



Policy and Services Committee

ACTION MINUTES

Special Meeting
May 10, 2016

Chairperson DuBois called the meeting to order at 5:03 P.M. in the Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

Present: Berman, DuBois (Chair), Kniss, Scharff

Absent:

Oral Communications

None.

Action Items

MOTION: Council Member Berman moved, seconded by Vice Mayor Scharff to change the agenda order and discuss Item 2 before Item 1.

MOTION PASSED: 4-0

2. Cable Franchise and Public, Education, and Government (PEG) Fee Audit.

Council Member Berman (left the meeting at 6:37 pm)

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss that the Policy and Services direct Staff to work with the Mid-Peninsula Media Center and develop options for the Council to consider for a plan going forward that complies with PEG funding restrictions while supporting the Media Center's public access function; such as:

- a) A framework for meeting City communications and public access needs,
- b) Consider approaches used by other agencies,
- c) City purchase the Media Center's building,
- d) Upgrading City Hall broadcast technology

MOTION PASSED: 3-0 Berman absent

MOTION: Vice Mayor Scharff moved, seconded by Chair DuBois that the Policy and Services Committee recommend the Council move forward with Finding No. 2 recommendation to direct the City Manager's Office, in coordination with ASD, IT, and the City Attorney's Office:

- a) Send a letter to AT&T and Comcast describing the results of the audit and demanding payment of the underpaid franchise and PEG fees shown in Exhibit 4, plus interest calculated in accordance with DIVCA requirements,
- b) Include in AT&T's letter a demand for payment of the audit costs that are attributable to AT&T,
- c) Work with Comcast and AT&T to develop methods to ensure:
 - *: Their address databases accurately reflect all potential service addresses within the Cable Joint Powers geographic areas,
 - *: They have a separate billing code for each member jurisdiction and accurately report and remit payments to the City of Palo Alto based on those billing codes,
 - *: Develop criteria for assessing the accuracy of future Comcast and AT&T franchise and PEG fee payments on an ongoing basis,
 - *: Communicate the criteria to Comcast and AT&T and that it will be used to review the accuracy of future payments,
 - *: Require Comcast and AT&T to report the breakdown of their fees in more detail, including identifying what is and is not included in the gross revenues used to calculate the fees and the reason for any exclusions,
 - *: Review the franchise and PEG fee payments to ensure that they were calculated on all revenues that are subject to franchise and PEG fees and promptly follow up with Comcast and AT&T regarding any discrepancies.
 - *: Request that San Mateo and Santa Clara Counties revise their municipal codes to reflect only a single adopted rate to accommodate the cable companies' billing system capabilities, if the PEG fee continues to be collected.

MOTION PASSED: 3-0 Berman absent

MOTION: Chair DuBois moved, seconded by Vice Mayor Scharff that the Policy and Services Committee direct Staff to return to the Committee with clearly defined roles and responsibilities for oversight of tracking funds and communications.

MOTION PASSED: 3-0 Berman absent

Committee took a break at 7:12 pm

Committee resumed at 7:24 pm

1. Discussion and Possible Recommendation to Council Regarding Conflict of Interest Provision that Allows Architects and Engineers to Advocate for Private Clients Before the City Under Certain Conditions.

MOTION: Chair DuBois moved, seconded by Vice Mayor Scharff that the Policy and Services Committee direct Staff to bring forward to the Council an updated Ordinance stating active Board and Commission Members cannot represent anyone whether or not for compensation in front of their own Board or Commission during service on that Board or Commission.

MOTION PASSED: 3-0 Berman absent

3. Auditor's Office Quarterly Report as of March 31, 2016.

MOTION: Council Member Kniss moved, seconded by Vice Mayor Scharff that the Policy and Services Committee review and recommend to the City Council acceptance of the Auditor's Office Quarterly Report as of March 31, 2016.

MOTION PASSED: 3-0 Berman absent

Future Meetings and Agendas

ADJOURNMENT: The meeting was adjourned at 8:08 P.M.