

Special Meeting
May 18, 2009

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:35 p.m.

Present: Burt, Drekmeier, Espinosa, Kishimoto, Klein, Schmid, Yeh arrived at 7:50 p.m.

Absent: Barton, Morton

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY – EXISTING LITIGATION
Subject: Save the Plastic Bag Coalition v. City of Palo Alto, et al
Santa Clara County Superior Court, Case No. 109CV140463

Authority: Government Code section 54956.9(a)

Mayor Drekmeier advised there was no reportable action taken.

CITY MANAGER COMMENTS

City Manager, James Keene stated there was a Library Bond Measure meeting at the Mitchell Park Community Center on May 19, 2009; Rinconada Park had new vegetation planted; Palo Alto Police Department had contracted with Dr. Lorie Fridell, a national expert on Racial profiling, who will be conducting a three-day training session; Congresswoman Eshoo added the Charleston Corridor Safety Improvement Project and the Highway 101 Pedestrian Bicycle Overpass Project in her priority list of Federally Funded transportation projects; Bike to Work Day showed positive participation numbers of 1,389 up from 1,286 in 2008, 1,063 in 2007, and 934 in 2006; the City of Palo Alto seal was displayed on the Senior Games Official Website, the printed materials ran prior to the City sponsorship would not include the seal although materials from that point forward would include the seal.

ORAL COMMUNICATIONS

Annette GlanKoff, 2747 Bryant Street, spoke on Palo Alto We're Prepared, a natural disaster preparedness event.

Adolfo Riedel, SEIU, spoke on how important the SEIU employees were to the City and the community.

Richard Smith, SEIU, 1848 Quimby Road, San Jose, spoke on how SEIU employees go above and beyond the call of duty on a regular basis.

Lynn Krug, SEIU, spoke regarding the SEIU employees being deserving of their benefits.

Joe Rolfe, 1360 Emerson Street, spoke on how Lytton Plaza needed to return to a public rental facility.

John Abraham, 736 Edgewood Place, spoke on demographic data and the Palo Alto Police Advisory Committee.

Greg Kerber, Birch Street, spoke on the Rate Assistance Program (RAP), a utilities rate discount program provided by the Utilities Department.

CONSENT CALENDAR

MOTION: Council Member Espinosa moved, seconded by Council Member Klein to move Agenda Item No. 6 after the Consent Calendar to become Agenda Item No. 8A.

MOTION: Council Member Klein moved, seconded by Council Member Schmid to move Agenda Item No. 3 after the Consent Calendar to become Agenda Item No. 8B

MOTION: Council Member Klein moved, seconded by Council Member Espinosa to move Agenda Item No. 5 after the Consent Calendar to become Agenda Item No. 8C.

MOTION: Mayor Drekmeier moved, seconded by Council Member Klein to approve Consent Calendar Item Nos. 2, 4, 7, 8.



2. Approval of Two Utilities Public Benefit Contracts for up to Three Years for Delivery of Third Party Energy Efficiency Programs with: 1) Enovity, Inc. in a Amount Not to Exceed \$1,496,250, and 2) National Resources Management, Inc. in a Amount Not to Exceed \$300,000.

3. ~~Adoption of a Resolution Authorizing the City Manager to File an Application for 2009/2010 Transportation Development Act Funds in the Amount of \$256,317 for Bicycle and Pedestrian Projects.~~

4. Request for Authorization to Apply for an Energy Efficiency Conservation Block Grant (EECBG) in a Total Amount Up to \$663,000 Under the American Recovery and Reinvestment Act (ARRA).

5. ~~Utilities Advisory Commission Recommendation to Approve Changes to the Project PLEDGE Program.~~



6. ~~Approval of Plan to Develop Three Options for a City of Palo Alto Utilities Customer Energy Efficiency Financing Program.~~

7. Approval of Agreement with Bay Conservation and Development Commission to Provide Public Access to Designated Areas in the Restored Marsh Located in the Palo Alto Baylands.



8. Resolution 8927 entitled "Resolution of the Council of the City of Palo Alto to Establish a Pledge of Revenue as a Financial Assurance Mechanism for Post Closure Maintenance of the Palo Alto Landfill and Approval of a Pledge of Revenue Agreement with the California Integrated Waste Management Board for Post Closure Maintenance of the Palo Alto Landfill."

