transition. Both of the vendors had informed the Staff the intersection set-up in Palo Alto was not unfamiliar to them.

Council Member Shepherd did not consider the intersections equal nor were the school populations equal. Middle and high schools were very different from elementary school where the parents were walking with the children.

She was uncertain if there was a weighted consideration when the guards were hired, but she hoped the operator took the population factors into consideration.

Mr. Watson he was impressed in what he saw with the regional manager of the new company. The regional manager had surveyed all 29 intersections and spoken with the present guards. After a short visit he had detailed input on individual guards and their performance which had matched what the City had gathered from watching them for a number of years.

Council Member Klein asked if the Council chose to award the contract to the incumbent was there a legal way for that to occur.

Ms. Stump clarified the Council had the ability to cancel the current process and ask Staff to reevaluate the current program but they would be unable to award the contract to the current vendor at this time. The Charter and the Municipal Code had a commitment to open bids by competitive process.

Council Member Klein asked if the City chose to restructure the process and not select one of the four lower bid vendors would they be in line for a lawsuit.

Ms. Stump noted it was an area where there would be risk.

Council Member Schmid stated this was a sensitive issue for the community. He asked for confirmation that the City provided oversight on a regular basis of the activities of the subcontractor and they were confident in the manner the services were delivered.

Mr. Watson agreed that was accurate and the Traffic Supervisor had constant contact with the crossing guard supervisor.

Council Member Schmid asked if the decision to execute an RFQ versus a Request For Proposal (RFP) implied Staff felt there was adequate Staffing to continue to supply that amount of effort through the change.

Mr. Watson clarified it was his understanding the City Policy and Procedures and the Purchasing Department dictated how this contract went out for bid.

Ms. Stump said under the City's purchasing manual, general services contracts were to be issues under the RFQ process. Once the contractor met the responsibility and responsiveness requirements the issue remaining was price. She noted there was a provision in the policy where the City was able to articulate a substantial alternative situation which would be given weight;

the Purchasing Manager was authorized to use the RFP process in that situation but that process was not applied in this situation.

Council Member Schmid asked if Staff had confidence with the current Staffing levels the City could provide proper oversight to the change over.

Mr. Watson assured Council the Staff had no reason to anticipate the experience would be different than the other cities that had experienced the transition.

Vice Mayor Yeh asked why December 1, 2011 was determined as the best time for transition rather than the end of the school year.

Mr. Watson acknowledged the chosen time was not ideal although he noted there would be advantages and disadvantages at any given time of the year.

Vice Mayor Yeh said it was possible to calculate the difference in pay between the new contractor and the incumbent by viewing the information in Attachment C. The hourly rate of pay for the first and second years was \$13.25 and \$13.51 for the third.

Ms. Antil mentioned the costs provided were the fully loaded costs which included their overhead, profit, workers compensation, and other insurances but not necessarily the salary paid to the guards.

Vice Mayor Yeh understood there was no incentive pay but he asked if there was a possibility the City could legally create a retention pool and use it to cover the differences between the current and incoming vendor's pay scale in order to maintain the current guards.

Ms. Stump explained the proposal raised a number of issues, there were a variety of legal requirements that the employer needed to meet. She did not feel the City was in a position to reach in and supplement pay for the employer and it was not consistent with the competitive solicitation policy the City followed.

Mary Ganshou spoke regarding the safety of the bicyclists and pedestrians with respect to the recent lane changes near Terman Middle School. She felt it was a priority to stay with the guards who have kept everyone safe for the past number of years.

Michael Saterfield spoke of the impending change in service provider and acknowledged they had approached him with an employment offer at a much lower salary. He noted the intersection he was posted at was in need

of a proficient person with a high understanding of safety. The crossing guards duty was more than a position, they needed to gain the trust of the parents, teachers, and most importantly the children.

Aldeun Horton spoke highly of her company, All City, and how she enjoyed working with the children.

David Creemer spoke highly of the Terman crossing guard, Michael, who provided comfort to him as a parent in allowing his child to walk a short distance to the school even though he has hearing and visual impairments. He feared for the safety of his son if Michael was no longer present.

Penny Ellson thanked the crossing guards for their due diligence in creating safety for her children. She shared her concern with the Traffic Safety Team dropping from 17 to 4, she noted it was not possible to enforce and oversee the traffic issues during the necessary times.

