

Special Meeting
September 21, 2009

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ADJOURNMENT: The meeting adjourned at 1:05 a.m.	186

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:30 p.m.

Present: Barton, Burt, Drekmeier, Espinosa, Kishimoto arrived at 6:35 p.m., Klein, Morton, Schmid, Yeh

Absent:

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION
Subject: Significant exposure to litigation pursuant to (b) of Section 54956.9
Authority: Government Code section 54956.9(b)(3)(C) concerning Patricia Briggs

CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION
Subject: Written liability claim against the City of Palo Alto by Alison Williams
Authority: Government Code sections 54956.9(b)(1) & 54956.9(b)(3)(C)

Council returned from the Closed Session at 7:08 p.m. Mayor Drekmeier advised no reportable action taken.

SPECIAL ORDERS OF THE DAY

2. Proclamation for 10th Anniversary of PANDA.

Council Member Burt read the Palo Alto Neighborhood Disaster Activities (PANDA) 10th Anniversary Proclamation.

A PANDA spokesperson thanked the City Council and Staff for supporting the PANDA program.

Council Member Morton thanked PANDA volunteers for their involvement in public safety.

3. Resolution 8982 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Karen Frankel for Her Outstanding Public Service as a Member of the Public Art Commission."

Public Art Commission Vice Chair, Terry Acebo-Davis, spoke on Agenda Item Nos. 3, 4, 5, and 6. She spoke on the personal achievements of the four outgoing Public Art Commissioners.

Mark Weiss, 1788 Oak Creek Drive #217, spoke on Agenda Item Nos. 3, 4, 5, and 6. He stated his appreciation of the four outgoing Public Art Commissioners, and for the City Council's support of public arts.

Council Member Barton read the Resolution expressing appreciation to Karen Frankel for outstanding public service as a member of the Public Art Commission.

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to adopt the Resolution expressing appreciation to Karen Frankel for her outstanding public service as a member of the Public Art Commission.

MOTION PASSED: 9-0

Karen Frankel spoke on her experience serving on the Public Art Commission.

4. Resolution 8983 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to David Negrin for His Outstanding Public Service as a Member of the Public Art Commission."

MOTION: Council Member Barton moved, seconded by Council Member Kishimoto to adopt the Resolution expressing appreciation to David Negrin for his outstanding public service as a member of the Public Art Commission.

MOTION PASSED: 9-0

5. Resolution 8984 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Ron Cooper for His Outstanding Public Service as a Member of the Public Art Commission."

Council Member Schmid read the Resolution expressing appreciation to Ron Cooper for outstanding public service as a member of the Public Art Commission.

MOTION: Council Member Schmid moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Ron Cooper for his outstanding public service as a member of the Public Art Commission.

MOTION PASSED: 9-0

Ron Cooper spoke on his experience serving on the Public Art Commission.

6. Resolution 8985 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Laura Deem for Her Outstanding Public Service as a Member of the Public Art Commission."

Council Member Kishimoto read the Resolution expressing appreciation to Laura Deem for outstanding public service as a member of the Public Art Commission.

MOTION: Council Member Kishimoto moved, seconded by Vice Mayor Morton to adopt the Resolution expressing appreciation to Laura Deem for her outstanding public service as a member of the Public Art Commission.

MOTION PASSED: 9-0

Laura Deem spoke on her experience serving on the Public Art Commission.

7. Resolution 8986 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Donald Piana on His Retirement."

Council Member Morton read the Resolution expressing appreciation to Donald Piana upon his retirement.

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Donald Piana on his retirement.

MOTION PASSED: 9-0

Don Piana spoke on his experience serving the community as a member of the City's Open Space and Parks Division.

8. Selection of Candidates to be Interviewed for the Public Art Commission for One, Three-Year Term Ending April 30, 2012.

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to interview all candidates for the Public Art Commission for One, Three-Year Term Ending April 30, 2012.

MOTION PASSED: 9-0

9. Selection of Candidates to be Interviewed for the Architectural Review Board for Three, Three-Year Terms Ending September 30, 2012.

