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July 6, 2009

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 p.m.

Present: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein arrived at 6:05 p.m., Schmid, Yeh arrived at 7:00 p.m.

Absent: Morton

#### CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: City Manager and his designees pursuant to Merit Rules and Regulations (James Keene, Kelly Morariu, Russ Carlsen, Lalo Perez, Sandra Blanch, Darrell Murray, Marcie Scott, Joe Saccio)

Employee Organization: Local 521 Service Employees International Union

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: City Manager and his designees pursuant to the Merit System Rules and Regulations (James Keene, Kelly Morariu, Russ Carlsen, Lalo Perez, Sandra Blanch, Darrell Murray, Joe Saccio, Marcie Scott)

Employee Organization: Unrepresented Employee Group Management and Professional Personnel and Council Appointees

Authority: Government Code section 54957.6(a)

Council returned from the Closed Session at 7:35 p.m.

Mayor Drekmeier announced there was no reportable action taken on the first Closed Session and the second Closed Session would be heard at the end of the meeting.

#### SPECIAL ORDERS OF THE DAY

2. Proclamation Expressing Appreciation to Roche Palo Alto LLC for Outstanding Public Volunteer Service.

Council Member Espinosa read the Proclamation expressing appreciation to Roche Palo Alto LLC (Roche) for outstanding public volunteer service.

Interim Director of Community Services, Greg Betts spoke on Roche's corporate citizenship endeavors.

Alex Haedrich, on behalf of Roche, thanked City Staff for the Proclamation and for providing opportunities for Roche to make the City of Palo Alto a better place to work and live.

Council Member Kishimoto expressed her appreciation toward Roche, and commended the volunteer work performed by Roche.

Council Member Klein spoke on Roche's work on the Red Ribbon Task Force for Emergency Preparation.

3. Selection of Candidates to be Interviewed for the Planning & Transportation Commission.

**MOTION:** Council Member Barton moved, seconded by Council Member Kishimoto to interview all candidates for the Planning & Transportation Commission.

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

#### AGENDA CHANGES, ADDITIONS, AND DELETIONS

**MOTION:** Council Member Espinosa moved, seconded by Council Member Klein to move Agenda Item No. 21 forward to become Agenda Item No. 10A and Agenda Item No. 4 to become Agenda Item No. 10B.

Council Member Espinosa stated it would be helpful to discuss the Colleague's Memo before Agenda Item No. 4, because it may dictate how the City Council may vote for the Utilities Advisory Commissioner appointments.

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

- ~~4. Appointments for the Utilities Advisory Commission for Three Terms Ending June 30, 2012~~

5. Resolution 8955 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Dexter Dawes Upon the Completion of His Term as a Utilities Advisory Commissioner."

Council Member Yeh read the Resolution expressing appreciation to Mr. Dawes upon the completion of his term as a Utilities Advisory Commissioner.

**MOTION:** Council Member Yeh moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Dexter Dawes upon the completion of his term as a Utilities Advisory Commissioner.

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

Mr. Dawes spoke on his experience serving on the Utilities Advisory Commission.

6. Resolution 8956 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Dick Rosenbaum Upon the Completion of His Term as a Utilities Advisory Commissioner."

Council Member Kishimoto read the Resolution expressing appreciation to Mr. Rosenbaum upon the completion of his term as a Utilities Advisory Commissioner.

**MOTION:** Council Member Kishimoto moved, seconded by Council Member Espinosa to adopt the Resolution expressing appreciation to Dick Rosenbaum upon the completion of his term as a Utilities Advisory Commissioner.

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

Mr. Rosenbaum spoke on his experience serving on the Utilities Advisory Commission.

7. Resolution 8957 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to John Stucky for Outstanding Public Service as a Member of the Library Advisory Commission."

Council Member Barton read the Resolution expressing appreciation to Mr. Stucky for outstanding public service as a member of the Library Advisory Commission.

**MOTION:** Council Member Barton moved, seconded by Council Member Schmid to adopt the Resolution expressing appreciation to John Stucky for outstanding public service as a member of the Library Advisory Commission.

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

Mr. Stucky spoke on his experience serving on the Library Advisory Commission.

8. Resolution 8958 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to John B. Costa Upon His Retirement"

Council Member Klein read the Resolution expressing appreciation to Mr. Costa upon his retirement.

**MOTION:** Council Member Klein moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to John B. Costa upon his retirement.

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

Interim Police Chief, Dennis Burns recognized Mr. Costa for his dedicated service to the City and the community.

Mr. Costa spoke on his experience serving the City of Palo Alto.

9. Resolution 8959 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Tammela L. Ellegood-Gage Upon Her Retirement."

**MOTION:** Council Member Kishimoto moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Tammela L. Ellegood-Gage upon her retirement."