Karen Gibson spoke in advocacy for Michael, the Terman crossing guard and how responsive the children and drivers were to his vocal direction. She shared her concerns with transitioning to a new service in a month's time.

Kerry Yarkin spoke highly of her crossing guard and noted the safety of the children should be a high priority. She encouraged the Council to maintain the current company or at the very least the crossing guards.

Stacey Ashlund spoke of the compliance that could be seen at the Juana Briones intersection where upper aged children crossed and were respectful of the crossing guards and rules. She understood City policy chose the contractors although she requested the Council consider other options without placing the City in jeopardy of a lawsuit.

Ethel Riley explained she had worked as a crossing guard at four separate sites over the past six years. She did not feel it would be an easy transition for the students and it was poor timing.

Sammy B. Williams feared for the safety of the children and felt mid-year was the worst time to transition with respect to the winter season.

Trudy Wallick stated the crossing guards valued the children they protected and the community of Palo Alto. She did not feel they deserved a decrease in pay.

Barbara Shufro encouraged the Council to visit the Terman Middle school crossing area to understand the need for guards such as Michael.

Maintaining the guards was an asset to the City and necessary for the children and their safety.

Herb Borock noted the City had taken over a number of funding services from the Palo Alto Unified School District (PAUSD), although he did not recall if the crossing guards were one, he did recall the guards while with the PAUSD were employees of the district and not a subcontractor. It appeared although the new vendor would be charging the City less money; they were raising their profit by reducing the hourly pay for their employees.

Kelby Senter, a Terman student, spoke on behalf of Michael as his crossing guard and how he felt safe traveling to school alone knowing Michael was looking out for him.

Andrew Boone observed the intersections at Donald Drive and Embarcadero Road during the morning commute. He was impressed at the ability Michael had to prevent motorists from illegally entering the crossing area when children were present.

MOTION: Council Member Klein moved, seconded by Council Member Scharff to: 1) Approve and execute the three-year contract with American Guard Services, Inc. in the amount of \$288,744 in year one, \$288,744 in year two, and \$294,409.92 in year three, for adult crossing guard services, and 2) Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with American Guards Services, Inc. for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed \$28,874 in year one, \$28,874 in year two, and \$29,441 in year three.

Council Member Klein noted the concerns he was hearing were with respect to the process and it was a process that had been in place for a number of years and worked well. The other concern mentioned was safety and the new company had a solid record of safety. Not following the procedures in this incident would cause havoc with future bidding processes; there might be a lack of responses by other bidders believing the City would automatically choose the incumbent regardless of the lowest bid. He noted the PAUSD had been asked for financial assistance for the crossing guards and they had responded with no.

Council Member Scharff stated Palo Alto valued openness and transparency in process and to not follow the process that had served the City well over the years would not be a benefit to the community.

Council Member Price requested adding language to the Motion to direct Staff to approach PAUSD to create a cost sharing agreement to provide resources to add one additional Staff member to the Traffic Safety Team.

Ms. Stump advised the proposed Amendment would significantly alter the direction of the Motion and the specified language was not on the agenda. If Council wished to discuss additional City personnel to supplement the work being done through the Traffic Safety Team it would be better handled through a noticed item at a subsequent meeting.

Vice Mayor Yeh asked the possibility of awarding the contract effective July 1, 2012 instead of December 1, 2011.

Ms. Antil clarified the current contract had already been extended.

Council Member Yeh said if there had been an extension granted, he asked what the term was.

Mr. Watson stated the extension had been extended for a period of 90-days.

Vice Mayor Yeh noted it would be of assistance to hear from the American Guard Services (AGS) representative to clarify the transition.

Alan Stone from AGS, informed the Council the transition period was short although he had spoken with a majority of the current guards and he felt confident that most of them would be offered employment from AGS. If those employees chose not to accept the employment offers and there were new guards needing to be put in place; the three week transition timeframe would be tight.

Vice Mayor Yeh asked for confirmation that AGS had excess staff members who would be able to cover the gap during the transition period if it was necessary.

Mr. Stone confirmed that was correct.