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to interview all candidates for the Architectural Review Board for Three, Three-Year Terms Ending September 30, 2012.

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

City Manager, James Keene spoke on the following topics: 1) underground utilities construction taking place in Downtown Palo Alto; 2) the recently adopted Ordinance prohibiting the distribution of plastic bags in grocery stores; 3) Coastal Clean-Up Day volunteer efforts from September 19; 4) State Senator Joe Simitian's Town Hall Meeting scheduled on September 26; 5) 25th Annual Palo Alto Moonlight Run & Walk at the Palo Alto Baylands Athletic Center scheduled on October 2; 6) City Attorney, Gary Baum's Access to Justice Award for pro bono work regarding the Domestic Violence Limited Scope Representation Program; 7) Junior Museum and Zoo's 75th Anniversary event scheduled on September 26; 8) Library Bond Project alternatives to the Downtown Library design; and 9) California Avenue Streetscape Project update regarding the removal of trees.

Vice Mayor Morton spoke on the recent resignation of the Library Advisory Commissioner Chair Susie Thom. He urged her to consider withdrawing said resignation.

Mayor Drekmeier stated that the City Council supported the notion for Ms. Thom to reconsider her resignation.

Council Member Klein requested an update on trees with large diameters to be incorporated within the California Avenue Streetscape Project.

Director of Public Works, Glenn Roberts stated the current proposal consisted of planting 15-gallon trees. These would grow to a height of 10-12 feet. He stated an alternative option consisted of 24-inch boxed trees. These would grow to a height of 12-15 feet. The proposed alternative would cost an additional \$20,000. He indicated this amount was available in the project's budget. He stated that within two years, the trees would be approximately the same height.

Council Member Klein inquired whether the California Avenue Streetscape Project proposal would be scheduled on the City Council Meeting of October 5, 2009.

Mr. Keene stated Staff could prepare an Agenda Item on the California Avenue Streetscape Project if the City Council felt explicit direction was

needed. The intention was not to delay the project and extensive outreach had been conducted with the public and stakeholders. He indicated Staff could formulate a recommendation for the City Council's approval on October 5, 2009 to expedite the project.

Council Member Espinosa stated his support for planting large diameter trees within the California Avenue Streetscape Project. He requested that Staff return with an update on the projects, within the California Avenue Streetscape Project, that were placed on hold due to budget cuts or other processes. He spoke on the need to ensure compliance in abiding with the contracted timeline, and asked whether disciplinary action was needed in regards to not complying with said timeline.

Council Member Kishimoto stated the California Avenue Streetscape Project had been in progress, with community input, for many months and the outcome should please residents. She acknowledged the serious lapse of communication on the implementation of removing the trees on California Avenue. She spoke on the trade-offs between the proposed and the alternative tree choices. She indicated planting drought tolerant trees should be considered.

Vice Mayor Morton spoke on the need for additional processes to ensure City projects are executed properly and communication is vital.

ORAL COMMUNICATIONS

Aram James congratulated Gary Baum for receiving the Access to Justice Award. He spoke on the Police Chief recruitment.

Benjamin Huang, 114 Lowell Avenue, spoke on racial profiling from the Police Department.

Todd Burke, 157 South California Avenue #H200, spoke on his disapproval of the tree removal within the California Avenue Streetscape Project.

Susan Rosenberg, 1425 Stanford Avenue, spoke on the tree removal on California Avenue. She indicated the Canopy Organization looked forward to working with the City to find appropriate tree selections for the neighborhood.

Ronna Devincenzi, 2600 El Camino Real #100, spoke on her disapproval of the tree removal on California Avenue.

Mark Petersen-Perez, spoke on Palo Alto City government and its governing bodies.

Nancy Moss, 701 Garland Drive, spoke on her disapproval of the tree removal on California Avenue.

Jean Wilcox, 4005 Sutherland Drive, spoke on her dislike for the redesign of the Mitchell Park Library to accommodate more office space.

Ken Allen, 3784 Grove Avenue, spoke on his support for the current design plan of the Mitchell Park Library.

Mark Weiss, 1788 Oak Creek Drive, spoke on the freedom of student press.