MOTION PASSED for Item Nos. 2,4,7,8: 6-0 Barton, Morton, Yeh absent

8A. (Former No. 6). Approval of Plan to Develop Three Options for a City of Palo Alto Utilities Customer Energy Efficiency Financing Program.

Council Member Espinosa asked how the City would be able to move forward in a collaborative fashion with the stakeholders.

City Manager, James Keene stated there was interest in the community and with Council in moving forward.

Council Member Espinosa requested Staff return with an implementation plan rather than a study.

Utilities Director, Valerie Fong asked for clarification on Council direction to Staff. She stated the report incorporated the outline of effort in order to move forward.

Mr. Keene stated Staffs' recommendation was not a request to further study; it was a recommendation to move forward after a legal review to verify there would not be any disruption to the community.

Jim Baer, 172 University Avenue, stated the small business community could be useful in the implementation of the program by identifying default risks.

Louise Auerhau, 583 South 11th Street #12, San Jose, stated her support for moving forward with the program. She noted once the program was implemented in Palo Alto the city would be eligible for State Recovery Grants from State Energy Programs.

Sheila Davis, 760 North First Street, San Jose, stated her support for the program.

David Baer, 117 Bernal Road No. 70-332, San Jose, stated Palo Alto was a leader in energy efficiency and the program allowed other cities and construction company's the ability to create a cleaner more renewable future.

MOTION: Council Member Klein moved, seconded by Council Member Espinosa to direct Staff to return to Council with a plan, utilizing volunteers to the maximum extent feasible, to implement an on-bill or off-bill financing program by September 30, 2009.

Council Member Klein stated utilizing the volunteers to their fullest extent would make the program a success. He remarked on how much expertise was in the community and available to the City.

Council Member Espinosa remarked how impressed he had been with so many companies working together towards the same goal and their willingness to work with the City.

Mayor Drekmeier clarified the Motion excluded requesting Staff to pursue a plan to put a lien on property tax.

Council Member Klein stated yes, there needed to be a single focus in order to move forward in an expedient manner. After implementation was complete other areas could be added into the program.

Mayor Drekmeier clarified the focus would be small businesses and residents would be incorporated into the program at a later time.

Council Member Burt stated the cost to purchase renewable energy annually had doubled from the average base rate. Through the program the need to acquire new energy was reduced which was a benefit to all rate payers.

Council Member Yeh stated his support for the Motion. He stated AB32 required energy efficiency prior to searching out new generations of renewable sources.

Council Member Kishimoto asked whether it was wise to settle for the on-bill and off-bill finance program. She asked whether there were more viable options available.

Ms. Fong stated there was a short term and a long term solution. The on-bill and off-bill program was a more efficient short term solution keeping options open for long term solutions. When the program was running, other options would take less Staff time to research and implement at a later date.

Council Member Kishimoto asked whether the Maker and the Seconder would consider a longer term solution.

Council Member Klein stated the Motion was to implement a plan rather than further study. He stated the possibility to pursue setting up a tax district and incorporating non-businesses into the program was a long term solution.

Council Member Kishimoto requested adding language to the Motion to direct Staff to explore longer term solutions.

Mr. Keene stated Staff had been exploring options and would continue to do so. He clarified the intent of the Motion was to ensure as much focus went, into understanding the constraints any of the efforts would place on Staffs time.

Council Member Yeh stated if there were a Regional, County or State level program involving property tax which superseded local efforts, Palo Alto would be interested in participating.

Mayor Drekmeier stated he supported the Motion.

MOTION PASSED: 7-0 Barton, Morton absent

Mr. Keene stated Staff had been making large scale progress in their many different efforts in conservation, climate protection and going green.

- 8B. (Former No. 3) Resolution 8928 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to File an Application for 2009/2010 Transportation Development Act Funds in the Amount of \$256,317 for Bicycle and Pedestrian Projects."

Council Member Klein asked for the implementation process for the funding of \$100,000 for the Feasibility Plan in the 2009-2010 Fiscal Year.

City Manager, James Keene stated the funding was available to proceed with the feasibility Plan. He stated moving the funds forward one year did not affect the CIP budget.