Vice Mayor Yeh asked the City Attorney if there was a limit on the extensions. He noted if the Council had such discretionary authority it would benefit the City to request another extension and avoid such a sudden transition.

Ms. Stump said there were provisions built into contracts for continued service after the contract had expired; although, she did not have the

current contract with her to verify the specific provisions. She noted a continuance needed to be agreed upon by mutual parties.

SUBSTITUTE MOTION: Vice Mayor Yeh moved, seconded by Council Member Holman to: 1) Approve and execute the three-year contract with American Guards Services, Inc. in the amount of \$288,744 in year one, \$288,744 in year two, and \$294,409.92 in year three, for adult crossing guard services, 2) Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with American Guards Services, Inc. for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed \$28,874 in year one, \$28,874 in year two, and \$29,441 in year three, and 3) Direct Staff to review with the incumbent and new awardees the possibility of extension of the current contract for an appropriate transition period.

Vice Mayor Yeh understood there would be additional work involved with the Substitute Motion. After hearing concerns from the community, he felt it was a minor step that would not take a significant amount of time and it would be helpful information to have prior to finalizing a decision.

Council Member Holman expressed how important the process was and the requirements within it. She wanted to be clear that the contract would be awarded to AGS but implemented at a later date.

Ms. Stump said the proposed process for extension would need to be reviewed if the length of time was extensive. The concern was there was a vendor who had bid on a contract and was prepared to start on a specific date. Staff needed to review the impact to the process with an extension of 6 months or more.

Mr. Keene felt the main driving factor with the three week implementation date, there were concerns if obstacles arose that made the transition less smooth than first thought. He suggested it would be easier to direct Staff to explore the flexibility possible in the start date for the new contract up to the June 2012 timeframe.

Council Member Holman encouraged parents to work with the School Board, the PTA's, or on their own to create a type of award system for good service on the part of the crossing guards.

Council Member Burt said the Substitute Motion addressed an adequate transition period to ensure proper training and he supported that. He mentioned there was a reasonable risk in reduced quality with reduced wages.

Council Member Shepherd valued the crossing guards and asked if Staff would pursue the Public/Private Partnership programs for an award type system for good service. She asked if the private schools contributed financially to the crossing guards.

Ms. Antil stated the intersections were identified within the BID packet; although it was not distinguished as either private school or public school crossing guards.

Council Member Shepherd suggested outreach should be done to the private schools that were making use of the crossing guards and request their input on a solution for financial assistance.

Council Member Klein recommended changing the appropriate transition period from an open ended timeframe to no later than February 1st. His reasoning was the incumbent had no incentive to reach beyond the routine once they were informed of the end of their contract and felt it did not produce good management.

Ms. Antil confirmed a specific end date would be helpful to Staff in terms of engaging in conversations for the extension and it had been mentioned by the new vendor a specific date would assist in their decision.

Council Member Holman said she was interested in providing ample time for the parents to achieve a supplemental financial plan and asked if March 1st was feasible.

Ms. Antil asked for clarification on what was being supplemented.

Mayor Espinosa clarified there had been mention by several Council Members that some of the organizations would be able to supply additional funds to supplement the wages of the crossing guards who may wish to stay on with the new vendor at a reduced wage.

Ms. Antil was concerned about pushing the extension to the end of the school year because the BID documents would expire. She acknowledged that the supplemental process could be occurring in tandem to the preparations for transition.

Mr. Keene added February 1st was close to 90-days from now which was a sufficient amount of time to engage in the supplemental process.

Council Member Holman asked how long the bid documents were good for.

Ms. Antil said the original bid document was not with Staff but they were researching to locate a date.

AMENDMENT: Council Member Klein moved, seconded by Council Member Scharff that the appropriate transition period is not to extend any later than February 1, 2012.

Council Member Klein felt it was poor management to have an incumbent remain for a long period of time and did not see a positive gain from an extensive extension. He said if a group was to contribute funds to supplement the income of the crossing guards, it was completely independent of the contract in process.

Council Member Scharff felt an outside end date was important for a smooth transition.

Council Member Schmid stated there was a business model included in the RFQ which was what vendors were bidding on, to not have a fixed date the business model deteriorated. He felt the fixed date of February 1, 2012 made a clean conclusion for the situation.

Mayor Espinosa supported the Amendment and encouraged creative thinking from organization and felt 3-months was a significant amount of time.