Mark Rubin, 345 Sheridan Avenue #307, spoke on his disapproval of the tree removal on California Avenue.

CONSENT CALENDAR

MOTION: Council Member Klein moved, seconded by Council Member Yeh to pull Agenda Item No. 20 to become Agenda Item No. 23A.

MOTION: Council Member Burt moved, seconded by Council Member Kishimoto to pull Agenda Item No. 12 to become Agenda Item No. 23B.

Council Member Barton advised he would not be participating in Agenda Item No. 17 due to a client living in the College Terrace area, he also registered a no vote on Agenda Item No. 16.

MOTION: Vice Mayor Morton moved, seconded by Council Member Yeh to continue Agenda Item No. 21 to a date uncertain.

MOTION: Vice Mayor Morton moved, seconded by Council Member Klein to approve Agenda Item Nos. 10, 11, 13-19, 22 and 23.

Chris Rafferty, 165 Colorado Avenue, stated the proposed Compensation Plan referenced in Agenda Item No. 11 should be applied to all Management and Professional Staff who were employed in Fiscal Years 2008-2009 regardless of their retirement date.

Annette Glanckoff, 2747 Bryant Street, spoke on her support for the adoption of the Park Improvement Ordinances contained within Agenda Item Nos. 13 and 14.

Charles Scott, 3136 Genevieve Court, urged the City Council to approve Agenda Item No. 14.

Herb Borock, P.O. Box 632, felt Agenda Item No. 14 could potentially create a significant impact, and would require an Environmental Impact Review.

Robert Moss, 4010 Orme Street, spoke on his support to approve Agenda Item No. 16.

Carol Simpson, College Terrace, spoke on her disapproval of Agenda Item No. 17.

Roberta Power, 2254 Dartmouth Street, spoke on Agenda Item No. 17. She stated verification of petitions to participate in the Residential Parking Permit Program (RPPP) should be conducted.

Colin Mick, 2130 Hanover Street, spoke on Agenda Item No. 17. He was responsible for the petition oversight to add additional blocks to the RPPP. It was his belief the process used was performed accurately.

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MOTION PASSED for Agenda Item Nos. 10, 11, 13-15, 18, 19, 22 and 23: 9-0

MOTION PASSED for Agenda Item No. 16: 8-1 Barton no

MOTION PASSED for Agenda Item No. 17: 8-0 Barton not participating

- 23A. (Former No. 20.) Approval of Appointment of Dennis Burns as Police Chief and At-Will Employment Contract.

John Abraham, 736 Ellsworth Place, spoke on his disapproval of appointing Dennis Burns as Police Chief.

Aram James spoke on his disapproval of appointing Dennis Burns as Police Chief.

Mark Petersen-Perez, spoke on his disapproval of appointing Dennis Burns as Police Chief.

Christine Cray, 4270 Terman Drive #103, spoke on the expectations and characteristics desired in the new Police Chief.

Annette Glanckoff spoke on her support of appointing Dennis Burns as Police Chief.

Litsie Indergand, 336 Ely Place, spoke on her support of appointing Dennis Burns as Police Chief.

John Costa, spoke on his support of appointing Dennis Burns as Police Chief.

Jim Burch, spoke on his support of appointing Dennis Burns as Police Chief.

Ray Bacchetti, 850 Webster Street #700, spoke on his support of appointing Dennis Burns as Police Chief.

Council Member Klein spoke on the City Council's responsibilities of appointing a Police Chief. He felt an overwhelming reason would be needed in order to reject a recommendation of appointment made by the City Manager. He spoke on the pros and cons of recruiting from within the organization. He stated a number of improvements should be made within the Police Department, and Mr. Burns had the capability to do so.

Council Member Yeh felt this Motion was one of the most important issues he would cast during his tenure as a City Council Member. He observed the practices that Mr. Burns instituted as Interim Chief including respect for others, transparency, and reaching out to the community. He stated his respect for the Police Department's watchdogs for expressing their level of expectations on Police Staff.

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to approve the appointment of Dennis Burns as Police Chief and approve the At-Will Employment Agreement.

