



CITY COUNCIL MINUTES

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Special Meeting
February 01, 2010

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:01 p.m.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh arrived at 6:10 p.m.

Absent:

CLOSED SESSIONS

1. CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Palo Alto Police Managers' Association (Sworn)

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Palo Alto Peace Officers' Association

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Local 521, Service Employees International Union (SEIU) - SEIU Hourly Unit

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: 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

City Designated Representatives: 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 1319, International Association of Firefighters

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organization: Palo Alto Fire Chiefs' Association

Authority: Government Code Section 54957.6(a)

CONFERENCE WITH LABOR NEGOTIATORS

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

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

Authority: Government Code section 54957.6(a)

The Council reconvened from the Closed Session at 7:47 p.m. and Mayor Burt advised no reportable action. The Council then adjourned to the Council Conference room for the Study Session with the Palo Alto Human Relations Commission (HRC).

STUDY SESSION

2. Joint Meeting of Human Relations Commission (HRC) and City Council Members Concerning Palo Alto Human Relations Issues.

Human Relations Commission Chair, Darryl Savage gave a brief overview of the role of the Human Relations Commission (HRC). Commissioner Shauna Mora reviewed the historical accomplishments of the HRC, including the Palo Alto Mediation Program, Mandatory Response Program, Human Services Resource Allocation Process (HSRAP), and Community Development Block Grant (CDBG) funding and various resolutions. Council Members had questions about the role the HRC was playing in the Police Department Citizen Advisory Group, Project Safety Net, and the HRC Memo to the Community on positive relations among City Staff and the community. Council Members had suggestions on ways to reach out to non-English speaking families, seniors, and a historical record of accomplishments online. Commissioners gave updates on the following projects: 1) World Music Day; 2) Project Safety Net; 3) Palo Alto Art Center collaboration; 4) Universal Access Playground 5) Civic Engagement Award; 6) Junior Museum and Zoo collaboration; and 7) The Police Department collaboration.

ORAL COMMUNICATIONS

Harold Nizamian, 588 Jackson Drive, spoke on his concern for falling City-owned tree branches, and the Claim for Damage Form he submitted to the City.

Laura Sedlacek, 588 Jackson Drive, spoke on the City's responsibility to remove hazardous tree branches from City-owned trees.

Wynn Grcich, 30166 Industrial Parkway SW #296, Hayward, spoke on fluoride in public drinking water.

Mark Petersen-Perez stated water should be treated as a quality issue. He spoke on juridical issues, freedom of speech, and open and transparent government.

Michael Francois, 224 Gardenia Way, East Palo Alto, spoke on Black History Month topics.

Aram James spoke on freedom of speech and the public's right to address the City Council on any matter due to the first amendment.

City Attorney, Gary Baum stated members of the public had the right to criticize the City Council as a governing body.

Doug Summers, 4156 Interdale Way, spoke on banning alcohol sales at Walgreens near the intersection of Maybell Avenue and El Camino Real.

Jennifer Fryling, 4158 Interdale Way, spoke on banning alcohol sales at Walgreens near the Barren Park neighborhood.

SPECIAL ORDERS OF THE DAY

3. Resolution 9036 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to David Solnick for Outstanding Public Service as a Member of the Architectural Review Board."

Council Member Shepherd read the Resolution expressing appreciation to David Solnick for outstanding public service as a member of the Architectural Review Board.

MOTION: Council Member Shepherd moved, seconded by Vice Mayor Espinosa to adopt the Resolution expressing appreciation to David Solnick for Outstanding Public Service as a Member of the Architectural Review Board.

MOTION PASSED: 9-0

David Solnick spoke on his experience serving on the Architectural Review Board.

4. Resolution 9037 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Tim Grippi Upon His Retirement."

Council Member Scharff read the Resolution expressing appreciation to Tim Grippi upon his retirement.

MOTION: Council Member Scharff moved, seconded by Council Member Yeh to adopt the Resolution Expressing Appreciation to Tim Grippi Upon His Retirement.

MOTION PASSED: 9-0

Tim Grippi spoke on his appreciation serving the City of Palo Alto.

5. Selection of Candidates to be Interviewed for the Planning and Transportation Commission.

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Klein to interview all candidates for the openings on the Planning and Transportation Commission with the interviews to be scheduled for 20 minutes each.

Mayor Burt stated the Planning and Transportation Commission (P&TC) was one of the City's most important Commissions. He inquired whether more time was needed for interviewing potential candidates.

City Clerk, Donna Grider stated the customary time allotted for interviewing P&TC applicants was fifteen minutes.

Council Member Holman stated allowing twenty minutes per candidate would be beneficial in properly selecting P&TC members.

Council Member Scharff concurred with Mayor Burt and Council Member Holman.