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

10. Resolution 8960 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Dennis W. Tealer Upon His Retirement."

**MOTION:** Council Member Espinosa moved, seconded by Council Member Schmid to adopt the Resolution expressing appreciation to Dennis W. Tealer upon his retirement.

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

- 10a. (Former No. 21) Colleague's Memo from Mayor Drekmeier, Council Members Espinosa and Klein Regarding Increasing the Utilities Advisory Commission (UAC) from Five to Seven Members.

Council Member Espinosa stated the Colleague's Memo recommended increasing the size of the Utilities Advisory Commission (UAC) from five to seven members, for the following reasons: 1) the number of qualified

applicants that recently applied; 2) the UAC had fewer members than other City Council appointed commissions; and 3) the UAC's importance to the organization including its oversight responsibility.

**MOTION:** Council Member Espinosa moved, seconded by Council Member Klein to direct the City Attorney to prepare an Ordinance to return to Council to increase the number of commissioners serving on the UAC from five to seven members, effective 30 days after adoption of the Ordinance amending the Palo Alto Municipal Code.

Council Member Schmid stated larger City Council appointed commission characteristics include a wide range of interests, expertise, and broader conversations. He indicated a smaller group's characteristics include a more intense interaction amongst its members. He requested an opinion from Staff on working with larger groups versus smaller ones.

City Manager, James Keene stated seven members was an optimal number of commissioners to oversee.

Council Member Schmid spoke on the importance of the UAC in advising the City Council on technical aspects of utility matters.

Herb Borock, P.O. Box 632, spoke on the legalities of appointing additional members to the UAC without adopting an Ordinance that would modify the Municipal Code.

Council Member Yeh stated this was an opportunity to create a new Council subcommittee to create a manual to expand the technical aspects of potentially adding new members on the UAC, and to gather feedback from Staff on the potential increase in workload due to an expansion of the UAC.

Mayor Drekmeier stated the original Motion should be voted on and then have the City Council participate in a discussion and vote on a separate Motion to create a subcommittee to put together a manual.

Council Member Yeh stated his Amendment was to create a task force to produce a manual for the UAC that would describe expectations, responsibilities, and new commissioner information. He stated if there was a level of interest, a manual could be created for all City Council appointed Commissions.

City Attorney, Gary Baum stated the Motion and Amendment could be combined into one Motion.



**AMENDMENT:** Council Member Yeh moved, seconded by Council Member Burt for the Mayor to appoint a subcommittee to prepare a manual for the UAC.

Council Member Klein stated he was not clear on the intention of the Amendment.

Council Member Yeh stated his intent was to expand on the original Motion to include developing a manual for the UAC. He stated the manual would set guidelines on efficient use of Staff time and provide an introduction to new UAC members.

Council Member Klein stated he did not feel the City Council had the expertise to develop a manual and would not be supporting the Amendment.

Council Member Yeh stated the City Council's involvement would be specific to the Commission that they are a liaison to.

Council Member Barton stated he would be voting no on the Amendment. He felt more involvement of the City Council would be micromanaging.

**COUNCIL MEMBER BURT WITHDREW HIS SECOND TO THE AMENDMENT.**

Mayor Drekmeier noted that Council Member Schmid would second the Amendment.

**AMENDMENT:** Council Member Yeh moved, seconded by Council Member Schmid to appoint a subcommittee appointed by the Mayor to prepare a manual for the UAC.

Council Member Burt stated the UAC candidates were exceptional; He felt it would be beneficial to consider expanding the UAC. He stated more consideration should be looked into when considering the pros and cons of expanding the UAC. He indicated it would be beneficial to study new roles, processes, and create clearer bylaws for the UAC.

Mayor Drekmeier stated the UAC had evolved in their responsibilities to include utility rates, environmental matters, and climate protection. He supported the Committee as more proactive by providing them with challenging issues and tapping into the expertise of the commission members. He felt creating a manual was not needed, however forming an Ad Hoc Committee to meet with Staff to discuss expectations and roles would be beneficial.

Council Member Klein stated the UAC possessed five members, and the other Commissions possessed seven members. He felt the UAC was a critical Commission which took a vast amount of time and expertise from its members. He stated the UAC members have the potential to travel. He indicated seven members would allow the group to divide work amongst themselves. He was not in favor of developing a manual.

Council Member Kishimoto stated the scope of the UAC was wide and seven members would broaden the expertise of the Commission. It was her belief the Amendment was to rewrite the scope of the UAC and should be restated to address the scope as described in the Municipal Code.

Council Member Espinosa stated the Amendment was two separate issues including the scope of work and the mission of the UAC. He stated institutional knowledge was presently shared through a handbook that new commissioners received when they were appointed. It was his belief Council Member Yeh was seeking a process to share information between outgoing and newly appointed commission members. He felt these issues were separate than what was outlined in Agenda Item No. 10a, and should be presented as an agenda item at a later date.