Vice Mayor Morton spoke on the knowledge that Mr. Burns would bring as Police Chief. He indicated the challenges facing Mr. Burns, and the commitment level he will need to possess as Police Chief.

Council Member Kishimoto iterated the importance of the Motion. She spoke on the characteristics that Mr. Burns exemplifies in his work. She spoke on the issue of racial profiling, and the need for high public trust within the Police Department.

Council Member Espinosa spoke on the difficulties and dangers of public safety careers. He expressed his gratitude toward public servants. He acknowledged the concerns of the community, and felt Mr. Burns was up for the challenge.

Council Member Schmid iterated the importance and sensitivity of the Police Department's role in public safety. He stated Staffs' confidence in Mr. Burns as a leader.

Council Member Barton spoke on Mr. Burns's attributes, and stated he would be a compassionate leader.

Council Member Burt stated a challenge Mr. Burns faced as Police Chief was his ability to move the Police Department forward. He felt the Police Department had respect for Mr. Burns.

Mayor Drekmeier acknowledged the thorough work performed by City Manager Jim Keene in the Police Chief recruitment process. He spoke on Mr. Burns's personal attributes and the Police Department's camaraderie.

MOTION PASSED: 9-0

Police Chief Burns stated he appreciated the endorsement by the City Council. He looked forward to the challenges and the opportunity to lead the Police Department forward in a fair and ethical way.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Mayor Drekmeier moved, seconded by Vice Mayor Morton to move Agenda Item No. 23B to the end of the Agenda, to become Agenda Item No. 27A.

MOTION PASSED: 9-0

UNFINISHED BUSINESS

24. PUBLIC HEARINGS

Adoption of an Uncodified Ordinance Extending the Life of Valid Permits Which are Currently Active or are Approved by June 30, 2010, Pursuant to Title 18 (Zoning) of the Palo Alto Municipal Code.

Director of Planning and Community Environment, Curtis Williams stated there was a need to provide a provision in the Palo Alto Municipal Code to allow extensions to approved permits, and permits which will be approved in the near future, given the current economic state of affairs in the industry. He spoke on the current process and the dilemmas it presented to Staff and Developers. He overviewed the Planning and Transportation Commission's (P&TC) recommendations outlined within the Agenda Item, as follows: 1) automatic one-year extensions to existing approval processes for certain permit types; 2) additional one-year extension by the Director of Planning and Community Environment (Director) beyond the extensions currently allows by zoning regulations for those applications; and 3) City Council review and approval for extensions of Site and Design Review and Planned Community Zoning, after recommendation by the P&TC. Staff felt a one-year automatic extension for Site and Design Review and Planned Community Zoning was appropriate to provide an additional timeframe before P&TC and City Council approval was necessary.

Planning and Transportation Commissioner, Susan Fineberg stated the P&TC met on July 22 and July 29, 2009. She overviewed the public comments made at the two P&TC meetings. She stated the P&TC recommendation was for the City Council to approve the proposed uncodified Ordinance extending the life of valid permits which were currently active or would be approved by June 30, 2010. Upon approval, the proposed uncodified Ordinance would be reviewed by the P&TC and City Council no later than March 2011, and annually thereafter, to determine whether it should remain in effect. She indicated the P&TC and Staff differed on the treatment for Site and Design Review and Planned Community Zoning. The P&TC does not recommend an automatic one-year extension for said projects.

Vice Mayor Morton inquired why Staff chose June 30, 2010.

Mr. Williams stated the Agenda Item was initiated a year ago, and there was no factual reason behind the chosen date.

Vice Mayor Morton inquired whether the date could be extended until September 2010 or December 2010.

Mr. Williams stated it was at the City Council's discretion.

Council Member Espinosa inquired on the Staff concerns regarding Site and Design Review and Planned Community Zoning.

Mr. Williams stated a one-year automatic extension for Site and Design Review and Planned Community Zoning was appropriate to provide an additional timeframe before the P&TC and the City Council approval was necessary. He stated this would reduce Staff workload, Public Hearing notices, and Agenda Items.