Ms. Antil informed Council the bid documents were good up to 60-days after bid opening and Staff had previously extended it which took the process through December.

Mayor Espinosa asked for clarification on the exact date it was extended to.

Ms. Antil confirmed it was to the end of December and the vendor, AGS, had indicated they were willing to extend to the end of January 2012.

AMENDMENT PASSED: 8-1 Yeh no
Council Member Scharff understood the contract was being awarded to AGS tonight.

Mr. Keene confirmed that was correct.

Council Member Scharff asked if Staff had the discretion between now and January 31, 2012 to alter the transition date from February 1, 2012 depending on the transition.

Mr. Keene stated his understanding was Council was delegating the discretion between now and February 1, 2012 with no further extensions.

Council Member Scharff asked if Staff met with both vendors and the transition was on track was it possible the finalization could be sooner.

Mr. Keene said yes, the transition date could be anywhere in between now and February 1, 2012 just not after. There were a number of moving parts, where the two vendors were with respect to transition for hiring.

Council Member Scharff asked the AGS representative if they were comfortable with the Motion.

Mr. Stone confirmed his firm was comfortable with the timeframe and noted the longer of a transition period the smoother he anticipated it would be.

Council Member Scharff asked if there was any prohibition in the contract with the community members tipping the guards.

Mr. Stone was uncertain and stated he would refer to the corporate office for specific information with that matter. He noted on the security side of the company officers were not authorized to accept tips but with crossing guards there was a different criterion.

Mayor Espinosa supported the Substitute Motion. He supported the retention of superstar employees and acknowledged the full Council had safety as a high priority.

SUBSTITUTE MOTION AS AMENDED PASSED: 9-0

Council took a break at 9:57 P.M. until 10:02 P.M.

ACTION ITEMS

18. Public Hearing: Approval of a Resolution Amending the Transportation Element of the Comprehensive Plan Incorporating the Bicycle and Pedestrian Transportation Plan 2011 and Adoption of a Negative Declaration.

Director of Planning & Community Environment, Curtis Williams recognized Staff, Alta Planning and Design, the Palo Alto Advisory Committee, the Planning and Transportation Commission, the Parks and Recreation Commission, the City School Traffic Safety Committee, and the community at large whom each had input in providing information to create the Bicycle

and Pedestrian Transportation Plan. He confirmed the requested action of Council was to amend the transportation element of the Comprehensive Plan to incorporate by reference the Bicycle and Pedestrian Transportation Plan (Plan) document into the Comprehensive Plan.

Chief Transportation Official, Jaime Rodriguez noted there was ample opportunity for citizens to provide their comments, concerns, or ideas not just through community meetings but also through web forums. The City was able to renew their gold status as a bicycle friendly community but Staff would like to utilize the Plan to achieve the next level of platinum status which was a rare status issued to Cities. One of the goals of the Plan was to increase the recreational rider to a regular use rider. He reviewed the Staff recommendations and pathway connections throughout the Plan. He noted there were grant monies available through the Santa Clara Valley Water District for many of the smaller projects recommended within the Plan. Each bike boulevard would be varied depending upon the accommodations of the community and the availability of the neighborhoods.

Brett Hondorp, Alta Planning and Design, noted the goal of the Plan was to integrate the bicycle and pedestrian aspects so as not to have two individual elements. A funding source was available to any city in December that had an adopted bike plan to request funds.

Greg Tanaka, Planning & Transportation Commissioner, encouraged Council's support of the Plan.

Public hearing opened at 10:31 P.M.

Linnea Wickstrom felt her neighborhood at the intersection of Palo Alto, Los Altos, and Mountain View should be a key piece to the Plan rather than almost invisible. She noted there were extensions within the neighborhood that had not been mentioned within the Plan but they would be of great assistance to the Plan implementation. She recommended the current draft Plan not be finalized but revised to show her neighborhoods Safe Route to School path and the inclusion of the Charleston Avenue and Del Medio segment as part of Phase I.