Council Member Schmid stated there were two issues, expanding the UAC from five to seven members and the City Council was not in complete agreement on the responsibilities of the UAC. He stated if the UAC's governing body was changed, a subcommittee to clarify the UAC and their function would be valuable.

#### **COUNCIL MEMBER YEH WITHDREW HIS AMENDMENT.**

Council Member Klein inquired whether the Motion was to direct the City Attorney to prepare a proposed amended Ordinance amending the Municipal Code to increase the UAC membership from five to seven members that would be effective thirty days after the adoption of said Ordinance.

Mayor Drekmeier stated that was correct. He stated Agenda Item No. 10b was to vote for five commissioners and the top three would be appointed immediately and the fourth and fifth top candidates would be appointed on the condition that the proposed amended Ordinance was approved.

Mr. Baum stated appointing the fourth and fifth UAC Commissioners was contingent upon the passing of the proposed amended Ordinance. He stated this addressed the concern a member of the public had in regards to appointing candidates to positions on the UAC that do not currently exist.

**MOTION PASSED:** 6-2 Barton, Burt no, Morton absent

**MOTION:** Council Member Yeh moved, seconded by Council Member Schmid for the Mayor to appoint a Council subcommittee to review the role of the UAC and return with a report before the second reading of the Ordinance.

**MOTION PASSED:** 7-1 Barton no, Morton absent

Mr. Baum stated it would be appropriate for the subcommittee to meet with the City Attorney, City Manager and Utilities Director.

10b. (Former No. 4.) Appointments for the Utilities Advisory Commission for Three Terms Ending June 30, 2012.

Mayor Drekmeier stated the City Council would vote for five candidates to serve on the Utilities Advisory Commission (UAC). He indicated the top three candidates would be appointed immediately, and the fourth and fifth top candidates would be appointed contingent on the passing of the proposed amended Ordinance from Agenda Item No. 10a.

Council Member Schmid inquired if the City Council would be voting twice, once for three candidates and once for two candidates.

Mayor Drekmeier stated the intention of the Staff report was to hold one vote for five candidates; however a new Motion could be suggested to separate the votes.

**MOTION:** Council Member Schmid moved, seconded by Council Member Barton for Council to first vote for the three current UAC openings with terms ending June 30, 2012, then vote for the additional potential two new openings which would take affect 30 days after adoption of the Ordinance.

Council Member Barton stated the Motion aligned with the procedures and processes of the City.

**MOTION PASSED:** 5-3 Drekmeier, Espinosa, Klein no, Morton absent

First Round of Voting for Three, Three-Year Terms on the Utilities Advisory Commission ending June 30, 2012

Voting For Alex Ameri: Drekmeier, Schmid

Voting For William Berry: Barton, Espinosa, Kishimoto, Klein

Voting For Steve Eglash: Kishimoto, Klein, Yeh

Voting For Jonathon Foster : Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Schmid, Yeh

Voting For Marilyn Keller: Barton, Burt, Drekmeier, Espinosa, Schmid, Yeh

Voting For Stanley Sussman: Barton

City Clerk Donna Grider announced that Jonathon Foster with 8 votes, and Marilyn Keller with 6 votes were each appointed to the Utilities Advisory Commission with terms ending June 30, 2012.

Second Round of Voting for Three, Three-Year Terms on the Utilities Advisory Commission ending June 30, 2012

Voting For Alex Ameri: Schmid

Voting For William Berry: Barton, Burt, Espinosa

Voting For Steve Eglash: Drekmeier, Kishimoto, Klein, Yeh

City Clerk Donna Grider announced that no candidate received the required votes.

Third Round of Voting for One Unexpired Term and Three, Three-Year Terms on the Utilities Advisory Commission:

Voting For William Berry: Barton, Espinosa,

Voting For Steve Eglash: Burt, Drekmeier, Kishimoto, Klein, Schmid, Yeh

City Clerk Donna Grider announced that Steve Eglash with 6 votes was appointed to the Utilities Advisory Commission with a term ending June 30, 2012.

First Round of Voting for two new openings on the Utilities Advisory Commission which would take affect 30 days after adoption of the amended Ordinance:

Voting For Alex Ameri: Burt, Drekmeier, Espinosa, Kishimoto, Schmid, Yeh

Voting For William Berry: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Yeh

Voting For Arthur Roberts: Schmid

Voting For Stanley Sussman: Barton, Kishimoto

City Clerk Donna Grider announced that William Berry with 7 votes was appointed to the UAC with a term ending June 30, 2012, and Alex Ameri with 6 votes was appointed to the UAC with a term ending June 30, 2011. Both appointments are contingent upon adoption of the Ordinance increasing the UAC from five to seven members.

#### CITY MANAGER COMMENTS

City Manager, James Keene spoke on a summit meeting of city, county and school officials in Sacramento on July 17-18, 2009 to discuss and debate the emerging proposals to reform California's governance and fiscal systems. College Terrace Library would be closing for one year to renovate the historic building. The Twilight and Brown Bag Concert Series 2009 was in its fourth week. Police Lieutenant, Sandra Brown had been invited to participate on a Curriculum Development Team for the U.S. Department of Justice Office of Community Oriented Policing Service's Project entitled Fair and Impartial Policing an Unbiased Approach.

