

Special Meeting
April 7, 2008

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ADJOURNMENT: The meeting was adjourned at 12:18 a.m.	105

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 arrived at 7:00 p.m., Kishimoto, Klein, Morton, Schmid, Yeh arrived at 6:05 p.m.

STUDY SESSION

1. Revenue and Expense Options to Help the General Fund Accommodate Financing for the Public Safety Building.

Staff presented options for funding the cost of Certificates of Participation (COP) for the proposed Public Safety Building. The options included revenue and expense ideas in the General Fund. If approved by Council, the options would enable the General Fund to provide approximately one million dollars towards the cost of the COP's. Comments from the Council on the options will be factored into the package of options that is presented during the proposed budget process. This process starts with the presentation of the proposed budget to the Finance Committee on May 6, 2008.

No action required

ORAL COMMUNICATIONS

Betsy Allyn, Willard Drive, Palo Alto, spoke against leasing Cubberley and suggested using it as a community center and/or possible school location. She asked if Stanford would be serviced by the new Public Safety Building and asked that the Parks be left alone and just kept properly maintained.

Brenda Woodard-Pierce, 4008 El Cerrito Road, spoke regarding a variance that started when she was told by a City Employee that a permit would not be required for her landscape design. She requested a continuance and a review of the letter she received concerning the large planter that now extends into the City's right-of-away.

Ourry Schwartzbord, 572 Seahorse Lane, Redwood City, spoke regarding the Children's Theatre.

Jeanne Ramos, 950 Lincoln, spoke regarding the Children's Theatre.

Christopher Van Vleet, 101 Alma Street, #1206, spoke regarding the improvement of the downtown streets team donations/solicitation conduct. Jane Marcus, 1820 Channing Avenue, spoke regarding the Children's Theatre.

Susan Austin, 403 O'Keefe Street, Menlo Park, requested that Staff from the Children's Theatre be reinstated to their professional roles without access to the finances until the investigation was completed.

Roy Stark, 4000 El Cerrito Road, spoke regarding the city street construction making it difficult for the residents to access their homes.

Dan Conway, 541 Hilber Lane, requested the Children's Theatre senior staff be allowed to return to work.

Dee Ellmann, 794 Rosewood Drive, spoke regarding the Children's Theatre and the lack of information on it's staff's alleged misconduct.

Rick Saal, 1837 Bryant Street, spoke regarding the Children's Theatre.

Arthur Keller, 3881 Corina Way, spoke regarding the Study Session on the public safety building and suggested ways to bring in more revenue.

Joe Rolfe, 1360 Emerson Street, spoke regarding Lytton Plaza and the Art & Wine Festival.

Lina Crane, 140 Lois, spoke regarding the Children's Theatre staff returning to work.

Stephanie Munoz, 101 Alma, spoke regarding the ongoing Children's Theatre investigation.

Council Member Burt asked Staff for the procedure to review the use of the Lytton Plaza at the Art & Wine Festival.

Assistant City Manager Emily Harrison responded there had been a great deal of discussion with Mr. Rolfe, the City Attorney, the Police Department, the City Manager, and the Chamber of Commerce. Mr. Rolfe did not agree with the outcome of those discussions.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Council Member Kishimoto, to approve the minutes of February 11, 19, and 25, 2008 as submitted.

MOTION PASSED: 9-0

MOTION: Mayor Klein moved, seconded by Vice Mayor Drekmeier to move Agenda Item Number 2 after the Consent Calendar under Special Orders of the Day.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Council Member Schmid to remove Agenda Item Number 3 from the Consent Calendar to become Agenda Item Number 11A.

MOTION: Council Member Burt moved, seconded by Council Member Yeh to remove Agenda Item Number 6 from the Consent Calendar to become Agenda Item Number 11B.

MOTION: Mayor Klein moved, seconded by Vice Mayor Drekmeier to approve Consent Calendar Item Numbers 4-5, 7-8, 10-11.

- ~~2. Vote and Appointment of Applicant to the Architectural Review Board for Unexpired Term of Heather Trossman Ending September 30, 2009.~~
- ~~3. Approval of a Final Map to Subdivide the Elks Lodge Site into Two Lots for a New Lodge and a Multi-Family Residential Project, Located at 4249 and 4251 El Camino Real.~~
4. Resolution 8808 "Resolution of the Council of the City of Palo Alto Authorizing Execution of a Cooperative Agreement with the State of California Department of Transportation for the Stanford Avenue/El Camino Real (Route 82) Intersection Improvements Project".
5. Approval of the Reclassification of an Existing City of Palo Alto Historic Resource from a Category 4 to a Category 2 and Record of Land Use Action for 2300 Wellesley Avenue (College Terrace Library).
- ~~6. Approval of a Contract with Synlawn, Inc. in the Amount of \$399,939 for the Renovation of the Driving Range at the Palo Alto Municipal Golf Course, Capital Improvement Program Project PG-08001.~~
7. Approval of a Water Enterprise Fund Purchase Order with Generator Services Company, Inc. in an Amount Not to Exceed \$251,222 for the Purchase of Three Portable Generator Sets to Provide Backup Power for Water Well Sites and Lift Stations, Capital Improvement Program Project WS-07004.
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11. Request for Authorization to Increase Existing Contracts with: (1) the Law Firm of Rankin, Landsness, Lahde, Serverian & Stock by an Additional \$50,000 For a Total Contract Not to Exceed Amount of \$135,000; (2) the Law Offices of Scott Pinsky by an Additional \$125,000 For a Total Contract Not to Exceed Amount of \$165,000 and (3) the Law Firm of Hanson Bridgett by an Additional \$90,000 For a Total Contract Not to Exceed Amount of \$140,000.