Sunny Dykwel, Parks and Recreation Commissioner, spoke to her pleasure in having many of their recommendations included in the Plan. She was pleased to hear the Baylands would be available year round from South Palo Alto with the addition of the Highway 101 overcrossing at Adobe Creek while extending the seasonal duration of the Lefkowitz undercrossing as an interim measure, public access to the Santa Clara Valley Water District main roads along Matadero and Adobe Creek for bicycle and pedestrian use, Alma Street

corridor upgrades, creating additional bike boulevards, and enhancements to bikeways in commercial areas.

Deidre Crommie spoke on items that would benefit from additional attention from the Council such as the Matadero Creek Trails Feasibility Study F3 should be coordinated with the planned bicycle pedestrian underpass at Matadero Creek and the crossing at Alma Street so the related projects could progress in concert. She requested lighting be added to the Lefkowitz Tunnel since the skylights were scheduled to be removed. Community Centers should be signified on the map.

Michael Aberg thanked the City Council for the approval of the Bike Plan. He felt it would be a great improvement for his family to be able to enjoy their outings.

Pamela Radin appreciated Staffs' hard work on the Plan and thanked Council for approving it to move forward.

Andrew Boone noted the Plan included items such as green bike lanes, buffered lanes, and bike boxes that were not in the previously plan. He felt having a network of bicycle boulevards would exponentially increase the desire to use a bicycle for transportation.

Alan Wachtel recommended deferring adoption of the Plan to allow Staff to make further revisions. There were elements he felt did not belong in the Comprehensive Plan. A number of the facilities in the Plan were mentioned as being protected and available for the use of inexperienced cyclists, but in many cases they were not compliant with either generally accepted practices or mandatory legal standards.

Robert Moss questioned the addition of increased lighting along the bike path in the Bowl Park area; he felt it was an unnecessary expense. The Consultant map showing Barron Park sidewalk areas were inadequate. He felt removing parking area along the El Camino Real to be replaced with bike lanes would devastate the viability of businesses.

Cedric de la Beaujardiere, speaking on behalf of Palo Alto Bicycle Advisory Committee (PABAC), supported the Bicycle and Pedestrian Plan and look forward to its adoption and implementation. They were in favor of increasing the funding allocations for the bicycle and pedestrian facilities improvements. He noted the safety and connectivity of the bicycle and pedestrian networks would support the City's goal of decreased vehicular usage. They were on the record in support of restoring the two-way flow of High Street up to Forest Avenue.

Penny Ellson suggested performing a data collection on the use of cycle tracks particularly on elementary routes.

Public hearing closed at 10:59 P.M.

Council Member Burt felt the reasons behind the objectives in Chapter 2 should be included. The Plan should clearly state why it included values outside of environmental responsibility, traffic mitigation, economic development, and public health benefits. He supported Staff revising the Plan and adding detailed comprehensive information. He felt there needed to be a program to promote more bike racks, encourage cost sharing programs with private commercial sites, and solidify the goals and make them quantifiable. He did not see the connectivity of neighborhoods or the role or validation of recreational biking reflected in the report although Staff had mentioned it during their presentation.

MOTION: Council Member Burt moved, seconded by Council Member Holman that Staff receive feedback from the Council and other valuable information from the community and advisory committees, revise the plan and to return it to the Planning & Transportation Commission and Parks and Recreation Commission for review and return to Council at a later date for approval.

Council Member Burt anticipated the approval of the Master Bicycle and Pedestrian Plan although he felt it should not be approved until it was comprehensive, detailed, and has a solid foundation.

Council Member Holman appreciated Staff working with the Planning & Transportation Commission and the Parks and Recreation Commission, it was important to utilize their expertise. El Camino Real was not mentioned at length in the report but it had narrow sidewalks which were detrimental to people walking along the street and should be given consideration. She suggested there be connectivity between Palo Alto neighborhoods and the Los Altos schools. She recommended planning to add the completion of the Embarcadero pathways to the Baylands where presently there were large gaps that broke up the ability for someone to get across Highway 101 safely.