MOTION: Council Member Klein moved, seconded by Council Member Burt to have Staff include funding of \$100,000 for the Feasibility Plan in the 2009-2010 Budget and adopt the Resolution authorizing submittal of Transportation Development Act (TDA) grant application documents for Fiscal Year 2009-2010 requesting \$256,317 for the following bicycle/pedestrian projects in the City of Palo Alto:

VTA Bicycle Expenditure Program Fund:

1. Park Boulevard Bicycle Boulevard project	\$ 60,000
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Local Agency Guarantee Funds:

2. Purchase and Installation of bike racks	\$ 50,000
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3. Comprehensive Bicycle and Pedestrian Master Plan	\$ 55,000
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4. Directional Guide Signs on City Bike Routes	\$ 40,000
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5. Enhance Crosswalks at Various Locations	<u>\$ 51,317</u>
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TOTAL:	\$256,317
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Council Member Burt stated there was an existing Bicycle Master Plan which had been unfunded for the previous five years. He asked how the projects correlated to the Bicycle Master Plan.

Transportation Manager, Gayle Likens stated Staff reviewed the Bicycle Master Plan and worked on the projects with environmental clearance and were ready to move forward with the California Environmental Quality Act (CEQA) documentation completed.

Council Member Burt stated the VTA required the Master Plan be a bicycle and pedestrian plan.

Mayor Drekmeier stated community members had mentioned the Ellen Fletcher Boulevard bike path could be improved by removing the stop signs.

MOTION PASSED: 7-0 Barton, Morton absent



8C. (Former No. 5) Utilities Advisory Commission Recommendation to Approve Changes to the ProjectPLEDGE Program.

Council Member Klein stated concern with the overhead costs outweighing the size of the program and questioned the plausibility of referring the persons in need of the program to another agency.

Director of Utilities, Valerie Fong stated the program had not been marketed or advertised. The object was to gain participation in donors and participants.

Assistant Director of Utilities Customer Service, Tom Auzenne stated the program had operated on an Ad Hoc basis since 1996 and had supported the least financially secure portions of the community.

MOTION: Council Member Burt moved, seconded by Council Member Yeh to direct Staff to approve changes to the ProjectPLEDGE customer financial assistance program.

Council Member Yeh stated due to the current economic conditions there may be an increase in participation.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER for Staff to do more marketing for the program and report back to Council in a year of the success or failure of participation by both donors and recipients, and overhead administrative costs of the program.

Council Member Kishimoto asked the number of participants in the Rate Assistance Program (RAP) program.

Mr. Auzenne stated the RAP program was designed for long term support for chronic finance conditions and ProjectPLEDGE was designed for unique occurrences. He stated the participation in the ProjectPLEDGE program varied between twenty-five to fifty participants whereas there was currently 2,500 on the RAP program.

Council Member Kishimoto asked how RAP was paid for.

Mr. Auzenne stated the RAP program was paid for through the rate payers.

Council Member Espinosa asked for information on the costs for the marketing program.

Mr. Auzenne stated there were multiple options to market the program with minimal costs. He stated he would get the information to Council.

MOTION PASSED: 7-0 Barton, Morton absent

REPORTS OF OFFICIALS

9. Direction to Implement Recommendations of Website Advisory Committee.

City Manager, James Keene stated the process for updating the website was to have equal participation between Staff and external volunteers.

Director of Administrative Services, Lalo Perez stated when the website was launched in 2007 there had been numerous suggestions for improvements. He stated in August 2008 the process began to create the Website Advisory Committee.

Sheri Furman gave a brief presentation on the progress the website had gone through and the process the Committee went through to accomplish the changes.

Mr. Perez stated the changes to the website were arranged in categories; category one was achievable without additional funding, category two required time and research for design, category three required additional discussion, time, and needed more involvement. He stated Staff would be returning to Council with recommendations on accomplishments later in the year.

Council Member Espinosa stated there were numerous categories that had been worked on and there were two coming forward in the Fall with ideas of Civic Engagement.

MOTION: Council Member Burt moved, seconded by Council Member Kishimoto to direct Staff to work with members of the Website Advisory Committee to implement the recommendations in category one and to develop a plan for addressing the recommendations listed in categories two and three.

Council Member Burt recommended adding the URL to all of the physical gateway signage throughout the City.

Council Member Schmid stated the website should be an informational opportunity for current and historical context, with how and who to contact for questions and concerns.

MOTION PASSED: 7-0 Barton, Morton absent

Council took a break from 9:13 p.m. and reconvened at 9:24 p.m.