MOTION PASSED: 9-0

Beth Bunnenberg, HRB, stated her gratitude and appreciation to the Council for approving Agenda Item Number 5.

MOTION: Council Member Morton moved, seconded by Council Member Schmid to move Agenda Item Number 11A (formerly number 3) to become Agenda Item Number 15A.

MOTION PASSED: 8-1 Barton no

MOTION: Mayor Klein moved, seconded by Vice Mayor Drekmeier to hear Agenda Item Number 11B (Formally No. 6) immediately after the Consent Calendar.

MOTION PASSED: 9-0

- 11B. (former No. 6) Approval of a Contract with Synlawn, Inc. in the Amount of \$399,939 for the Renovation of the Driving Range at the Palo Alto Municipal Golf Course, Capital Improvement Program Project PG-08001.

Council Member Burt stated his concerns about the necessity of investing time in the renovation of the driving range which in the near future may be relocated.

Community Services Director Richard James replied this was the proper time because both the turf and the netting were posing safety issues. Any changes to the golf course location would be years down the road by their estimations.

Council Member Burt stated his concern with the redesign of the golf course. He asked if Staff could assure the Council that an argument wouldn't be made regarding the amount of money spent for this project.

Mr. James replied he couldn't make assurances, but he knew what was at the driving range now needed to be replaced. He didn't foresee any redesign happening for many years into the future.

Council Member Schmid asked about the capital expenditures that were built into the budget for the driving range and how did that fit in with the flow of money put aside for the golf course. (Tape 2 1021)

Mr. James responded that the long term budget projection was to pay the renovation of the driving range off in the next five to six years.

Council Member Espinosa stated that he shared the same concerns as Council Member Burt concerning the golf course and wasn't sure that those concerns were fully answered.

Mr. James replied that the golf course driving ranges were going to be paid by fees from golfers and not taxpayer money.

Council Member Espinosa stated that redesigning the golf course could necessitate moving things around which would add additional taxpayer cost.

Mr. James replied that it would take years before any redesigning would be done to the golf course. However, waiting on the redesign of the driving range will cause a loss of revenue.

Vice Mayor Drekmeier asked what the \$400,000 would be spent on.

Mr. James replied it would be used to completely replace the turf that was there and all of the netting that surrounded the turf which protected both buildings and automobiles from errant balls.

Council Member Morton responded as Liaison to the Parks and Recreation Commission (PARC) that he would like to put some perspective on the issue. He urged the Council to support Staff's recommendation, emphasizing it would be repaid by the golfers. He commented that the redesigning of the golf course would not be taking place any time soon.

MOTION: Council Member Morton moved, seconded by Council Member Barton to approve Staff recommendation 1) authorizing the City Manager or his designee to execute the contract in the amount of \$399,939 with Synlawn, Inc. for the replacement of artificial turf at the Palo Alto Municipal Golf course driving range (Capital Improvement Program Project PG-080001); 2) Authorizing the City Manager or his designee to negotiate and execute one or more change orders to the contract with Synlawn, Inc., for related, additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$60,000.

Council Member Kishimoto supported the Motion that was on the table, she commented to the new members on the Council that a thorough Feasibility Study was done on the topic. As she recalled the result was it would be a very expensive project. The Feasibility Study questioned the issues of an

upscale golf course immediately next to the playing fields, the priority of the flood plains, and lastly the competition with the many other golf courses.

Mayor Klein stated that he associated himself with the comments made by Council Member Morton and Kishimoto.

MOTION PASSED: 9-0

SPECIAL ORDERS OF THE DAY

11C. (former no. 2) Vote and Appointment of Applicant to the Architectural Review Board for Unexpired Term of Heather Trossman Ending September 30, 2009.

First Round of Voting for Four One Architectural Review Board Members

Voting For Alexander Lew: Barton, Burt, Drekmeier, Espinosa,
Kishimoto, Klein, Morton, Schmid, Yeh

Voting for Gordana Pavlovic:

Voting For Richard Schoelerman:

City Clerk Grider announced that Alexander Lew with nine votes was appointed to the Architectural Review Board for the unexpired term of Heather Trossman ending September 30, 2009.

UNFINISHED BUSINESS

12. Adoption of Council "Top 4" Priorities and Milestones for 2008: Civic Engagement; Environmental Protection; Library Plan/Public Safety Building; and Economic Health.

Assistant City Manager Emily Harrison explained that Staff's perception of Civic Engagement was creating a partnership with the residents and businesses of Palo Alto, to participate in the solutions needed in our community. She informed the Council that Staff did not plan in detail the Milestones for the second half of 2008 year because the new City Manager would want to provide the leadership working with the Council.

