

Special Meeting
November 13, 2007

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:05 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton

Absent: Mossar

PARK AND RECREATION COMMISSION

Present: Crommie, Davidson, King, Markevitch, Losch, Panelli, Walsh

COUNCIL CONFERENCE ROOM – 6:00 p.m.

STUDY SESSION

1. Joint Meeting with the Parks and Recreation Commission Regarding Park and Recreation Issues

Discussions were held regarding the accomplishments of the Parks and Recreation Commission from 2007 Culture of fitness, Future of the Baylands, Strategic funding, Play area resources, as well as review of heritage park plans; the hosting of a regional Commission gathering to discuss regional field assets and water (Bay) recreational needs; supporting fitness programs such as Walk & Roll and 10,000 steps challenge; looking at ways to support public/private partnerships.

Mayor Kishimoto encouraged the Commission to take an active role in preparations for the Senior Games in 2009.

Commissioner Losch said that solving the problem of the shortage of field and playing space must be worked at as a regional approach. The Commission must resolve the issue of how to meet the needs of adult sport leagues who do not have a majority of residents from any one local city and who should provide space for these leagues.

Commission Markevitch outlined the Commission's involvement in reviewing draft conceptual plans for the Mitchell Park Community Center & Library and their role for providing input on the services and programs that are currently offered, or should be offered, at community centers.

Mr. Losch said there is a question of the role the Commission should play with the Palo Alto Unified School District in discussing playing field needs, especially in light of the upcoming school bond election. He felt the school district needs to understand the community needs for playing space as they plan for expansion of athletic program and facilities.

Council Member Kleinberg suggested the Commission also discuss with the school district mutual concerns about stress, depression and means of addressing these factors through exercise.

Although the Council voted to develop the unfinished section of Greer Park as a "passive park," Mr. Losch asked the Council if the Council would consider using the parcel as a dog park.

No action required.

Council took a break from 6:50 p.m. to 7:00 p.m.

COUNCIL CHAMBERS – 7:00 p.m.

ORAL COMMUNICATIONS

Jody Davidson, spoke regarding closure of loopholes in our protected tree ordinance.

Christopher Coleman, 1250 University Ave., spoke regarding 60 Hamilton violations in construction.

Jeff Dean, 710 Chimalus, spoke regarding hazardous materials.

Mayor Kishimoto applauded the Police Department for their efforts in a recent child assault case.

Assistant City Manager Emily Harrison stated apologies for the Chief of Police not being available and accolades for Ms. Brown for standing in.

Sandra Brown spoke of the around the clock efforts put forth by the agency to locate and apprehend the suspect in 72 hours.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Barton, to approve the minutes of October 1 and October 15, 2007 as corrected, and October 22, 2007, as submitted.

MOTION PASSED: 8-0, Mossar absent.

CONSENT CALENDAR

Mayor Kishimoto stated she would vote against Item No. 2.

MOTION: Council Member Morton moved, seconded by Beecham, to approve Consent Calendar Items 2 with corrections noted at places and 3.

2. Resolution 8764 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act (PEMHCA) with Respect to Management and Professional Personnel and Council Appointed and Elected Officers Group and Rescinding Resolution No. 8668"; Resolution 8765 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Members of the Palo Alto Fire Chiefs' Association and Rescinding Resolution No. 8666"; Resolution 8766 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Members of Local 1319, International Association of Fire Fighters and Rescinding Resolution No. 8667"; and Resolution 8767 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Members of Local 521, Service Employees' International Union and Rescinding Resolution 8669"
3. Acceptance of Resignation of Former Mayor Jim Burch from the Emergency Standby Council and Recommendation to Appoint Replacement in January 2008

MOTION PASSED for Item #2: 7-1 Kishimoto no, Mossar absent.

MOTION PASSED for Item #3: 8-0, Mossar absent.

PUBLIC HEARINGS

Council Member Kleinberg stated she would not participate in Items 4 and 5 due to a conflict as she had been employed by Joint Ventures Silicon Valley Network for two years to create a coalition of cities, including Palo Alto, to dissuade cities from adopting amendments to codes.

4. 1st Reading - Adoption of an Ordinance Repealing and Reenacting Title 15 of the Palo Alto Municipal Code to Adopt the California Fire Code, 2007 Edition, and Local Amendments Thereto, and Chapters 3, 4, 5, and 25 and Chapter One Appendix of the International Fire Code

City Attorney Gary Baum stated it had been proposed and withdrawn to change to the underlying code where the City should adopt different findings. Under Government Code 17958.7 changes can not be modified without specific climatic, geological or topographical findings.