Council Member Schmid agreed the Plan was a means to connect the City to all of its amenities and he provided 5 suggestions: 1) add language to read the Plan strongly endorsed the cross Highway 101, off-road creek and trail connections, 2) the opportunity of the Matadero Creek Plan in figure 6.1 which appeared as a center point but was not capitalized upon 3) regional agencies such as the Valley Transportation Authority (VTA) and the SCVWD would pay for the necessary upgrades to complete the Matadero Creek trail

as mentioned in option 2, 4) the LEED Neighborhood Development which becomes effective January 1, 2012 articulated there needed to be connections to trails, to through routes, to access point with each new City development, and 5) the public outreach information should include the PARC since they were a large part of the outreach program. He suggested reaching out to the annual Services and Accomplishments Report released by the City Auditor which completed random sampling of the entire community to see if there were biking and pedestrian use of trails and other activities to achieve a solid base to be incorporated into the survey work in the Plan.

Council Member Shepherd asked for clarification on the term microwave detection.

Mr. Rodriguez clarified it was a technology that was used to detect a bicyclist at a traffic signal.

Council Member Shepherd wanted to see the movement of bicycle laws progressing in improved enforcement; such as walking your bike through the University tunnel, noted within the Plan. She asked if there was a grant program available to assist financially with updating the Citywide Traffic Volume Map as recommended in the Plan. She asked for a better understanding of circle tracks. She did not see the costs for the Caltrain Alma barrier connection to El Camino Park in Table 7-1, top recommended projects by category. She believed the Council would be able to review the sustainability funds coming from the Medical Center independent of having the total \$4 million flagged in the Plan.

Mr. Williams concurred with the importance of Council reviewing the Medical Center funds. Staff had anticipated returning to Council early 2012 for the discussion of distribution.

Council Member Shepherd desired to see the entire \$12 million over an extended period of time.

Council Member Scharff asked if the Plan incorporated making High Street available for two-way traffic.

Mr. Rodriguez clarified the conversion of High Street was a separate discussion as part of the 801 Alma future development.

Council Member Scharff clarified the Plan did not include extending beyond Whole Foods on Homer Avenue.

Mr. Rodriguez agreed there would not be development beyond the first block on Homer Avenue, between Alma Street and High Street.

Council Member Scharff wanted bike parking to be emphasized more than implementation. He agreed that achieving trails along creek sides would be beneficial to riders. He had some concern with the language "non-motorized transportation" within the Plan because there were electric bicycles. He needed to ensure there was not an unintended consequence of omission for a technology that had not been accomplished yet. He asked if the Implementation Plan would be worked on in parallel with the Master Plan and brought back to Council in concert.

Mr. Williams preferred to have the Master Plan adopted prior to bringing the Implementation Plan before Council.

Council Member Scharff asked the expected timeframe before the Plan returns after being heard by the P&TC and the PARC.

Mr. Williams anticipated needing December and January to go through both Commissions.

Council Member Price asked if there needed to be special dispensation in the event there were deadlines for Grant opportunities while the Plan was being reviewed but not yet approved.

Mr. Rodriguez explained if there were Grant opportunities being pursued Staff could reference the Plan although it had not been fully adopted.

Council Member Price asked Commissioner Markevitch to elaborate her concerns with Ross Road so Staff could familiarize themselves with them and reviewed by Staff.

Pat Markevitch, Parks and Recreation Commissioner, stated her concern with Ross Road was the missing link of connectivity once the road reached Jordan Middle School, the map continues the path on the other side of the school without specifics as to how that would occur. She feared the issue may be overlooked for a later time when there was not ample funds to fully vet the project.

Council Member Klein discussed the overwhelming amount of comments and concerns to which were suggested being added to or incorporated into the Plan. He recommended not adding or incorporating any of them unless there was a professional judgment felt they were appropriate.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that Staff is to take input from the Council, public and the Boards and Commissions and incorporate into the plan the elements they feel are appropriate and report back to Council on what they have included and not included in the plan and provide the rationale.

Council Member Klein asked if Staff had a response to Mr. Wachtel's concerns regarding some of the elements within the Plan not belonging in the Comprehensive Plan and a number of the facilities mentioned in the Plan as being protected and available for the use of inexperienced cyclists but were not compliant with either generally accepted practices or mandatory legal standards.

Mr. Rodriguez stated the context in which Staff had provided the information in the Plan were from the standpoint of they were best practices being used throughout other parts of the country.

Council Member Klein corrected Mr. Wachtel indicated some of the items mentioned in the Plan were not best practices as indicated by Staff.

Mr. Rodriguez stated the design of the Plan to be implemented still needed to be vetted.