Council Member Morton stated his concern that Mitchell Park Library was not given the same importance as the Public Safety Building. He commented that he liked the Civic Engagement definition but asked how with that definition the Council was intending to involve citizens in a solution for something that was as important to them as the Children's Theatre.

Council Member Yeh asked regarding certain priorities that would need to be extended for multiple years. He asked if there was a connection between the Council and City Staff's setting priorities.

Mr. Benest replied that the Milestones are a start for developing performance standards and that the standards were being incorporated into the budget. He explained that the benchmarks developed by the City Auditor regarding the Service Efforts and Accomplishments (SEA) reports were the same performance measures. The Council evaluated the City Manager on how he and Staff were accomplishing these priorities. He explained that he uses the priorities in terms of evaluating the departments.

Council Member Yeh commented that the reason for the discussion on the Council priority setting was the interest in moving toward multi-year priorities to provide more continuity for Staff members. He asked how that tied in with multi-year priorities to individual Staff members at all levels.

Mr. Benest responded that if a Staff member was involved in one of the Council's four priorities, they would develop with their supervisor an annual work plan. Staff would be evaluated in terms of what they accomplished in the year.

Council Member Espinosa stated that it was unclear how the Council and City Manager measured performance.

Mr. Benest responded that when a priority was established, Staff would create some milestones, bringing back plans and efforts such as the Environmental Protection Plan and Zero Waste Plan. There are specific goals and measurements to be achieved in which the Council's involvement would determine whether the goals are realistic or unrealistic. However, the Council would not be involved in the method of how the plan was executed.

Council Member Espinosa commented the Milestones seemed to be items that were already on the Agenda as opposed to some of the broader questions in which the Council determined what the top goals or priorities would be for the year.

Mr. Benest replied that some of the issues that were brought up had been in the pipeline, such as the Environmental Health Initiatives and Environment Protection.

Vice Mayor Drekmeier asked if there had been an effort to connect the Green Building Policy to Civic Engagement.

Ms. Harrison replied Staff's efforts were focused on incorporating the new set of principles and model for Civic Engagement. She estimated completion of Green Building Ordinance to be in May.

Vice Mayor Drekmeier asked when the Elks was torn down would there be an effort to salvage material. The materials would be of higher use and recycled to new products.

Planning and Community Environment Director Steve Emslie stated he was told by Staff that the Elks had been working with Whole House, the salvage yard in East Palo Alto. There was a plan for them to have access to all of the Elks facilities before any demolition. He commented Staff's efforts were more concentrated on salvaging than recycling.

Vice Mayor Drekmeier commented about water, complete irrigation, audits for City Parks, and complete indoor water audits on Palo Alto Unified School District (PAUSD) sites. He asked was there going to be as much effort made on private and commercial sites around water audits.

Ms. Harrison replied that in past years Staff had focused on commercial industrial sites in terms of water audits.

Vice Mayor Drekmeier responded that Santa Clara Valley Water District had a good program. He commented that using the Berkeley Financing Model on the Launch Solar Water Heating Incentive Program could be a great opportunity. It would offset some of the natural gas which could be another way to be green on natural gas. He suggested that under Open Space (OS) Preserves there was great potential to restore the Arastradero Preserve for Red Legged Frog habitat. He asked if there was any economic incentive with the Medical Center.

Mr. Benest replied that the Stanford Medical Center was an excellent means of promoting economic vitality.

Vice Mayor Drekmeier asked if the Stanford Medical Center would generate revenue for other businesses.

Mr. Benest responded yes the Stanford Medical Center would support the economy. As part of the fiscal analysis, Staff planned on making proposals that would directly generate revenue from the Stanford Medical Center.

Council Member Burt asked if there was an evaluation done on how to include Civic Engagement into the other three priorities.

Ms. Harrison replied that Civic Engagement was included in Environmental Protection because of the Community Environmental Action Partnership (CEAP).

Council Member Burt responded that whether it were job positions or priorities each aspect should be examined to determine what degree could be used as part of Civic Engagement. He commented that a Citizen Advisory

Committee may be needed in terms of Long-Term Financial Planning. He asked if Staff looked through the Comprehensive Plan (Comp. Plan) Governance Section and used that as a guideline for what had been discussed in the community about Civic Engagement.

Ms. Harrison responded yes Staff had identified the Comp. Plan Update as a wonderful opportunity for Civic Engagement. The Principles of Governance provided the opportunity for the Civic Engagement model to be used effectively.

Council Member Burt stated when the Council was looking at the context of actions he would like references that pertained to the Comp. Plan's goals, policies, and programs.

Ms. Harrison responded that over time Staff had significantly cut down the section of the City Managers' Reports (CMR'S) that related directly to Comp. Plan implementation because it had encompassed 2-3 pages.

Council Member Burt responded the Governance Section really focused on Civic Engagement which to date hadn't been discussed in the public.

Ms. Harrison replied that Staff would review the Governance Section in future CMR'S.

Council Member Schmid stated he felt a starting point to making the Civic Engagement process more effective was to have the Council and the people involved in what would be the most important set of choices and policy decisions that the community could make for the future.