10. Adoption of a Mitigated Negative Declaration and the Foothills Fire Management Plan.

Interim Deputy City Manager, Kelly Morariu stated Staff had been working on the Foothill Fire Management Plan which represented the balance between the priorities of protecting lives and property while preserving the natural environment in existence within the Foothill area.

Wildland Resource Manager, Carol Rice gave a brief presentation on the Foothill Fire Management Plan regarding the location of where the plan served, type of processes, and fire safety.

Council Member Kishimoto asked what the largest change would be after the Plan had been implemented.

Ms. Rice stated the evacuation routes on Page Mill Road and Los Trancos Road experienced the largest change.

Council Member Kishimoto asked for clarification on the footage clearing.

Ms. Rice stated the first ten feet of grass was required to be cut back and the shrubs required management to avoid excessive growth underneath the trees.

Council Member Kishimoto asked whether canopies or a cluster of trees were allowed to remain.

Ms. Rice stated clusters of trees where they created a canopy effect on the hillside was good for shading which prevented excessive growth of unwanted shrubbery. She noted where canopies grew over a road, the Fire Fighters had concerns.

Council Member Kishimoto asked who would be training and supervising the crews removing the shrubbery and grasses.

Ms. Rice stated there would be ongoing training for Staff by the implementation team.

Council Member Kishimoto stated the importance of crew members being familiar with the native foliage versus shrubbery.

Interim Director of Community Services, Greg Betts stated the practice of fire management would be the same as it was currently with trail management.

Council Member Kishimoto asked about long term strategies moving towards more native plant life.

Ms. Rice stated the highest costs were near roadside where fire management had not been previously done. She stated a large effort would be undertaken for the first pass-through although the maintenance would be at a lower cost.

Council Member Kishimoto asked about barbecue usage on high fire days.

Ms. Rice stated coal barbecues were allowed and there would be a stringent clearing surrounding all barbecue areas.

Council Member Kishimoto asked about the increase in rotation of treated areas to 330 acres.

Ms. Rice stated the evacuation routes added additional acres, and there were minimal acres increased upon trapper's ridge.

Council Member Kishimoto asked whether the ratio of wilderness areas treated was as high as in the Fire Management Plan.

Ms. Rice stated no, typically wilderness areas did not have evacuation areas.

Council Member Klein asked where the additional monies was going to be spent and on what.

Ms. Rice stated the largest portion was \$200,000 for the evacuation routes, \$50,000 for grazing cost, the defensible space around structures which was at a per acre cost, and mowing Trapper's Ridge.

Council Member Klein asked for clarification on the thirty foot clearing area along Page Mill Road and Los Trancos Road. He asked whether there was a legal reason for such a large clearing.

Ms. Rice stated the law required a ten foot clearing with additional footage being discretionary.

Council Member Klein asked what would be done if funding was not available.

Ms. Rice stated Staff would prioritize the actions by importance and utilize the funding available to complete the highest priority first.

Council Member Schmid asked how to balance the conservation of natural environments in the wildland areas while maintaining fire safety.

Ms. Rice stated a biological assessment had been completed and used for the basis of the Fire Management Plan.

Council Member Schmid asked if the goal was to create an ecological and environmental system.

Ms. Morariu stated the goal was to keep the maintenance of the Fire Management Plan in concert with the Trail Maintenance Plan to maintain consistency in fire management and safety.

Mr. Betts stated the Pearson Arastradero Preserve was a working ranch when purchased by the City. He stated there had been a limit placed on the visitors in an effort to control the preservation of the natural habitat.

Council Member Schmid asked how the change to the sites with evacuation routes would affect the visitors' experience. He noted the Arastradero Preserve appeared to have extensive work done and stated too much managed care removed the concept of a natural preserve.

Ms. Rice stated the management in Arastradero was the elimination of alien weeds which were the dominant growth, Trapper's Ridge ecology required occasional disturbance in order to produce re-growth of healthy vegetation.

Council Member Schmid stated concern with the sixty percent increase in managed acreage.

Mayor Drekmeier asked the minimum parcel size in the foothills area.

Interim Director of Planning and Community Environment, Curtis Williams stated in land zoned Open Space, the minimum parcel size was ten acres. He mentioned there were pre-existing parcels of lesser size and there was no designed size for the public Open Space.

Mayor Drekmeier asked whether there were building restrictions between private structures and Open Space.

Mr. Williams stated there were setbacks of approximately thirty feet from property lines and there were limitations on impervious surfaces with no requirements to maintain natural areas on private property.