#### ORAL COMMUNICATIONS

Peter Holoyda, P.O. Box 620442, Woodside, spoke on a non-profit organization called Renewably First.

Andrew Jentzsch, spoke on the City's budget crisis and employee negotiations.

Michael Francois, 224 Gardina, East Palo Alto, spoke on water fluoridation.

Wynn Grcich, 3045 Miraloma, Union City, spoke on water fluoridation.

James Wei, spoke on his experience providing a noise complaint to the Police Department.

Robert Moss, 4010 Orme Street, spoke on the Pedestrian Transit Oriented Development on Birch Street and Grant Avenue.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Barton moved, seconded by Council Member Klein to approve the minutes of June 1, 2009 as amended.

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

#### CONSENT CALENDAR

Herb Borock, P.O. Box 632, spoke on Agenda Item No. 11 the proposed agreement with Stephen Emslie for the position of Deputy City Manager.

City Attorney, Gary Baum stated Agenda Item No. 11 was on the Consent Calendar because the City Manager did not have the authority to approve a contract over the amount of \$85,000.

**MOTION:** Council Member Klein moved, seconded by Council Member Barton to approve Agenda Item Nos. 11-16.

Council Member Kishimoto spoke regarding Agenda Item No. 11, specifically inquiring about the Variable Management Compensation clause.

**MOTION:** Council Member Kishimoto moved, seconded by Council Member XXXX to pull Agenda Item No. 11 from the Consent Calendar.

#### **MOTION FAILED FOR LACK OF A SECOND**

City Manager, James Keene stated Agenda Item No. 11, Section 3.3, contained within the agreement stated Mr. Emslie would be entitled to receive the Variable Management Compensation Plan pursuant to the terms of the City Council's approved Management Compensation Plan. There are conditions and terms within that Variable Management Compensation Plan, and it would not be automatic.

City Attorney, Gary Baum stated Mr. Emslie would be eligible to receive the Variable Management Compensation if it was approved by the City Council and does not provide Mr. Emslie with additional rights.

11. Approval of At-Will Employment Agreement with Stephen Emslie for the Position of Deputy City Manager.

12. Approval of a Contract for up to Three Years With Gregory B. Bragg & Associates in a Total Amount Not to Exceed \$783,000 for Workers' Compensation Claims Administration Services.
13. Resolution 8961 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Elaina Chan Upon Her Retirement."
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16. Approval of Contract with Thomas S. Barron, PE, a Consulting Civil Engineer, in a Total Amount Not to Exceed \$99,000 Per Year with an Option to Renew for Two Additional One Year Terms for Industrial Wastewater Discharge Evaluations for the Regional Water Quality Control Plant.

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

#### PUBLIC HEARINGS

**MOTION:** Council Member Kishimoto moved, seconded by Council Member Barton to continue Agenda Item Nos. 17 and 18 to a date uncertain.

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

17. Adoption of Two Ordinances: (1) Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2008 Edition; and (2) Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to adopt a new Chapter 16.18, Establishing Local Energy Efficiency Standards for Certain Buildings and Improvements Covered by the 2008 California Energy Code *(continued from 6/1/09)*.
18. Approval of a Mitigated Negative Declaration and Adoption of an Ordinance Amending the Zoning Map to Apply the Pedestrian and Transit Oriented Development (PTOD) Combining District to a ½ -

acre Site Zoned Multiple Family Residential (RM-40) to Allow Eight Residential Condominiums Above Ground Floor Office Space, a Below Grade Parking Garage, and Related Site Improvements at 305 Grant Avenue, 2640 and 2650 Birch Street and 306 and 320 Sheridan Avenue.

## REPORTS OF OFFICIALS

19. Direction to Staff to Prepare an Ordinance Implementing a Residential Permit Parking Program for the College Terrace Neighborhood.

Council Member Barton advised he would not be participating in Agenda Item No. 19 as he has a client who lives in the neighborhood.

Interim Director of Planning and Community Environment, Curtis Williams gave a PowerPoint presentation that reviewed the proposed College Terrace Neighborhood Residential Permit Parking Program (RPPP). He recommended that the City Council direct Staff to: 1) Prepare an Ordinance that would approve and implement the RPPP and report back to the City Council with a status report; 2) Return to the City Council with a Budget Amendment Ordinance for interest earned on \$100,000; and 3) Accept additional petitions from College Terrace through September 30, 2009. He reviewed the RPPP area map, project history, and proposed key elements. He reviewed the voting results based on polling of the neighborhood, next steps in the process, future permit expansions and programs, occupancy parking figures, and alternative options. He requested implementation of the RPPP no later than January 2010.