Ms. Harrison replied that whether the Council intended it or not just sitting on the dais could create the impression that the dialog would be less than open.

Council Member Schmid responded it was important the Council engaged with the public regarding issues of the most significant merit and asked how that could be done.

Ms. Harrison stated the challenge of Civic Engagement was when decisions were made by the Council would the residents feel as though they've been heard.

Council Member Schmid asked why Staff had given more focus to the Green Building Ordinance by comparison to the focus given the Leadership in Energy and Environmental Design (LEED) standards in the neighborhoods.

Ms. Harrison responded that residential Green Building Ordinance was a priority.

Mr. Emslie stated Staff was able to combine the Multi-Family Commercial and Single-Family Ordinance into one package. Both would return to the Council for action later this spring for implementation by July 1, 2008.

Council Member Schmid asked how Staff created combinations of things that leaned to green neighborhoods. He thought there was an evolved LEED standard on neighborhoods not just buildings.

Ms. Harrison responded she was not familiar with such a program.

Mayor Klein asked had the City employed outside independent auditors to do energy and water audits of our facilities.

Ms. Harrison responded yes.

Mayor Klein asked when that was last done.

Ms. Harrison responded it's an ongoing process that's done periodically.

Mayor Klein responded he thought it should be publicized.

Break taken at 9:04 p.m. returning at 9:14 p.m.

Ray Bacchetti, 850 Webster Street #700, stated that Civic Engagement for the common good could be more than just an occasional happy result instead it could be a more defining characteristic of the community.

Annette Ashton, 2747 Bryant, spoke for the Palo Alto Neighborhoods (PAN), Chair for the Emergency Preparedness Committee and Civic Engagement Committee regarding the Civic Engagement survey.

Betsy Allyn, 4186 Wilmar Drive, spoke on Civic Engagement being all about communication, involvement, and participation.

Mark Nadim, 2927 Alexis Drive, spoke on how citizens received their information.

Tom Jordan, 474 Churchill Avenue, spoke on how Civic Engagement relates to issues and the use of websites as a resource to solutions.

Norm Beamer, 1005 University Avenue, spoke on how the Civic Engagement survey could be used to focus efforts of Civic Engagement particularly in how to better communicate with the citizens of Palo Alto.

Sheri Furman, 3094 Greer Road, spoke on the Block Preparedness Coordinator Program (BPCP). She asked that Council and City continue to support the program and implement their recommendations as Milestones in the Council's key priority of Civic Engagement.

Carl Braginsky, 850 Webster, spoke on the improvement of the community's awareness and participation in emergency preparedness and response.

Marie Wolbach, 3427 Greer Drive, spoke on the targets that the Neighborhood Preparedness Committee would like to achieve and presented five requests to the Council for their support.

Patrick Muffler, 961 Ilima, spoke on making more of the residents responsive to the need for personal block and neighborhood preparedness.

Karen White, 146 Walter Hays Drive, shared her thoughts on the Civic Engagement Priority and how it would be enhanced.

Jeffrey S. Marth, 4265 Alma, spoke on policy awareness and the importance of environmentally preferred purchasing programs.

Mark Sabin, 533 Alberta Avenue, spoke on the Civic Engagement for the common good.

Art Liberman, 751 Chimalus Drive, spoke on the Environmental Protection Action Plan and additional risks that affect Climate Protection issues such as a sustainable environment, and citizen's health.

Robert Moss, 4010 Orme Street spoke on the goals regarding Civic Engagement.

Council Member Barton commented that he felt it was a mistake removing the wording "for the common good" from the goal concerning Civic Engagement. He stated the purpose of the goal in his opinion was about creating a collective good that was richer, more dynamic, and more cohesive than anything they currently have and creating the methodologies to perpetuate it.

Council Member Espinosa stated that his comments followed from the earlier questions. He loved that PAN ended with clear goals and metrics. He felt that the Council and Staff needed to include clear goals and metrics so that the public really knows what the Council are setting as goals in order for public to judge at the end of the year as to whether the goals were met or not.

Council Member Kishimoto stated she agreed with Council Member Espinosa's comments about needing measurable goals which would give the community the ability to hold the Council and the City Manager accountable.

She also commented on Council Member Barton's concept on how the Council defined Civic Engagement and stated she liked Staff's approach of "joint responsibility" and also suggested "help the community face difficult challenges and make quality decisions through a broad consensus." She stated that she came prepared to offer a few specific changes to the goals for Civic Engagement.

MOTION: Council Member Kishimoto moved, seconded by Vice Mayor Drekmeier to approve Staff recommendation that the Council adopt the Council's Top 4 Priorities and Milestones for 2008: Civic Engagement, Environmental Protection, Library Plan/Public Safety Building, and Economic Health.

INCORPORATED INTO THE MOTION by the maker and seconder to add the goal to implement the Climate Protection Plan short-term goal of reducing City greenhouse gas emissions by five percent by 2009, Community greenhouse gases by five percent by 2012, and City and Community greenhouse gases by fifteen percent by 2020.

INCORPORATED INTO THE MOTION by the maker and seconder to add the evaluation of the go pass and Eco pass program for City Employees.