Council Member Schmid inquired whether the same finding would need to be met by the P&TC and City Council in order to grant an extension for Site and Design Review and Planned Community Zoning.

Mr. Williams stated yes. He stated a Site and Design Review and Planned Community Zoning could not substantially conflict with applicable Comprehensive Plan changes or Zoning Code updates since the original application had been approved.

Council Member Schmid stated the Planned Community Zoning was intended for unified comprehensive planned development that would contribute to a public benefit and must conform to the Comprehensive Plan. He questioned whether external conditions that change these two factors would be in the discretion of the City Council.

Mr. Williams stated it would be the discretion of the City Council to add this recommendation.

Public hearing opened at 10:10 p.m.

Robert Moss, 4010 Orme Street, spoke on his support for the City Council to adopt the proposed uncoded Ordinance.

Mary Gordon, 16 Roosevelt Circle, spoke on her support for the City Council to adopt the recommendations by the P&TC.

John Hackmann, 235 Embarcadero Road, spoke in favor of project timeframes that require less City Council discretion and clear expectations.

Public hearing closed at 10:15 p.m.

Council Member Barton stated there were two basic goals contained within the Agenda Item. He recognized the current market was unhealthy; however, development was an essential part of the City's economy. The entitlements already in place had value when the economy picked up. The second goal was to engage Developers to take a risk up front and begin the development process. He overviewed the effects of discretionary review from the City Council should the Comprehensive Plan change.

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to adopt the Ordinance to; 1) Automatically extend all valid planning entitlements two years, 2) Allow for an additional year of extension by the Director of Planning and Community Environment (Director) beyond the one-year extension currently allowed for most entitlements as well as to allow the Director to extend Site and Design Review approval up to a year beyond the automatic extensions, and 3) The planning permits which would be considered valid are those active permits as of July 1, 2009 and approved permits through December 31, 2010.

Council Member Barton stated the intent of the Motion was to ensure, that when the economy turned around, there were projects ready to boost the economy. He stated the process should be simple and fair.

Vice Mayor Morton stated nine months may not be a long enough timeframe for the economy to turn around. He felt the timeline should be extended to December 31, 2010.

SUBSTITUTE MOTION: Council Member Schmid moved, seconded by Council Member Klein to accept the recommendations of the Planning & Transportation Commission (P&TC) to adopt the proposed Ordinance to include: 1) Automatic one-year extensions of approved planning entitlements for certain permit types (excluding Site and Design Reviews and Planned Community Zoning, and excluding residential properties eligible and potentially eligible for listing as historic structures) once other currently allowable extensions are exhausted, 2) An additional one-year extension by the Director of Planning and Community Environment (Director) beyond the extensions currently allowed by zoning regulations for those applications, based on specific findings and subject to modification of conditions (including imposition of green building requirements), 3) Council review and approval of extensions for Site and Design Review approval and Planned Community Zoning, based on specific findings after recommendation by the Planning and Transportation Commission (P&TC), and 4) The collection of fees to recover Staff costs in processing such extensions.

Council Member Schmid spoke on his concern regarding Planned Community Zoning and Site and Design Review. He stated these projects were approved on their public benefit, and an economic disruption could disrupt the public benefit of the project. He felt there would be a benefit of looking into a discretionary review of these projects after one year, after the automatic extension.

Mr. Williams stated the P&TC recommendation consisted of the four recommendations contained within the Agenda Item.

Council Member Schmid stated his Substitute Motion applied to all four recommendations made by the P&TC.

Council Member Klein spoke on the partnership between the City and Developers regarding Planned Community Zoning. He stated this partnership consisted of granting incentives, and receiving substantial public benefits in return. He stated his concern of Developers receiving incentives for a long period of time without producing public benefits in return. He stated his dislike for the automatic extension on these projects. He felt encouraging Developers to delay projects would not support the local economy. He felt the earlier projects were started, the earlier the economy may turn around.

Council Member Burt stated the Motion was the Staff proposal, and the Substitute Motion was the P&TC proposal. He inquired whether the Staff recommendation was the same proposal as the P&TC proposal, with the exception of an additional one-year automatic extension for Planned Community Zoning and Site and Design Review.