Mayor Drekmeier stated he spoke to Stanford University personnel and they were willing to educate the residents of Stanford on the RPPP.

Council Member Espinosa stated two years was an extended amount of time to get the RPPP to this point, as the project was clearly defined and funds were allocated.

Mr. Williams stated the RPPP consisted of initial work including discussions with effected neighborhoods, cost analysis, administering the program, and policing issues.

Council Member Espinosa requested a review of the PowerPoint slide titled Voting Results for Proposed Parking Permit Areas. He inquired how a patchwork approach made sense from a policy standpoint, and how Staff would handle a spill-over effect to neighboring areas within the proposed parking areas.



Mr. Williams stated the preferred approach was to be uniform; however, in working with the residents, there was a need for the RPPP to minimize the impact on some properties. He felt the patchwork approach was a workable solution. He stated as parking shifts within the neighborhood a future expansion of the RPPP will be developed. He reviewed the likely future permit expansion.

Council Member Schmid stated the RPPP showed parking on both sides of Stanford Avenue. He inquired whether the City had control over the parking area within Stanford.

Engineer for Planning and Community Environment, Shahla Yazdy stated parking was not allowed on Stanford property, and verified parking was allowed only on one side of Stanford Avenue.

Council Member Schmid stated flexibility was an important element; he inquired why there was a deadline of September 30 for accepting additional petitions from College Terrace residents. He felt leaving this deadline open would be appropriate as the effects of the RPPP are felt in neighboring areas.

Mr. Williams stated a date needed to be established in order to purchase signage, register participants, administer the program, and establish parameters.

Council Member Schmid stated Facebook has had an impact on parking, and inquired why prior issues were not seen before they moved into the neighborhood.

Mr. Williams stated the Research Park was the development that Facebook resided in, and was zoned with a parking ratio that corresponds with laboratory oriented-businesses. He stated an office-use facility requires more parking than a laboratory-oriented organization. He stated additional permits were not required of Facebook.

Council Member Schmid stated a change in use in the Research Park should have initiated a need for additional parking.

Mr. Williams stated the Facebook facility was a limited term site because it would be zoned residential per the Mayfield Agreement in the future.

Council Member Burt inquired whether the RPPP would be implemented on the residential side of California Avenue.

Mr. Williams stated yes.

Council Member Burt inquired on the additional start-up cost for the entire balance of the College Terrace neighborhood.

Ms. Yazdy stated \$95,000. She indicated 900 additional households would require additional Staff members from Revenue Collections and the Police Department.

Council Member Burt inquired on the start-up cost for the RPPP as proposed.

Ms. Yazdy stated \$47,000.

Council Member Burt stated there was enough money budgeted if the entire College Terrace neighborhood opted to participate in the RPPP. He inquired whether the College Terrace neighborhood was the only neighborhood in the State that was adjacent to a university that did not have a RPPP.

Kimley-Horn and Associates Inc., consultant Mike Mowery, stated every city surveyed had a RPPP.

Council Member Burt inquired on the pick-up locations of the Stanford shuttle that serve the College Terrace neighborhood.

Ms. Yazdy stated Stanford Avenue, California Avenue, Hale Street, and Bowdoin Street have pick-up locations.

Council Member Burt inquired whether there was a discussion on relocating the Stanford shuttle within the College Terrace neighborhood. He felt convenient stops for residents, rather than students parking in the College Terrace neighborhood, should be reviewed.

Mr. Williams stated Staff would look into this.

Council Member Klein inquired why the cost for permits for the College Terrace neighborhood may increase if additional neighborhoods requested to implement their own RPPP.

Mr. Williams stated additional residential parking permit programs would require added costs due to the additional Staff needed to administer and enforce the programs.

Council Member Klein inquired whether a petition or vote would be needed by residents requesting to be added to the RPPP.

Ms. Yazdy stated a proposal to reopen the vote on a petition basis was currently being evaluated by Staff. She stated a letter would be sent to residents and if 51 percent of residents on a block signed the petition agreeing to be added to the RPPP, each resident would be sent a follow-up survey postcard for them to accept or decline to opt into the program.

Council Member Klein stated both the petition and survey was needed and appropriate.

Ms. Yazdy agreed.

Council Member Klein inquired what the result would be on a block containing 40 percent willingness to participate in the RPPP.

Mr. Williams stated it would take 51 percent on a petition to be eligible to be included in the RPPP.

Council Member Klein stated Facebook employees may park along El Camino Real to avoid the parking permit areas within the RPPP.

Mr. Williams stated Facebook had leased large parking areas and they would be running shuttles for their employees when the RPPP takes effect.

Council Member Klein inquired on the likelihood of the entire College Terrace neighborhood opting to be included in the RPPP within one year.

Mr. Williams stated a majority of the blocks would participate in the RPPP.

Council Member Klein inquired whether the City was ethically constrained, due to discussions and negotiations with residents, on implementing the RPPP in the entire College Terrace neighborhood.