Mayor Kishimoto stated there was a letter from CPI put at places regarding the voluntary solution for a toxic gas monitor system.

Public Hearing opened at 7:24 p.m.

Art Liberman, 751 Chimalus spoke on an early warning system in cases of toxic gas leaks.

Public Hearing closed at 7:26 p.m.

MOTION: Council Member Barton moved, seconded by Morton, to accept the recommendation to:

- 1) Approve the ordinance which repeals and reenacts Chapter 15.04 of the Palo Alto Municipal Code in its entirety and adopts the 2007 Edition of the California Fire Code with Palo Alto Local Amendments and Chapters 3, 4, 5, 25 and Appendix Chapter 1 of the 2006 Edition of the International Fire Code with Palo Alto Local Amendments, and
- 2) Approve the related Findings of Fact

Council Member Morton stated there was no mention as to the implementation of the early warning system.

Mr. Baum stated there was a cycle to amend Codes which ended January 1, 2008.

Council Member Morton stated his support was based on the expectation for completion as quickly as possible.

MOTION PASSED: 7-0, Kleinberg not participating, Mossar absent.

5. 1st Reading - Adoption of Five Ordinances: (1) Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2007 Editions, and Local Amendments, (2) Amending Title 16 of the Palo Alto Municipal Code to Adopt a New Chapter 16.05, California Mechanical Code and Appendix Chapters A and D, 2007 Edition, (3) Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2007 Edition, and Local Amendments, (4) Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2007 Edition, and Local Amendments, (5) Amending Title 16 of the Palo Alto Municipal Code to Adopt a New Chapter 16.17, California Energy Code, 2005 Edition

Public Hearing opened and closed with no speakers.

MOTION: Council Member Barton moved, seconded by Morton, to accept staff recommendation to conduct a public hearing and then adopt the five ordinances, adopting by reference various parts of the 2007 California Building Standards Code (CBSC), Title 24 of the California Code of Regulations. Each ordinance also contains Palo Alto's proposed local amendments to each part of the CBSC, along with the necessary findings of fact supporting each local amendment.

Further, Council is adopting one additional amendment to the Ordinance Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, 2007 Editions, with Local amendments and Related Findings to read as follows:

Section 16.12.1.1 added – Palo Alto Flood Hazard Regulations referenced.

Section 16.12.1.1 is added to the California Building Code to read:

16.12.1.1 Notwithstanding the provisions of Section 16.12.1, all construction or development within a flood hazard area (areas depicted as a Special Flood Hazard Area on Flood Insurance Rate maps published by the Federal Emergency Management Agency) shall comply with the City of Palo Alto Flood Hazard Regulations (Palo Alto Municipal Code Chapter 16.52). Where discrepancies exist between the requirements of this code and said regulations, the provision of said regulations shall apply.

Finding: This section is amended to conform to other provisions of the Palo Alto Municipal Code and to comply with the National Flood Insurance Program (implementing the National Flood Act of 1968, as amended), and federal regulations adopted thereunder the purpose of promoting public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the City defined by unique topographic conditions.

Council Member Morton expressed his appreciation to the Fire Department for their effort to the community.

Council Member Drekmeier asked for an update on where the City was in the process of Green Building Policy.

Assistant City Manager Emily Harrison stated there will be an update given December 3, 2007.

Chief Building Official Larry Perlin stated the adoption of the Energy Code would permit staff to work on local amendments which would increase the energy efficiency standards above what the State Code required.

MOTION PASSED: 7-0, Kleinberg not participating, Mossar absent.

REPORTS OF COMMITTEES AND COMMISSIONS

6. From Finance Committee: Request for Council Direction Concerning Response to the Palo Alto Airport Working Group Report and Options Regarding the Future of the Palo Alto Airport

Council Member Morton stated the County intends to retreat from the operations from the Palo Alto Airport.

Manager of Real Property Bill Fellman reviewed a slide presentation on the airport property. He pointed out the master plan showed the airport adding hangars on the property, although the City felt the action would be intrusive on the Baylands.

Vice Mayor Klein asked whether the airport or the County wanted the additional hangars.

Mr. Fellman stated to increase revenue the County suggested adding hangars on Embarcadero Road.

Vice Mayor Klein stated the Palo Alto Airport Working Group (PAAWG) report was based on no additional hangars.

Council Member Drekmeier asked why there was a split vote from the Finance Committee to not start negotiations on early termination of the lease.

Council Member Beecham stated he was not opposed to taking over the airport operations; however, there was no business plan or economic analysis.