Mr. Williams stated yes.

Council Member Burt inquired whether Staff felt the other P&TC recommendations were reasonable.

Mr. Williams stated yes.

Council Member Burt inquired whether Planned Community Zoning and Site and Design Review projects subsequent to the cut-off date of the Motion would require approval by the P&TC and City Council for extensions.

Mr. Williams stated yes.

Council Member Burt stated Staff recommendation was to approve a one-year, automatic extension beyond the currently allowed one-year Director's extension for Planned Community Zoning.

Mr. Williams clarified the Staff recommendation was to allow an automatic one-year Director's extension, and then the City Council could grant a subsequent extension the following year.

Council Member Burt inquired on the relevance of Comprehensive Plan changes applying to projects that were granted extensions.

Mr. Williams provided an example of an approved residential project that may be amended to commercial land-use within the Comprehensive Plan

designation. He stated this may lead to a perceived inconsistency in regards to the extension regulations.

Council Member Burt stated fairness was significant, and the P&TC recommendations provided reasonable protection for the City and Developers.

AMENDMENT: Council Member Burt moved, seconded by Council Member Barton to accept P&TC recommendation revised to include Staff recommendation of an automatic one-year extension for Site and Design and Planned Community projects and subsequent extensions would require P&TC review and Council approval.

Council Member Barton stated the Amendment was a reasonable compromise that added a level of fairness to the Motion.

Council Member Kishimoto spoke on the issue of fairness and her frustration with the Comprehensive Plan's timeline.

Vice Mayor Morton stated his support to change the Motion to extend the life of valid permits approved to December 31, 2010, instead of June 30, 2010.

Council Member Burt stated he would not support Vice Mayor Morton's proposal. He requested clarification on the difference between the Motion, Substitute Motion, and Amendment.

Mr. Williams stated the only differing issue was the recommendation of the Site and Design and Planned Community Zoning. These permits would expire in one or two years and the Amendment would provide for a one-year automatic extension, and beyond that, would require the project to return to P&TC and the City Council for further extensions.

Vice Mayor Morton inquired whether the Amendment would call for a re-hearing.

Mr. Williams stated yes.

Council Member Espinosa iterated the importance of balance and fairness that was contained within the Amendment and Substitute Motion.

AMENDMENT PASSED: 7-2 Klein, Schmid no

SUBSTITUTE MOTION AS AMENDED PASSED: 9-0

PUBLIC HEARINGS

25. Zoning Ordinance Update: Approval of a Negative Declaration and Adoption of an Ordinance Amending PAMC Chapter 18.28 Related to Development Standards in the Open Space (OS) Zone District.

Director of Planning and Community Environment, Curtis Williams stated in the Fall of 2007, revisions were made in the Zoning Ordinance Update. Staff was directed to follow-up on further revisions to the Open Space (OS) Zone District, paying particular attention to the calculations of impervious coverage and its relationship to Floor Area Ratio (FAR) and house size. A working group was formed and met over a period of eight months. An OS Zone District Ordinance, drafted by the working group, was reviewed and adopted by the Planning and Transportation Commission (P&TC). He reviewed the major recommended changes to the proposed OS Zone District Ordinance.

Planning and Transportation Commissioner, Susan Fineberg stated the proposed OS Zone District Ordinance was intended to bring the Ordinance in compliance with the Comprehensive Plan. She spoke on the background of the Agenda Item, and stated the P&TC recommended the City Council approve the draft Negative Declaration and the proposed OS Zone District Ordinance amending Chapter 18.28 of the Palo Alto Municipal Code.

Vice Mayor Morton stated one recommendation was to change the required acreage for a second dwelling from ten acres to five acres. He inquired how adding a second dwelling on a smaller parcel would aid in the preservation of land and reduce urban sprawl.

Mr. Williams stated the total impervious coverage and FAR would remain unchanged. He indicated balance was examined between additional incentives for property owners and maintaining a feeling of open space. It was his belief a five acre parcel was a sufficient lot size. He indicated this would apply to 15-20 parcels.