INCORPORATED INTO THE MOTION by the maker and seconder to add to work with the City Unions to implement City greenhouse gas reduction goals for transportation to include parking and alternative transportation where required.

City Attorney Gary Baum stated the specific reason the Council and City Union would be required to meet concerned the parking and alternative transportation issues.

Council Member Kishimoto stated the 4th goal added to Civic Engagement was to explore models that provided small grants to neighborhoods and civic groups to leverage City resources

Vice Mayor Drekmeier asked for clarification on her comment pertaining to leverage of City resources.

Council Member Kishimoto stated an example would be someone asking if they can have 200 dollars to implement a beautification program that they wanted to do in their neighborhood.

INCORPORATED INTO THE MOTION by the maker and seconder to add to explore a model of providing small grants to neighborhood and civic groups to leverage City resources.

Ms. Harrison stated from Staff's perspective she had a concern about the workload that would be included in creating a grant program.

Council Member Kishimoto asked if it would be Staff time intensive because the Council would need to know.

Mayor Klein stated that he would oppose that suggestion.

Council Member Kishimoto stated that her final goal was to pick up on all the suggestions that were made on Emergency Preparedness and asked if Staff would come back with proposals and quantifiable goals.

Vice Mayor Drekmeier asked for more clarification.

Council Member Kishimoto suggested a goal be developed to sign up 50 Emergency Preparedness Captains as well as the development of a plan by the end of the year.

INCORPORATED INTO THE MOTION by the maker and seconder to ask Staff to come back with proposals with quantifiable goals with regards to Emergency Preparedness.

Council Member Kishimoto stated she would like suggestions from Staff on setting a quantitative goal.

Ms. Harrison stated she was concerned staff would end up taking over that goal. She commented that the whole purpose of Civic Engagement was the idea to work in partnership with the public to create goals.

Council Member Kishimoto stated it was similar to the Environmental Plan, there is a City operation, the City, and the community.

Ms. Harrison stated the emergency preparedness program coming from the Palo Alto Neighborhood (PAN) was a premiere example of the spirit of Civic Engagement.

Vice Mayor Drekmeier asked if the implementation of the Climate Protection Plan (CPP) short-term goal to reduce City Greenhouse gas emissions by five percent from 2005 budget level to 2009 was also included in the goal of community-wide 5 percent by 2012 and 15 percent by 2020.

Council Member Kishimoto stated yes the goal she was articulating focused on the short-term goal. However, if the Council wanted she would add another goal stating the Council would be working on the intermediate long term goals.

Vice Mayor Drekmeier stated he thought the intention was the Council had already approved all of that in the Climate Protection Plan and might as well put it in the Priorities Plan in order to be consistent.

Council Member Kishimoto stated what would be measured are the achievements of the short-term goals. The intermediate long-term goals can be added at a later date.

Vice Mayor Drekmeier stated that the wording included should be from the goals of the Climate Protection Plan into the document reflecting the reduction of greenhouse gases as follows: the City 5 percent reduction of Greenhouse Gases by 2009; the community 5 percent by 2012, and then the City and community 15 percent by 2020.

Council Member Barton stated he was concerned it would be difficult to hold staff accountable for those achievements because the Council was telling Staff how to do it rather than what it was the Council wanted them to achieve.

Council Member Morton stated he felt Staff brought a set of metrics to help the Council measure whether the Priorities that were approved in January were met or not and, now the Council was criticizing Staff for what Staff considered measurable.

Council Member Burt stated he found a lack of metrics. He proposed that the Council adopt some modifications of what Staff proposed and then refer the balance of the Council's issues to the Policy and Services Committee. In the upcoming months the Council could delve into the matter further.

Mayor Klein stated the focus should be on Civic Engagement.

Council Member Yeh stated he was interested to know what other Council Members thought about convening an Advisory Board and Council Member Barton's suggestion that all other Priorities be integrated into Civic Engagement.

Council Member Schmid stated he felt a little overwhelmed by the process in which the Council started with a list of 53 Priorities and ended 70 Priorities.

SUBSTITUTE MOTION: Council Member Schmid moved, seconded by Council Member Burt to approve Staff recommendations with the inclusion of the Climate Protection Plan language and refer to the Policy and Services Committee further discussions of milestones.

Vice Mayor Drekmeier asked for clarification on what was being voted on.

Council Member Schmid responded everything would have to go to Policy and Services Committee.

Council Member Kishimoto suggested reducing her five changes to two and requested they move forward with 1) To add the CPP plan because those sets of Milestones pertain to the City Manager's monthly reports to the Council and if it's off the list she would vote against it and 2) The Block Preparedness Captains.

Council Member Burt suggested a change to the Substitute Motion. The primary change was to adopt Staff's plan on an interim basis and then to refer the additional items that had been recommended by Council Members to Policy and Services Committee including the Climate Protection Plan.

Mayor Klein stated that Council Member Burt's Proposed Substitute Motion was the same as Council Member Kishimoto's.

Council Member Barton stated that he was opposing the Motion because he felt the Council was lost. He urged the Council to let Staff do their job.