Mr. Williams stated the City had made a commitment to bring the RPPP forward, and the program was not scheduled to be put forward all at one time.

Council Member Klein inquired on the start-up costs involved to incrementally bring the RPPP to the entire College Terrace neighborhood.

Mr. Williams stated increasing the size of the RPPP in increments would follow the budget predictions that Staff forecasted; however, adding streets as they were approved would add additional costs and workload.

Mr. Keene stated the RPPP in the College Terrace neighborhood would serve as an example for future projects on this matter.

Council Member Yeh inquired what the most common opposition for including the entire College Terrace neighborhood was according to residents.

Ms. Yazdy stated the most common opposition from residents was they felt there was not a problem that needed to be dealt with.

Council Member Yeh inquired how the City chose the proposed \$35.00 violation cost.

Ms. Yazdy stated a neighborhood vote was used to assist Staff in determining the citation cost. She stated the citation rate proposed had been increased to \$45.00. She stated \$10.00 of the citation would be remitted to the County of Santa Clara, and \$5.00 would help fund the Police Department's position needed to manage and enforce the RPPP.

Council Member Yeh stated the RPPP consisted of permit revenue and citation revenue. He inquired whether an approach was looked into to raise the citation revenue to change the behavior of non-residents parking in the College Terrace neighborhood.

Police Captain, Mark Venable stated the citation was based on similar locations within the City and current rates contained within the Municipal Fee Schedule. He stated the law that was currently being written around the RPPP could include an increase in citation revenue.

Council Member Yeh inquired whether the City Council had the authority to set a separate citation level for the RPPP in the College Terrace neighborhood.

City Attorney, Gary Baum stated yes.

Council Member Yeh stated that given the current streets that have agreed to participate in the RPPP, no additional Staff would be needed to manage and enforce the program. He inquired why there was a need for an additional patrol car as stated in the Staff Report.

Mr. Venable stated last Fiscal Year an additional Community Service Officer, assigned as a Parking Enforcement Officer, was hired to take advantage of revenue potentials that had been missed.

Council Member Yeh inquired whether there were efforts made between the City and Facebook to align parking interests.

Mr. Williams stated there have been several conversations with Facebook and they have provided the City with an outline of their program to address their parking needs.

Council Member Kishimoto inquired whether the Budget included plans for re-registering participants online.

Mr. Williams stated he was unsure if online re-registering was included within the Budget; however, Staff had discussed implementing an RPPP renewing online system.

Council Member Kishimoto inquired on the timeline for a re-registering online system, and whether it would be compatible with the City's SAP system.

Director of Administrative Services, Lalo Perez stated the SAP system would not tie into the online re-registration program; however, there were other systems that would tie into SAP for its financial aspects. He stated capturing vehicle validation of the applicant was essential.

Council Member Kishimoto stated as more streets enter into the RPPP the need for online services would be greater.

Mr. Perez agreed.

Council Member Kishimoto inquired on the non-residential cars that were found in the College Terrace neighborhood.

Ms. Yazdy stated there was an occupancy survey that was performed in the neighborhood.

Mr. Williams stated a survey was performed in 2003 by the Police Department of vehicle license plates within a 24 hour period. It was found 44 percent were residents and 56 percent were non-residents.

Council Member Burt inquired on the anticipated revenue that was expected to be generated due to parking enforcement versus the expense of the enforcement.

Mr. Venable stated existing programs ran by the City more than cover personnel costs involved in managing and enforcing said programs.

Council Member Burt inquired whether ongoing costs would be covered by violations and ticket citation revenues.

Mr. Venable stated yes.

Council Member Burt inquired on setting up off-site locations to register residents for the RPPP near the College Terrace neighborhood, and whether the Neighborhood Association had been contacted to help coordinate the start up involved in registering residents more efficiently.

Mr. Williams stated Staff would look into this idea.

Council Member Espinosa inquired whether there was an analysis performed to look into an increase in citation fees that would offset the initial start-up fees for parking permits.

Mr. Williams stated he was unaware of a study.

Mr. Venable stated Staff could analyze the effects of raising citation fees to offset initial start-up costs to residents or reduce permit costs in the College Terrace neighborhood.

Doria Summa, 2290 Yale Street, spoke on the parking issues in the College Terrace neighborhood.

Wendy Smith, 2263 Yale Street, spoke on the parking issues in the College Terrace neighborhood due to commercial employee parking and her support of the RPPP.

Colin Mick, 2130 Hanover Street, spoke on his hand-out provided to the City Council which contained petitions he collected from the neighborhood in support of the RPPP.

Diane Finkelstein, 2049 Dartmouth Street, spoke on the need for the RPPP in the College Terrace neighborhood.

Mary B. Fitzgerald, 771 Stanford Avenue, spoke on the parking issues in the College Terrace neighborhood in both the morning and evening hours.