Vice Mayor Morton queried whether the proposed OS Zone District Ordinance would allow two units to be built, opposed to one large unit on a five acre parcel.

Mr. Williams stated yes.

Council Member Kishimoto requested a summarization on the maximum house size contained within the proposed OS Zone District Ordinance.

Mr. Williams stated maximum house size was reviewed in the working group. He stated the Site and Design Review process was the appropriate stage in the development process to address maximum house size. He stated maximum house sizes on OS parcels would be reviewed individually.

Council Member Kishimoto inquired whether the maximum house size for an R-1 development was 6,000 square feet.

Mr. Williams stated yes. He stated R-1 developments were usually within a neighborhood of similar-looking homes, and these homes were considered large within their neighborhood. He stated that within the OS Zone District, the square footage of home size would vary and should be treated differently. He indicated this was due to a variety of hidden and exposed parcels.

Council Member Kishimoto inquired on the proposed maximum square footage of impervious coverage within the OS Zone District.

Mr. Williams stated 8,000 square feet for a lot size less than 5 acres, 10,000 square feet for a lot size between 5-10 acres, and 12,000 square feet for a lot size greater than 10 acres.

Council Member Kishimoto inquired what the minimum number of votes would be to pull a Site and Design Review recommendation off the Consent Calendar.

Mr. Williams stated three votes.

Council Member Schmid inquired what the added percentage of impervious coverage would be if each qualified property owner took advantage of this incentive within the proposed OS Zone District Ordinance.

Mr. Williams stated the total increase in impervious coverage would be one or two percent. He stated the FAR would be less than what was currently permitted.

Vice Mayor Morton questioned why the impervious coverage restrictions excluded basements.

Mr. Williams stated the P&TC determined excluding basements was a way to allow extra square footage and storage space. He stated if the slope was greater than ten percent, the basement counted in the FAR.

Public hearing opened at 11:03 p.m.

Leonard Lehmann, 850 Los Trancos Road, felt the proposed OS Zone District Ordinance would not provide for the diversity of uses that may benefit the community.

Sharon Luciw, 3885 Page Mill Road, spoke on her dislike for the process used in updating the proposed OS Zone District Ordinance.

Cathy Cartmell, 4001 Page Mill Road, felt no additional OS Zone District regulations were necessary.

Christine Losq, spoke on the history of the OS Zone District.

Richard Geiger, 714 East Charleston Road, spoke in opposition of the Agenda Item.

Brian Schmidt, 3921 East Bayshore Road, spoke on his experience as the sole OS advocate on the working group. It was his belief the recommendations were a compromise, and stated his general support of the Motion.

Public hearing closed at 11:21 p.m.

MOTION: Council Member Burt moved, seconded by Council Member Barton to approve the draft Negative Declaration and the proposed Ordinance amending Chapter 18.28 of the City of Palo Alto Municipal Code.

Council Member Burt stated his overall support of the Motion. He stated the proposed OS Zone District Ordinance contained several trade-offs. The preceding Ordinance was problematic because it was a one-size-fits-all Ordinance. He felt the proposed OS Zone District Ordinance was a good compromise that addressed concerns from Staff, P&TC, and residents. He indicated it would provide property owners with latitude. He spoke on the proposed OS Zone District Ordinance's bonus that would encourage a greater amount of natural vegetation.

Council Member Barton addressed his concern of comparing R-1 zoned parcels and OS Zone District parcels. He felt they should not be compared because they were intended for different purposes.

AMENDMENT: Vice Mayor Morton moved, seconded by Mayor Drekmeier that a second dwelling would be permitted only if the minimum lot size is ten (10) acres or greater.

Council Member Burt stated allowing the construction of a second dwelling would not increase the amount of impervious coverage on a parcel. He stated the incentive was a fair compromise.

Vice Mayor Morton stated the second dwelling would encourage more traffic. He indicated the objective of the OS Zone District was to minimize the impact in the neighborhood.

Council Member Kishimoto stated the additional dwelling unit would require additional parking spaces.