AMENDMENT: Council Member Morton moved, seconded by Council Member Barton to remove from the Substitute Motion the referral to the Policy and Services Committee

AMENDMENT PASSED: 5-4 Burt, Drekmeier, Kishimoto, Yeh no

Mr. Baum stated that Vice Mayor Drekmeier needed to drop the reference to Stanford or both Council Member Barton and Mayor Klein would not be able to participate.

AMENDMENT: Vice Mayor Drekmeier moved, seconded by Council Member Schmid to remove the sections in Economic Health of the City referencing Stanford.

AMENDMENT PASSED: 7-0 Barton, Klein not participating

AMENDMENT: Council Member Burt moved, seconded by Vice Mayor Drekmeier to change Item Number 2 under Civic Engagement to adopt Web 2.0 technologies to engage the Community in a dialogue in Civic Engagement/Community Building.

City Manager Benest stated that it was premature to adopt without knowing what the impact would be to other Council priorities and commitments. He commented that Civic Engagement was a journey no one knows where it's going therefore, some experimenting may be necessary.

Council Member Burt started that his intention was not to define the totality of what Web 2.0 technologies would do.

Council Member Morton stated that he would ask his colleagues to vote no because the Council has moved from Priorities to setting a work plan.

AMENDMENT PASSED: 5-4, Barton, Espinosa, Klein, Morton, no

AMENDMENT: Council Member Burt moved, seconded by Vice Mayor Drekmeier to add a Number 9 under Civic Engagement to encourage greater diversity in Civic Engagement.

Council Member Morton suggested that the Council leave Staff's recommendation as it is because the PAN Survey itself indicated they don't want to be involved.

AMENDMENT PASSED: 5-4 Barton, Espinosa, Morton, Schmid, no

AMENDMENT: Council Member Kishimoto moved, seconded by Council Member Burt to modify milestone Number 5 under Civic Engagement referencing emergency preparedness to include working with neighborhoods to begin implementing Emergency Preparedness Block Coordinator Plan.

Council Member Kishimoto stated the Emergency Preparedness Plan had been a City priority for the last 3 years. If the Plan was dropped, then the Council would not have done its job to get the community fully prepared. Council Member Burt stated the Amendment would have action rather than more process, which had concerned some of the Council Members. He commented that a large part of the community was willing and able, to participate in that important Civic matter.

Council Member Morton stated he did not consider that an Amendment to action but something that may have financial implications. He felt that moving in that direction meant that the City had taken over what was to be a volunteer plan.

Council Member Espinosa stated he would continue to vote against Amendments because plans would come back from City Staff that delved into Emergency Preparedness and at that time the Council would see what the financial/cost implications would be.

Mayor Klein stated he would vote no for the same reasons Council Member Espinosa had set forth.

AMENDMENT PASSED: 5-4, Barton, Espinosa, Klein, Morton, no

Council Member Yeh asked since there was a City Manager recruitment going on, how Staff viewed the process unfolding because the whole thing strikes him as arduous.

City Manager Frank Benest responded that Staff anticipated that all the goals were Multi-Year and the new City Manager would support them. He commented Staff knows where they're going, with the exception of Civic Engagement.

Mayor Klein responded that the Council would move forward regardless of personnel. Although the Council would take recommendations from the new City Manager, it is the Council that sets the policies.

SUBSTITUTE MOTION PASSED WITH AMENDMENTS: 9-0

13 Proposal to Assign Staff to Review Potential Access from Wilkie Way to SummerHill/Elks Lodge Project

MOTION: Vice Mayor Drekmeier moved, seconded by Council Member Morton to assign Staff to review potential access from Wilkie Way to El Camino Real in 3 segments; 1) from Wilkie Way to the Orange Path, 2) the Orange Path to the Pink Path, and 3) the Pink Path to El Camino Real, as shown on the Elks Lodge Residential-SummerHill Homes Map.

Vice Mayor Drekmeier stated that the reason he wanted Staff to look at it in three segments was because the Council might want to start getting the key component which was connecting Wilkie Way to the Park.

Mayor Klein stated that he would vote for the Motion, but he didn't feel committed to vote for any potential action should it come back to the Council.

Council Member Morton stated the Motion was central to his vote on the next item regarding working through bicycle routes and walk connections as a general policy for other areas in the City.

MOTION PASSED: 9-0

14. Proposal to Assign Staff to Review the Pros and Cons of Requiring Public vs. Private Streets (including clearance for refuse hauling).

MOTION: Council Member Kishimoto moved, seconded by Vice Mayor Drekmeier to assign Staff to work with Planning and Transportation Commission (P&TC) to review policies, zoning rules, and guidelines when creating new streets to be consistent with the Comprehensive Plan Policies including the Pros and Cons of Public vs. Private Streets ownership or easements (including clearance for refuse hauling).

Council Member Kishimoto stated she was concerned the Council had moved away from the foundation of Palo Alto policy which was an open community without private streets and gated communities.

Herb Borock spoke on three related issues to decisions of Public vs. Private Streets 1) access, 2) are the standards for constructing private streets the same as public streets, and 3) should there be dedicated public streets.

Robert Moss spoke on there not being any community benefits but detriments for having private streets.

Council Member Barton stated he was confused where the Council was going with the Motion.

Council Member Kishimoto asked Staff to work with the Planning & Transportation Commission (P&TC) to review the Comprehensive Plan (Comp. Plan) Policies for changes or clarifying guidelines.