Mayor Drekmeier asked who held the responsibility of clearing the land to maintain the buffer with regard to private property.

Mr. Williams stated there was no requirement from the Planning Department and noted there may be a Fire Department requirement.

Ms. Rice stated the City was not required to create the defensible space for adjacent private land. She mentioned the City currently maintained the perimeter for the private property in the area.

Mayor Drekmeier asked whether there were plans in place to create a canopy for shade and aesthetics.

Ms. Rice stated yes, and noted the removal of the shrubbery around the perimeter of trees created growth for trees.

Mayor Drekmeier asked whether there were plans to establish more tree planting.

Ms. Rice stated there was an adequate number of existing trees and therefore there had not been additional monies requested for tree planting.

Council Member Kishimoto asked for clarification of the roadside clearing.

Ms. Rice stated the fire intensity by roadside where shrubbery was maintained at the minimum ten feet did not allow for safe evacuation.

Council Member Kishimoto asked whether twenty feet would be adequate.

Ms. Rice stated in some areas the clearing was restricted to twenty feet although in areas where there were no restrictions, twenty feet was not adequate for safety.

Council Member Kishimoto stated a twenty foot clearing could be workable.

Ms. Rice stated yes, dependent upon the shrubbery type.

Council Member Kishimoto asked what research had been compiled on the treatment of fire management in surrounding areas.

Ms. Rice stated fire management plans from surrounding cities with similar foothill areas had been reviewed. She stated it was becoming more common where roadsides were being cleared more than ten feet.

Council Member Kishimoto asked what the policy was if there were no evacuation sites.

Ms. Rice stated if there were no evacuate sites then the fire would need to be maintained.

Council Member Kishimoto asked for clarification on the collaboration with Acterra.

Ms. Rice stated the Acterra personnel that had been collaborated with were no longer with the company and the new personnel were not accepting of the Plan.

Council Member Burt asked why the Fire Management Plan was not routed through the Parks and Recreation Commission (PARC).

Ms. Morariu stated the Plan had gone through the PARC for comments and to identify areas of concern.

Council Member Klein asked why the PARC was not approached for further discussion since the Plan affected the parks.

Ms. Morariu stated during the time of the PARC review the project was in the environmental review process and it was not appropriate for a formal recommendation.

Council Member Burt stated the purpose of the PARC was to review and recommend items affecting park lands and asked why the PARC would not be requested to recommend on any Plan regarding City parks.

Mr. Williams stated the Planning Department had given direction to the Planning & Transportation Commission (P&TC) and the PARC on reviewing the Baylands Master Plan. He stated there was no direction given for the Fire Management Plan.

Council Member Espinosa asked for clarification on the annual cost of \$87,000.

Ms. Morariu stated given the current budget climate, there were concerns on how to accomplish the additional expenditure. She stated Staff would be reviewing grants and partnerships for funding availability.

Parks and Recreation Commission Chair, Pat Markevitch stated during the PARC review of the Plan there was a general sense of the Commission being in favor of the Plan.

Shani Kleinhaus, 3870 Corina Way, stated the current Fire Management Plan was an improvement from previous Plans. She stated the Fire Management Plan needed to be incorporated into a Comprehensive Resource Management Plan to maintain ecological conservation.

Claire Elliott, 271 Chestnut Avenue, stated concern with the completion of the Mitigation Measures and she suggested working with the homeowners.

Brian Malone, Midpeninsula Regional Open Space District Area Superintendent, stated his support for the Fire Management Plan and noted the techniques suggested in the Plan were utilized in surrounding areas.

Robert Moss, 4010 Orme Street, stated the process for environmental management and fire management needed to be merged. He requested a second review be done to preserve the environment and have fire protection.

Council Member Espinosa stated there needed to be an ecological study balanced with the fire safety and asked the feasibility of Staff returning with a plan reviewed by the PARC.

Ms. Morariu stated the intent was to involve the PARC during the implementation process.

MOTION: Council Member Espinosa moved, seconded by Council Member Kishimoto to direct Staff to present to Parks and Recreation Commission an ecological and habitat management plan in tandem with the Mitigated Negative Declaration, then come back to Council with a revised recommendation.

City Manager, James Keene suggested the adoption of the Fire Management Plan with a detailed plan for the first year on the expenditure of funds distributed. He stated in tandem the Plan would be reviewed by the PARC for specific comments and recommendations.