Council Member Drekmeier asked whether Council Member Mossar had concerns regarding the Creek or Army Corps of Engineers.

Council Member Beecham stated a concern of hers was the airport being under water in the event of Global Warming events.

Council Member Barton asked if there were an option for planning to terminate the airport and utilize the site for something else.

Director of Administrative Services Carl Yeats stated the previous vote and direction to staff was to move forward as an airport usage.

Mr. Benest stated there was a twenty year commitment guaranteeing the use of the site as an airport to continue to receive federal funding

Council Member Kleinberg asked for the information on the additional hangars blocking a view of the Baylands.

Mr. Fellman stated the view was from Embarcadero Road to the Baylands.

Director of Community and Environmental Planning Steve Emslie stated there had not been a concrete proposal to analyze for disruptions to the areas in question.

Council Member Kleinberg stated Mr. Wiswells' analysis was thorough and biased.

Mr. Fellman stated Mr. Wiswell was an expert in his field and staff did not feel the need for multiple analyses.

Council Member Kleinberg asked whether staff felt the analysis was just.

Mr. Fellman stated with staff not having expertise in the field it was felt his work was what was requested of him.

Larry Shapiro, 1901 Embarcadero Road, supported the airport as a multi-purpose facility for businesses and families in our community.

Alex Spears, 4161 El Camino Way, #5, spoke on his experience at the airport as part of the Silver Airport Patrol.

David Guerrieri, Gary Air Taxi, P.O. Box 116, 18 Bushell St., Ste. 204, Moffett Field, CA 94035, spoke regarding air taxi services in lieu of vehicle transportation.

Ralph Britton, 240 Rinconada Avenue, spoke regarding the Wiswell report.

Bob Lenox, 1745 Webster, spoke regarding the economic basis potential of the airport.

Mayor Kishimoto asked whether the option was for the City to take over the airport prior to 2017.

Mr. Yeats stated the transition would take up to three years no matter when it began.

Council Member Morton stated the City owned the property and the County manages the property. The County has made it clear they no longer want to manage the property.

MOTION: Vice Mayor Klein moved, seconded by Kleinberg, to direct the City Manager to begin negotiations with the County on an early termination of the lease; commence work on the items set forth in the table located on Attachment A, Page 3 of CMR: 418:07; and for the City Manager to provide progress reports to the City Council every six months beginning in May of 2008.

Vice Mayor Klein stated all options lead to the City taking over the management of the airport. The County was only going to maintain the property at the minimal levels. This Council has an obligation to the community to maintain the airport and property to the highest quality as soon as possible.

Council Member Kleinberg stated there are many options and opportunities to get involved with the take over of the airport. The time has come for this Council to step forward and resolve the questions and concerns of the community.

Council Member Barton asked whether the intent of the Motion was for the City to take over the airport or to study whether we should take it over.

Vice Mayor Klein stated the expectation was to take over the airport around the year 2010.

Council Member Barton stated he supported the Motion.

Council Member Morton stated although the operations were subcontracted, the actual airport belongs to Palo Alto. The City is ultimately responsible for the property and airport.

Council Member Cordell asked if the City takes over the airport, if there was an option to have a third party run the airport.

Vice Mayor Klein stated yes, more review needed to be placed on the options from the PAAWG report on outsourcing the management of the airport.

Mayor Kishimoto asked about the language of the contract with the Fixed Base Operation.

Mr. Yeats stated the current lease expires in 2017, review of the lease was necessary to know the full extent of transfer from the County to City.

City Attorney Gary Baum stated the FBO leases were usually bound by the County and therefore any negotiations of early termination may be very costly.

Mayor Kishimoto asked regarding the levy situation.

Mr. Fellman stated there has not been a letter received by the County as of yet.

Mayor Kishimoto asked whether the Board of Supervisors had implicated the City responsibility to maintain the levy's.

Mr. Fellman stated yes.

Mayor Kishimoto asked if the levy report would not be available until 2018, how important the alternatives were in Attachment A.

Mr. Fellman stated currently alternatives were being studied although there would be no definite information until 2010.

Mayor Kishimoto stated she would not support the Motion.

Council Member Beecham asked why there was a three year timeframe for completing the transfer.

Mr. Yeats stated there were many steps to the transfer including Grants awarded to the County that needed to run their course before the City could apply for them.

Council Member Beecham questioned why the economic study would take a year to compile.

Mr. Yeats stated due to the fuel on the site it was required to complete a hazmat study.