John Mark Agosta, 1648 California Avenue, spoke on the parking issues near Facebook. He was in support of including the entire College Terrace neighborhood in the RPPP and making the process of inclusion easier.

Steve Woodward, 1655 Stanford Avenue, spoke on the assets of the proposed RPPP.

Dennis Facchino, 653 Stanford Avenue, spoke on his support of the RPPP.

Karie Epstein, 1143 Stanford Avenue, spoke on issues she had witnessed regarding the Stanford shuttles that travel through the College Terrace neighborhood.

Bill Ross, 2103 Amherst Street, spoke on his support of including the entire College Terrace neighborhood in the RPPP.

Susan Rosenberg, 1425 Stanford Avenue, spoke on behalf of the Board of Directors of the College Terrace Residences' Association; she shared its support of the RPPP and its support to expedite the program.

Melissa Campbell, 2141 Princeton, spoke on her support of the RPPP, and the potential parking issues regarding the Olmsted Road Staff Rental Housing Project.

Brent Barker, 2331 Amherst Street, spoke on his belief that the remedy of the parking issues would be redeemed through the RPPP.

Michael Newton, spoke on the Stanford shuttle issues in the College Terrace Neighborhood. He overviewed the Stanford shuttle bus route. He was in support of the RPPP, but not as proposed.

**MOTION:** Council Member Burt moved, seconded by Council Member Klein to; 1) Direct Staff to prepare a program Ordinance approving the College Terrace Residential Permit Program and return to Council for approval, 2) Direct Staff to return to Council with a Budget Amendment Ordinance in the amount of \$36,839 (representing interest earned on Stanford University's \$100,000 deposit to provide additional funding for the initial start-up costs, 3) Authorize Staff to accept additional petitions from College Terrace neighborhood blocks that did not initially receive 51 percent support, through September 30, 2009, for the initial permit parking program's first year implementation, and 4) Request Staff to meet with Stanford to review their shuttle stop locations.

Council Member Klein stated the process had been elongated and should be expedited.

Council Member Burt requested that Staff attempt to move the RPPP forward prior to the start of the 2009 Stanford fall quarter.

Council Member Klein stated it was too late to bring the entire College Terrace neighborhood in compliance; however, the current process could be moved forward and adjustments could be made if needed.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that Staff attempt to expedite the process so the program is in place prior to the start of the 2009 Stanford fall quarter.

Council Member Schmid requested that Staff be flexible in accepting additional RPPP petitions in the College Terrace neighborhood. He stated the streets within the neighborhood had been identified and it was the City Council's intent to move forward as quickly as possible. He stated other blocks were possibly trying to gather more petitions to be added into the RPPP. He indicated once the program gets underway, parking will start moving into other neighborhoods. He felt that rather than set a date as to when the City will accept petitions, it should be flexible.

Council Member Burt inquired whether this incremental process was manageable.

Mr. Williams stated yes.

Council Member Klein stated he did not want this item brought back to the City Council regularly and felt a process was needed.

Mr. Keene stated a batch processing system could be looked into to incorporate streets into the RPPP efficiently.

**INCORPORATED INTO MOTION WITH CONSENT OF THE MAKER AND SECONDER** to be flexible in accepting additional parking program petitions from College Terrace residents.

Council Member Espinosa stated he supported the RPPP, however did not agree with the patchwork approach. It was his belief a spillover effect would be seen once the program was implemented.

**SUBSTITUTE MOTION:** Council Member Espinosa moved, seconded by Council Member Yeh to direct Staff to prepare an Ordinance to look at a College Terrace wide implementation of the residential parking program to include: 1) Approve the elements to be included in a Residential Parking Permit Program in College Terrace, outlined in Attachment A of CMR: 298:08 with the following changes; No. 1) Remains the same, No. 2) Delete, No. 3) Change to a 2 year opt-out option rather than opt-in, No.5) Include that residents can get parking permits from within the College Terrace neighborhood, Nos. 6-9) No changes, No. 10) Change initial cost of



permit to \$15.00, and add No. 11) Raise parking citation fees so the program is cost neutral; 2) Direct Staff to prepare a program Ordinance approving the College Terrace Residential Parking Permit Program as described and return to Council for approval; 3) Direct Staff to return to Council with a Budget Amendment Ordinance in the amount of \$36,839 (representing interest earned on Stanford University's \$100,000 deposit) to provide additional funding for the initial start-up costs.

Council Member Yeh stated he did not recommend authorizing Staff to accept additional petitions from the College Terrace neighborhood blocks through September 30, 2009. He spoke on his recommendation to approve the elements to be included in the RPPP as outlined in Attachment A of the Staff report, as follows: 1) No. 2 should be removed; 2) No. 3 should contain an opt-out option clause; 3) No. 5 should include locations to purchase residential parking permits in the College Terrace neighborhood; 4) No. 10 to provide residential parking permits at an initial cost of \$15.00; and 5) add No. 11 to raise the citation fees to No. 10 to become cost neutral.