Council Member Espinosa stated the safety of the community was of highest priority. He stated concern with the lack of in-depth study of the native ecology.

Council Member Kishimoto requested the PARC review the Mitigated Negative Declaration. She stated her support for the Comprehensive Conservation Plan for the foothills and requested the PARC implement the request into a future workplan.

Mayor Drekmeier asked for clarification on the suggested Ecological Management Plan.

Council Member Espinosa stated the desired Ecological Management Plan was specific to work with the Fire Management Plan presented. He stated the goal of the Ecological Management Plan was to maintain as much ecological life while preserving safety.

Council Member Klein asked for clarification on the work necessary to complete the ecological study and asked whether it required Staff time and the cost.

Council Member Espinosa stated the goal was to complete the study with minimal cost, Staff time and without slowing the Fire Management Plan progress significantly.

Mr. Keene stated Staffs' understanding of the Motion was to refer the Fire Management Plan to the PARC for their recommendations on how the natural conservation and habitat issues could be resolved.

Council Member Yeh stated he supported the Mitigated Negative Declaration and was not supporting the Motion. He asked whether there was a Friends of the Parks group which could assist in raising awareness of the financial needs.

Ms. Morariu stated there was a recommendation to form a Foothills Emergency Forum which would bring together the stakeholders on a suggested quarterly basis to review matters pertaining to the foothills, the implementation of the Plan, the cost implementation, and partnering.

AMENDMENT: Council Member Schmid moved, seconded by Council Member XXXXX to have the Parks and Recreation Commission review the report and to put a cap on the total acreage treated at 240 acres over the next three years.

AMENDMENT FAILED FOR LACK OF SECOND

Council Member Burt stated there needed to be a more active role by the PARC in the design of the Plan.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to authorize Staff to proceed with identifying the highest priority protections for life and property that should be implemented in the near term, to return to Council with a list of highest priorities and cost impacts for FY 2009/10 and FY 2010/11 budget cycles.

Council Member Burt stated the Incorporation gave the ability to review the most critical fire protection needs while looking at long term enhancement of the environmental protection elements.

Council Member Espinosa asked about the process for PARC engagement or environmental study.

Council Member Burt stated it did not alter the PARC responsibility or the environmental study portion of the Motion. He stated he addressed the short term fire safety needs.

Council Member Kishimoto asked the necessary footage clearance surrounding homes.

Palo Alto Police Department Management Specialist, Ken Dueker stated the California State Fire Code deemed thirty feet was the minimum clearance required and one hundred feet may be required depending the location of the residence, the fuel load. The State Fire Marshall was the responsible party for enforcement.

Council Member Burt asked whether Staff required formal authorization by Council to implement the high priority fire prevention measures. He asked the timeframe for them to return to Council.

Mr. Keene stated Council direction would be helpful. He stated Staff would return with a report of the priority listing.

Council Member Burt stated Staff had been given the ability to move forward aggressively on the high priority Mitigation and expand the environmental consideration of the programs.

Council Member Klein stated his support for the Motion. He stated there needed to be a financial determination for the Fire Management Plan.

Mayor Drekmeier mentioned in prior years Los Altos Hills expressed funding assistance for Fire Station 8 in exchange for access to Foothills Park.

MOTION PASSED: 7-0 Barton, Morton absent

MOTION: Council Member Schmid moved, seconded by Council Member XXX to continue Agenda Item Nos. 11 and 12 to a date uncertain, but allow the public to speak tonight.

Council Member Yeh asked whether there were time sensitive matters in either Item Nos. 11 or 12.

Mr. Keene stated Item No. 11 had an options agreement which could be moved out no later than June 01, 2009.

MOTION FAILED FOR LACK OF SECOND

MOTION: Council Member Kishimoto moved, seconded by Council Member Espinosa to continue Agenda Item No. 11 to June 1, 2009.

MOTION PASSED: 6-1 Schmid no, Barton, Morton absent

11. Discussion on Termination of Option Agreements Between the City and Essex Park Boulevard, LLC and Brown-Fairchild Park Investment Company, L.P. for the Purchase of the Properties Located at 2785 Park Boulevard and 2747 Park Boulevard, Respectively and Direction to Pursue Alternative Land Banking Options for Public Safety Building.