Council Member Klein asked for details on whether items were seen as best practice or not, and if not an explanation from Staff should be provided. He asked if there was an identifiable source of funds available to continue working with the idea of a bridge across Highway 101 to the Baylands.

Mr. Williams noted the bridge project was in the feasibility study coming before Council November 14, 2011. The P&TC felt what had initially been proposed was excessive and at a minimum, a simpler design would minimize the cost. There had been options reviewed for upgrading the undercrossing although that came with additional costs and risks as well.

Council Member Klein asked if there was sufficient coordination between the Staff and the PARC.

Mr. Rodriguez believed there was value to return to the PARC to solidify the comments received and return to the Council with the findings.

Council Member Klein stated his concern was the Commissioners had testified as if they were hearing the Plan for the first time rather than having had a dialog with Staff.

Mr. Rodriguez said when Staff met with the PARC, the Ross Road concern had been mentioned and in a report of this nature it was difficult to address all of the concerns. The intent of the Plan was to begin a new process every four years and have then implemented to avoid such a lengthy stretch where items were missed.

Vice Mayor Yeh asked what the greatest barriers to the 2003 Master Plan were for implementation.

Mr. Rodriguez said the largest barrier was the lack of feasibility studies completed. He clarified any project within the 2011 Plan no matter the size needed a feasibility study completed. He noted the first year to second year of the Plan would be taken up with conducting the feasibility studies, design review, and outreach which were the areas that did not occur in 2003.

Vice Mayor Yeh asked what realm the Grant funding would be focused in.

Mr. Rodriguez explained Grant funds were required to be geared towards capital improvement.

Vice Mayor Yeh asked the possibility to develop and create a Friends of Palo Alto Bicycle group. He said the public/private partnership made sense. He was aware of other agreements with friends groups but wondered if Staff had the ability to add a more detailed nuance to the Palo Alto Bicycle group. If there was a funding gap within the feasibility phase that would promote a dynamic discussion with PABAC and the Silicon Valley Bicycle Coalition for assistance.

Mr. Williams believed there was a strong community interest for a Bicycle Friends group and Staff was eager to tap into the resources available to pursue it further. He noted the creation and implementation of the process was not the end of the project, there was ongoing maintenance issues to consider.

Vice Mayor Yeh asked what the timeframe for the implementation of the Friends of Palo Alto Bicycle group and whether it was part of the Plan or a separate entity.

Mr. Williams felt the open dialogue was a form of kick-off and part of the implementation plan, getting the process out there making the community aware of the need. He was uncertain at the present juncture when the group would be fully functional.

Council Member Holman had heard from Staff earlier in the year that the Water District would fund new trails but not train connections; although those connections would create a new usable trail. She had discussions with the Water District representative and they had felt that information was a misunderstanding of the funding process. She wanted to ensure the understanding for available funding had been clarified with the Water District.

Mr. Rodriguez stated in the beginning stages of the Plan, Staff joined a Water District representative to visit the sites of interest, the recommendations in the Plan were those that the representative agreed were good projects.

Mayor Espinosa supported the Motion and felt the Plan was fairly close to being completed. He noted Council's focus had been what would push Palo Alto as a leader among other communities with a Bicycle and Pedestrian Master Plan, involve the community that wants to ride but need to feel safe doing so, have an infrastructure that was supportive of the Plan, and include milestones within the Plan to ensure implementation.

Council Member Price felt it would be appropriate for Palo Alto to follow the New York City Central Park Conservancy Program which admittedly was on a much larger scale but was extraordinarily successful.

MOTION PASSED: 9-0

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Shepherd reported on attending the California League of Cities Peninsula Cities Division meeting two weeks ago.

Council Member Klein announced that Assembly Member Gordon will be holding a High Speed Rail Business Plan hearing on November 15, 2011 at 1:30 P.M, at the Palo Alto City Hall.

Council Member Schmid suggested that the City Council discuss Governor Brown's pension reform proposal at a later date.

Vice Mayor Yeh thanked Staff on the updates provided from PG&E and wanted to insure that they were getting out to the public.

Mr. Keene stated most of the information gets posted promptly to the City website, and further information will be provided in the weeks ahead.

ADJOURNMENT: The meeting was adjourned at 12:10 A.M.