Council Member Burt requested clarification on the Motion, he stated that in the Agenda it listed Pro's and Con's of requiring public vs. private streets. He asked if Staff felt it would be a good recommendation to include the characteristics that would be imposed upon private streets such as public easements, width, and impact on density.

Council Member Kishimoto responded that the way she had stated the Motion was to direct Staff to work with P&TC to review policies, zoning rules, and guidelines when creating new streets to be consistent with the Comp. Plan including weighing the pro's and con's of public vs. private.

Council Member Burt responded that was sufficiently broad for him.

Mayor Klein stated he was going to vote against the Motion. He felt that the motion was designed to eliminate private streets which would be contrary to two other goals 1) smart growth and 2) environmental policies. Also, it would have a negative financial impact on the City and would add another assignment to Staff.

Council Member Kishimoto noted the need for wide right-of-ways which the Comp. Plan did require, for sidewalks, street trees, and potential street parking for the P&TC to review. On the issue of maintenance cost, SummerHill Project brought the example of private ownership and public easements

Council Member Yeh asked for clarification from Staff regarding Agenda Item Number 16 as to whether or not that Request for Proposal (RFP) had enough breath to incorporate the study of Public and Private Streets as part of the Amendment to the Comp. Plan.

Planning and Community Environment Director Steve Emslie responded he thought it was possible that Agenda Item Number 16 could be included into the Comp. Plan Update.

Council Member Yeh asked if it would require a discussion on Item Number 16 or Council Action to formerly include that as part of a future item to be discussed by the Council.

Mr. Emslie responded it could be general Staff direction but a Motion would demonstrate the Council's intent.

Council Member Yeh proposed to the maker of the Motion to include the study of Public and Private Streets into the Comp. Plan.

Council Member Kishimoto responded that she was open to discussion on that issue.

Council Member Yeh asked about the timeline.

Mr. Emslie responded that it would be handled much like the Zoning Code update in which parts of it would advance and come to some sort of tentative conclusion before the Comp. Plan update timeline.

Council Member Kishimoto responded that she would not accept the proposed Amendment.

AMENDMENT: Council Member Yeh moved, seconded by Council Member Morton to include the study of the Pros vs. Cons into the Comprehensive Plan work under Agenda Item Number 16.

Council Member Burt asked Mr. Emslie about the legal process for adoption of Comp. Plan revisions. Specific Comp. Plan Amendments were allowed each year to the existing Comp. Plan and that could be done as piece meal like a Zoning Ordinance update.

Planning and Community Environment Director Steve Emslie responded there were 4 revisions per element per year.

Council Member Burt inquired if Staff was envisioning that the Council would be amending the current Comp. Plan but, based upon the work product of the Comp. Plan Update.

Mr. Emslie responded that was possible, it seemed to be an effective way of engaging people to come to a conclusion.

Council Member Burt responded that sounded feasible.

Council Member Espinosa asked for clarification from Council Member Yeh regarding his Amendment.

Council Member Yeh responded yes the request for analysis would fall under the contracts to be discussed under Agenda Item Number 16.

AMENDMENT PASSED: 6-3 Barton, Kishimoto, Schmid, no

MOTION PASSED: 6-3 Barton, Espinosa, Klein, no

15. Proposal to Assign Staff to Review Potential Changes to the Process for the Architectural Review Board (ARB) Review of Large Projects

MOTION: Council Member Kishimoto moved, seconded by Vice Mayor Drekmeier to assign Staff to evaluate the process of reviewing large projects to allow the Council and Planning and Transportation Commission to review key planning issues in advance of detailed architectural review.

Council Member Kishimoto stated her frustration regarding the configuration of streets for the SummerHill lot which was a large plot of land broken up into small pieces. She felt the Council essentially, had the ability to look at the whole of the action in order to determine where the streets would go, what should be the affordable housing requirements for the entire piece of land, and what the park requirements were.

Herb Borock spoke regarding the Boards and Commissions relationship as an advisory body to the Council according to the Charter. Therefore, putting the Council ahead of the process didn't make sense. He felt that rules and procedures from the past should be restored.

Vice Mayor Drekmeier stated he agreed with Council Member Kishimoto that large projects should be looked at as a whole and that Staff had done a great job putting together that City Manager Report (CMR).

Council Member Barton asked Mr. Baum given the quasi-judicial nature of subdivisions could the real intent of Council Member Kishimoto's Motion be enforced.

City Attorney Gary Baum responded that from a legal standpoint he thought it would be problematic.

Council Member Kishimoto responded that Staff presented three alternatives on how it could be done therefore, the approach would be open.

MOTION PASSED: 7-2 Barton, Espinosa no

15A. (former no. 3) Approval of a Final Map to Subdivide the Elks Lodge Site into Two Lots for a New Lodge and a Multi-Family Residential Project, Located at 4249 and 4251 El Camino Real.

MOTION: Council Member Barton moved, seconded by Council Member Morton to approve Staff recommendation to approve the Final Map to subdivide the Elks Lodge site into two lots, based upon findings and conditions within the Record of Land Use Action for the Tentative Map.