Mr. Baum stated Staff report recommendation No. 1, to adopt the RPPP's Negative Declaration should be removed. He stated the Negative Declaration would be brought back to the City Council for approval in the future.

Council Member Kishimoto stated Stanford University charges parking on their campus which funds their programs. It was her hope that the City move in the direction of implementing a RPPP in other residential neighborhoods.

Mr. Baum stated it would take five votes for the Substitute Motion to pass.

**SUBSTITUTE MOTION FAILED:** 4-3 Burt, Klein, Schmid no, Barton not participating, Morton absent

Council Member Espinosa inquired on night parking issues within the College Terrace neighborhood that have been studied.

Mr. Williams stated daytime parking issues were the focus of Staff efforts; however, he stated nighttime parking issues could be evaluated and addressed.

Council Member Espinosa stated changing the RPPP's hours of operation would require work. He stated enforcement signs would need to be changed if there were alterations to the RPPP.

Mr. Williams agreed. He stated the overall consensus of the neighborhood was that nighttime parking of non-residents was not as significant of an issue as daytime parking issues.

**MOTION PASSED:** 7-0 Barton not participating, Morton absent

20. Adoption of an Ordinance Amending Section 2.40.040 of Chapter 2.40 of Title 2 of the Palo Alto Municipal Code Pertaining to Municipal Elections for Web Posting of Campaign Contributions.

City Clerk, Donna Grider stated the Municipal Code required publishing campaign contributions in a newspaper of general circulation on the Friday preceding special and general elections. She recommended the City Council adopt the proposed Ordinance amending the Municipal Code pertaining to Municipal Elections for posting campaign contributions online. She spoke on the beneficial aspects of adopting the proposed Ordinance.

Council Member Espinosa inquired on any legal concerns of not providing language translations on postings of online campaign contributions.

City Attorney, Gary Baum stated ballot statements were the only voting materials that required language translations by Federal law.

**MOTION:** Council Member Barton moved, seconded by Council Member Espinosa to adopt an Ordinance amending Section 2.40.040 of Chapter 2.40 of Title 2 of the Palo Alto Municipal Code pertaining to municipal elections.

Council Member Barton stated the Staff report was consistent with the City Council's direction to utilize technology to communicate information to the public more efficiently.

Council Member Espinosa spoke on the benefits of the Staff report, including cost savings.

Council Member Kishimoto spoke on the possibility of posting other pertinent information on the City's website.

Ms. Grider indicated she was looking into technology as a means of communicating information for the public.

Council Member Yeh stated considering the diversity in the community, volunteers could be sought to translate campaign statements in other languages. He stated the information translated would consist of a brief description of the political campaign contribution, candidate's name, and contributed dollar amounts.

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to have volunteers translate the campaign statements in Chinese and Spanish languages for online posting of the statements in these languages.

Council Member Kishimoto inquired whether the language translations would be mandated or simply volunteered.

Council Member Yeh felt translating campaign contributions should be a commitment from the City Council and felt it would send a consistent message to the community of the City Council's inclusiveness of all community members.

Council Member Burt felt enlisting the Website Committee or Human Relations Commission to be the conduit for this project would be beneficial.

Council Member Kishimoto spoke on volunteer translation examples from past years that were successful.

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

#### COUNCIL MATTERS

~~21. Colleague's Memo from Mayor Drekmeier, Council Members Espinosa and Klein Regarding Increasing the Utilities Advisory Commission (UAC) from Five to Seven Members.~~

#### COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Barton reported on the annual Palo Alto Chili contest held on July 4, 2009.

Council Member Kishimoto reported that the next High Speed Rail Peninsula Cities Coalition meeting will be held on July 17, 2009.

Council Member Yeh spoke about the letter submitted by the City stating opposition with amendments to Senator Simitian's proposed bill regarding the statewide renewable energy portfolio.

Council Member Espinosa spoke about a plan by the Parks and Recreation Commission to have community wide discussions on the issue of dogs in parks.

Mayor Drekmeier spoke about attending the Silicon Valley mayor's meeting hosted by Joint Venture of Silicon Valley Network. He also spoke about a  
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meeting he attended at the Ox Mountain Landfill in Half Moon Bay on July 1, 2009. He stated that half of the methane gas produced by the landfill is being purchased by the City of Palo Alto.

Council Member Burt suggested that the City of Palo Alto should offer a Palo Alto model on green programs for other Silicon Valley city governments.

Mayor Drekmeier stated that Joint Venture Silicon Valley Network is interested in our On-Bill financing program. He also spoke about the delegation from one of our Sister Cities, Enschede, The Netherlands visiting here last week.

Council adjourned into Closed Session at 11:18 p.m.

ADJOURNMENT: The meeting adjourned at 11:50 p.m.

ATTEST:

APPROVED:

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City Clerk

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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.