Mayor Drekmeier stated smart growth was housing people close to jobs and services. He stated his support of second dwelling units in R-1 zoned areas; however, he thought it would encourage more traffic in OS Zone Districts.

AMENDMENT PASSED: 5-4 Barton, Burt, Espinosa, Yeh no

AMENDMENT: Council Member Kishimoto moved, seconded by Council Member Burt to direct the P&TC to review and recommend to Council a maximum house size limitation proposal.

Council Member Burt stated maximum house size in the OS Zone District should be carefully reviewed by the P&TC.

Council Member Kishimoto spoke on other local communities which have considered a maximum house size in their codes. She spoke on the consequences of maximum house sizes.

Council Member Klein stated his support to direct the P&TC to recommend a maximum house size limitation to the City Council.

AMENDMENT PASSED: 8-1 Barton no

AMENDMENT: Vice Mayor Morton moved, seconded by Council Member Schmid to direct P&TC to review ways to limit basement size.

Vice Mayor Morton stated this Amendment would limit the impact to an area that was intended for open space.

Mayor Drekmeier spoke on the amount of energy used to create concrete. He stated his dislike for the construction of basements throughout the City limits.

Council Member Kishimoto stated basements contribute to excavation of open space and consume energy.

Council Member Yeh inquired whether the approval of the Amendment would create a dual process to the procedure that was already in place by Staff and the P&TC.

Mr. Williams stated the issues regarding basements had been discussed and was currently before the P&TC. He stated the Amendment was a logical topic as a side discussion with what had already been discussed.

Council Member Espinosa spoke on the need to set limits on growth and development in the OS. However, he did not share the same concerns of all the Council Members.

Council Member Burt inquired whether there was a point system that required off-setting points if a basement was built in the Build It Green Policy.

Mr. Williams stated yes.

Council Member Burt stated he would be opposing the Amendment; however, he looked forward to a future Agenda Item detailing broader basement guidelines.

AMENDMENT PASSED: 6- 3 Barton, Burt, Yeh no

MOTION AS AMENDED PASSED: 8-1 Barton no

REPORTS OF OFFICIALS

MOTION: Council Member Klein moved, seconded by Council Member Morton to continue Agenda Item Nos. 26, 27, and 27A to a date uncertain.

MOTION PASSED: 7-2 Drekmeier, Espinosa no

~~26. Policy & Services Committee Recommendation to Continue the Open City Hall Online Forum~~

COUNCIL MATTERS

~~27. Colleague's Memo from Council Members Kishimoto, Klein, and Yeh Regarding Directing the City Manager to Explore Ways to Reduce Potable Water Use in Palo Alto by 20 Percent by 2020.~~

27A. ~~(Former No. 12) Policy and Services Committee Recommendation to Adopt a Resolution Amending City Council Procedures to Add an Ad Hoc Committee Policy.~~

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Barton congratulated City Attorney Gary Baum on his upcoming award. He also spoke about the recent lack of civility during Council meetings and in public emails to Council.

Council Member Yeh spoke about the Moon Festival being held on Saturday, September 26, 2009 at Mitchell Park from 5:00 – 8:00 p.m.

Council Member Burt stated he attended the California League of Cities conference this past week.

Council Member Kishimoto reported on attending the Joint Policy Committee and their discussion around SB375, and the Bay Area Air Quality Management District Climate Protection Committee meeting.

Vice Mayor Morton spoke about the recent California Avenue tree cutting.

Mayor Drekmeier supported the suggestion that the City have a table at the California Avenue Farmers Market to talk to the public about the recent tree cutting issue. He also stated that on October 14, 2009 at 4:00 p.m. there will be press conference at King Plaza to let the public know that the United Nations Association Film Festival will be in Palo Alto and Stanford from October 17-24, 2009. Additionally, he commented that the Mayor of Sister City Tsuchiura will be visiting on November 2, 2009.

Council adjourned into the Closed Session at 11:55 p.m.

CLOSED SESSION

28. CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Local 521 Service Employees International Union

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

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

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

Authority: Government Code section 54957.6(a)

Mayor Drekmeier advised no reportable action taken.

ADJOURNMENT: The meeting adjourned at 1:05 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.