MOTION PASSED: 9-0

REPORTS OF OFFICIALS

16. Request Authorization for the City Manager to Enter into Contracts with Design, Community & Environment and Applied Development Economics to Prepare the Comprehensive Plan Amendment for the Specified Scope of Work Not to Exceed \$850,000

MOTION: Mayor Klein moved, seconded by Council Member Espinosa to approve the selection of two consultants, Design, Community & Environment and Applied Development Economics, for completion of the Comprehensive Plan amendment contract work plan and authorize the City Manager to execute contracts with the two consultants in a total amount for both contracts not to exceed \$850,000.

Herb Borock spoke on his concern of earlier discussions between Council Member Burt and Mr. Emslie regarding Comp. Plan and bringing each element in a piecemeal fashion.

INCORPORATED INTO THE MOTION by the maker and seconder to include in the Work Program Summary (Attachment A) under Task B number 5 change wording to "Community and Public Services White Paper".

Council Member Schmid asked about the timeline that the Consultant presented and that the first mention of the City Council came 31 months after the beginning. He thought with the Comp. Plan the Council would be involved in setting some of the goals, priorities, visions, and participation. How could that be if the Council was not officially involved for 31 months.

Mr. Emslie responded that the Council would just need to tell Staff earlier that they wanted to be involved and Staff would make it happen.

Council Member Schmid asked if Staff had identified both the numbers and sites of new housing units.

Mr. Emslie responded no.

AMENDMENT: Council Member Schmid moved, seconded by Council Member Morton that within the first three months of the Comprehensive Plan timeline that Council will participate with Consultant, P&TC, and Staff in reviewing; 1) the effectiveness of the current Comprehensive Plan, 2) number of new housing units included in housing demand component, 3) location of new housing component and, 4) infrastructure of new housing component.

Council Member Schmid stated he thought it was important that the Council step back and take a look at how the current Comp. Plan had been followed. While looking at the new Comp. Plan, the Council could see the successes and the limitations experienced in the current program.

Council Member Morton asked if Staff was comfortable with beginning the process by involving both the Council and the P&TC.

Assistant City Manager Harrison replied she would address the how and the Council would address the value. A special meeting would be done at a Saturday session the same way as the Comp. Plan was previously handled.

Council Member Morton responded that it would be a long and informative study session and asked if Staff would be comfortable with that.

Planning and Community Environment Director Steve Emslie replied that was common to start a major policy and analysis in that fashion.

Mr. Benest commented that he hoped the Council would give Staff some latitude to work with the consultant in order to avoid a predetermination of the outcome of the Comp. Plan update.

Mayor Klein asked if Council Member Schmid suggested a study session because he understood him to say he wanted to set some policy earlier on.

Council Member Schmid replied he was interested in confronting the critical policy issues. He was not looking for definite outcomes on the policy issues but, he thought it would be good for the Council to identify what the issues would be and what directions the Council would like to see the Comp. Plan moving in.

Council Member Morton stated he felt getting the Council and P&TC together early on was an efficient way of handling the process and he supported the Motion.

Council Member Burt asked was the intention to initially have a joint study session and then have a policy setting meeting.

Mayor Klein replied he thought it would be a meeting to give policy direction.

INCORPORATED INTO THE AMENDMENT by the maker and seconder to include a study session with P&TC within 90 days.

Council Member Barton stated that an early policy meeting made sense but only having one meeting and not two. The meeting should address all the issues and not just the housing.

Council Member Schmid responded he would accept what the Council considered as policy issues to be discussed.

Council Member Burt inquired if the Amendment included a joint study session with P&TC preceding policy discussion.

Council Member Schmid replied it would be good to have study session with P&TC and Staff on policy issues.

Council Member Burt confirmed that policy recommendations would not be made at the study session but at the agendaized Council meeting.

Mayor Klein stated he had one concern that the Council Members should not be in the position of advising P&TC on what they should recommend to the Council.

Council Member Espinosa clarified that the Council would not be making policy recommendations at the study session.

Council Member Kishimoto stated her concern that under Attachment B the Council would not see it until month 31. She asked if that actual work plan was going to be adopted and should the Council give directions for more regular check-ins.

Mr. Emslie replied that general directions would work within that work plan.

AMENDMENT PASSED: 9-0

INCORPORATED INTO THE MOTION by the maker and seconder to include a subsequent special Council meeting to provide policy direction within a reasonable time frame.

MOTION FAILED: 3-6, Kishimoto, Morton, Schmid yes

MOTION PASSED: 9-0

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

MOTION: Council Member Morton moved, seconded by XXXX to refer to Policy and Services Committee to agendize a discussion on the topic on how to have an ongoing interaction with a country (Peoples Republic of China) whose human rights values are different than ours.

MOTION FALIED FOR LACK OF SECOND

Council Member Schmid requested a status report on the investigation into the Children's Theatre and if there are any requirements for action by the City Council.

Mr. Baum stated the three employees are employees of the City Manager and the City Council has no control over the investigation, and the City Manager had no control over the criminal investigation.

ADJOURNMENT: The meeting was adjourned at 12:18 a.m.

ATTEST:

APPROVED:

City Clerk

Mayor

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