Council Member Beecham stated he would not support the Motion.

Vice Mayor Klein stated the airport belongs to the City so no matter what impacts may occur it would seem more feasible to accomplish the necessary repairs without going through the County or their subcontractor.

SUBSTITUTE MOTION: Mayor Kishimoto, seconded by Cordell to delay until 2010 the consideration of an orderly transition of the airport.

Council Member Morton stated 2010 was only two years from now and the Army Core of Engineers has notified their process would take five years to complete. Beginning negotiations with the County was merely to find out what the steps would be to determine the conditions under which we would terminate the lease early.

Council Member Beecham asked staff the basis of the three year term for the Army Core of Engineers.

Mr. Fellman stated anticipation of receiving the Army Core of Engineers information of the levy was in 2010 to know what was needed to be done on the levy.

Council Member Beecham asked whether there were separate issues between the levy and the creek solution.

Mr. Fellman stated yes, there were separate studies.

Council Member Beecham stated he would not be supporting the Substitute Motion.

Council Member Drekmeier asked for the difference between the Motion and substitute Motion.

Mayor Kishimoto stated the difference was within the work load necessary from staff and the Substitute Motion added three years.

Mr. Yeats stated there was enough work for staff to start studying the processes necessary to partake in the beginning stages of negotiations. Staff would come back to Council with a workplan including estimated timeframes, required staff time, and cost.

Council Member Beecham asked whether that was the intent of the original Motion, to have staff return with a workplan.

Vice Mayor Klein stated that was incorporated in the Motion.

Mayor Kishimoto stated the priority would be the creek flooding the property.

Council Member Drekmeier stated his support for the original Motion.

SUBSTITUTE MOTION FAILED: 2-6 Kishimoto, Cordell yes, Mossar absent

MOTION PASSED: 5-3, Kishimoto, Cordell, Beecham no, Mossar absent.

ORDINANCES AND RESOLUTIONS

7. Approval of: 1) Agreement between the Cities of Palo Alto and Los Altos for the Purchase and Sale of Property Located at 1237 N. San Antonio Road, Los Altos, Formerly Known as the Los Altos Treatment Plant Site; and 2) Ordinance 4973 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2007-08 to Establish Capital Improvement Program Project Number AS-08000, Acquisition of Los Altos Treatment Plant Site and to Provide an Initial Appropriation in the Amount of \$2,670,918"

Council Member Cordell stated an agreement was negotiated between the Cities of Palo Alto and Los Altos for the purchase of the remaining interest of the property from Los Altos in the amount of six and a half million dollars so Palo Alto will own the entire property.

Council Member Barton stated he felt the agreement between the Cities would bring forward a long future of well being.

MOTION: Council Member Barton moved, seconded by Cordell, to accept staff's recommendation to: 1) authorize the City Manager or his designee to execute in substantially the same form the Agreement of Purchase and Sale (Agreement) between the City of Los Altos and City of Palo Alto for Palo Alto's purchase of Los Altos' one-half interest in the property located 1237 N. San Antonio Road, City of Los Altos, commonly known as the former Los Altos Treatment Plant site; and 2) approve the Budget Amendment Ordinance (BAO) in the amount of \$2,670,918 for Palo Alto's Fiscal Year (FY) 2007/08 costs under the Agreement.

Council Member Morton stated his support for the Motion.

MOTION PASSED: 8-0, Mossar absent.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Kleinberg said a simulated bio-terrorist event called Golden Guardian would be held at City Hall on November 14, 2007.

Council Member Drekmeier noted under Council Member Kleinberg's leadership a few years previous, a resolution placed Palo Alto on record as opposing the invasion on Iraq.

Vice Mayor Klein stated he and the Mayor had attended the 50th Anniversary Celebration of Space Systems Loral on November 10, 2007 and had been given a tour by the President of Space Systems Loral, John Celli.

Mayor Kishimoto agreed the tour of Space Systems Loral was fascinating.

Council Member Barton noted the oil slick in the Bay had made its way south to Redwood City; he questioned what contingency plans had been made if the oil reached the Palo Alto Baylands.

Mayor Kishimoto adjourned the meeting in memory of Helen Norman Proctor who passed away on November 7, 2007. Helen devoted her professional time as a landscape architect to projects in the Palo Alto Baylands. She compiled a City of Palo Alto Baylands Master Plan plant list, created a landscape for many of the City of Palo Alto parks and facilities, and originated the concept of community parks.

ADJOURNMENT: The meeting was adjourned at 9:26 p.m. in memory of Helen Norman Proctor.

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.