COUNCIL MATTERS

12. Council Direction to High Speed Rail Ad Hoc Committee and Report and Update on High Speed Rail Activities.

Sara Armstrong, 4118 Park, recommended moving forward with the Committees' recommendations in order to maintain Palo Alto's leadership role in the legislation.

MOTION: Council Member Kishimoto moved, seconded by Council Member Espinosa to adopt the Guiding Principles as a means to provide ongoing direction to the High Speed Rail Ad Hoc Committee with the following additions: 1) City is supportive of efforts to improve accountability and effective governance of high speed rail planning and operations, 2) The City advocates advancing economic feasibility analysis and project financing options by High Speed Rail Authority (HSRA) to implement selected alternatives, 3) The Ad Hoc committee will work with peninsula cities coalition to draft Memorandum of Understanding with Caltrain and HSRA and return to full Council for review and approval, and 4) The City understands the opportunity to apply for Federal stimulus funding but is concerned that enough time is allowed for appropriate analysis, public process and decision making.

City Manager, James Keene suggested a language change to “the City advocates advancing economic feasibility analysis and project financing options by HSRA to implement selected alternatives.

Council Member Espinosa stated his support for the Motion.

Council Member Klein stated his support for the Motion.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to have four members on the High Speed Rail Ad Hoc Committee.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Number 2 to “feasibility analysis and project financing options by the High Speed Rail Governing Body.”

Mayor Drekmeier asked for confirmation on the rail starting from San Francisco to San Jose. He suggested the first part of the rail be from Los Angeles to San Jose.

Council Member Burt stated the starting leg had been discussed.

Council Member Schmid asked for clarification on whether the northbound rail ended in San Jose.

Council Member Kishimoto stated the report was supportive of the Los Angeles northbound rail ending in San Jose.

Council Member Schmid stated there was no definition of end; the report noted a connection in San Jose. He asked whether the language should read the northbound rail terminates in San Jose.

Council Member Kishimoto stated President Obama’s Rail Plan outlined the function of the funding from the HSR upgrade which included the electrification of CalTrains tracks.

Interim Deputy City Manager, Steve Emslie stated it was possible to have HSR run at a baby bullet speed and not require much of the improvement as a full HSR running the length of the peninsula. He stated there was a hybrid of choices, one of which could terminate in San Jose or a hybrid system which would run the length to San Francisco.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER change bullet 4, second sentence to “the City supports evaluation of.”

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to include monthly reports to the City Council.

AMENDMENT: Council Member Schmid moved, seconded by Council Member XXXX to include a bullet that states the community is concerned about the disruption of above grade tracks.

AMENDMENT FAILED FOR LACK OF SECOND.

Council Member Espinosa stated the importance of ensuring the correct information was being received and each option was being studied rather than calling for items before they had been studied.

Council Member Kishimoto reported the Authority had approved half of the year’s budget for HSR. She stated in January of 2010 the Authority needed to return to request the second half of the budget.

Council Member Yeh asked whether the list of proposed legislation would enable the coalition to prepare written documents or official communications.

Council Member Kishimoto stated community members had traveled to the hearings and Senator Simitian’s office had assisted with language.

Council Member Yeh asked whether the guiding principles facilitated the ongoing process of potential topics.

Council Member Burt stated yes, the purpose of the list was to give the subcommittee the latitude to be able to respond quickly to a host of potential legislation or other bodies on behalf of the Council within the guidelines.

Council Member Schmid asked how the Ad Hoc Committee represented the Council.

Council Member Burt stated the Committee had a set of parameters and principles to work within in order to represent the Council and its constituents.

MOTION PASSED: 6-1 Schmid no, Barton, Morton absent

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Klein reported on attending the Santa Clara County Cities Association meeting. He stated there were presentations by ABAG and BAWSCA.

Council Member Kishimoto spoke on attending the Joint Policy Committee meeting where there was a presentation by the Bay Conservation and Development Commission.

Council Member Burt reported on attending part of the study session held by the Compost Task Force.

Council Member Espinosa spoke about the Lytton Art and Wine Festival issue that was brought up by the public during oral communications.

City Manager James Keene advised that the City will be working on the issue.

Council Member Yeh reminded citizens to vote on Tuesday. He wanted to know when Council would have a follow-up meeting on racial profiling data.

Mr. Keene stated Staff would look into this matter.

ADJOURNMENT: The meeting adjourned at 11:56 p.m.