MOTION PASSED: 9-0

Mayor Burt inquired whether a date had been set for P&TC interviews.

Ms. Grider stated the P&TC interview date had not been established.

6. Appointments to the Parks and Recreation Commission for Four, Three Year Terms Ending on December 31, 2012.

First Round of Voting for Parks and Recreation Commission for Four, Three-Year Terms Ending on December 31, 2012

Voting For Jennifer Hetterly:	Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh
Voting For Ed Lauing:	Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh
Voting For Paul Losch:	Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh
Voting For Matt Robinson:	Shepherd
Voting For Daria Walsh:	Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Yeh

City Clerk, Donna Grider announced that Jennifer Hetterly with 9 votes, Ed Lauing with 9 votes, Paul Losch with 9 votes, and Daria Walsh with 8 votes were each appointed to the Parks and Recreation Commission for Four, Three Year Terms Ending on December 31, 2012.

7. Appointments to the Library Advisory Commission for Three, Three-Year Terms Ending on January 31, 2013.

First Round of Voting for Library Advisory Commission for Three, Three-Year Terms Ending on January 31, 2013:

Voting For Marc Marchiel: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

Voting For Diane Morin: Klein, Scharff, Shepherd

Voting For Robert Moss: Burt, Espinosa, Holman, Price, Schmid, Yeh

Voting For Theivanai Palaniappan: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

Voting For Mark Weiss:

City Clerk, Donna Grider announced that Marc Marchiel with 9 votes, Theivanai Palaniappan with 9 votes, and Bob Moss with 6 votes were each appointed to the Library Advisory Commission for Three, Three-Year Terms Ending on January 31, 2013.

8. Appointments to the Storm Drain Oversight Committee for Three, Four Year Terms Ending on December 31, 2013.

First Round of Voting for Storm Drain Oversight Committee for Three, Four - Year Terms Ending on December 31, 2013:

Voting For Nancy Clark: Burt, Espinosa, Klein, Schmid, Yeh

Voting For Rebecca Justman: Holman, Price, Scharff, Shepherd

Voting For Hal Mickelson: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

Voting For Richard Whaley: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh

City Clerk, Donna Grider announced that Hal Mickelson with 9 votes, Richard Whaley with 9 votes, and Nancy Clark with 5 votes were each appointed to the Storm Drain Oversight Committee for Three, Four-Year Terms Ending on December 31, 2013.

CITY MANAGER COMMENTS

City Manager, James Keene spoke on the following topics: 1) five Council priorities established at the City Council Retreat held on January 30, 2010, which included City finances, land use and transportation planning, emergency preparedness, environmental sustainability, and community collaboration for youth well-being; 2) Policy and Services Committee role would expand to focus on strategic priorities for the City; 3) mandatory Statewide California Green Building Code, titled CalGreen, taking effect on January 1, 2011 for green building rating systems for new commercial and residential construction projects; 4) Facebook's planned expansion to 1050 Page Mill Road, reducing the parking impact at 1601 California Avenue, in conjunction with the Residential Parking Permit Program in the College Terrace neighborhood; 5) Zero Waste Plan and the new contract with GreenWaste to provide additional measures to better manage recyclable and compostable materials from businesses; and 6) current productions at the Palo Alto Children's Theatre.

CONSENT CALENDAR

MOTION: Council Member Yeh moved, seconded by Council Member Holman to pull Agenda Item Number 10, to become Agenda Item Number 11a.

MOTION: Council Member Scharff moved, seconded by Council Member Yeh to pull Agenda Item No. 11 to become Agenda Item Number 11b.

MOTION: Council Member Klein moved, seconded by Vice Mayor Espinosa to approve Consent Calendar Item Number 9.

9. Approval of an Electric Enterprise Fund Contract with Diversified Utility Services, Inc. for a Total Not to Exceed Amount of \$3,000,000 for Providing Overhead Electric Transmission and Distribution System Construction Services - Capital Improvement Program Budget EL-98003.
- ~~10. Utilities Advisory Commission Recommendation to Adopt a Resolution Opposing the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative.~~
- ~~11. Approval of Amendment Number Three to Contract No. S09128567 with Columbia Telecommunications Corporation (CTC) to Retain Professional Telecommunications Engineering Services in Support of an Economic Stimulus Grant Application for the Broadband Project in an Amount Not to Exceed \$50,000 During Calendar Year 2010.~~

MOTION PASSED: 9-0

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 11a. (Former No. 10) Utilities Advisory Commission Recommendation to Adopt Resolution 9038 entitled "Resolution of the Council of the City of Palo Alto Opposing the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative."

Council Member Yeh stated Pacific Gas & Electric Corporation's (PG&E) Ballot Initiative qualified for the upcoming June 2010 ballot, and was assigned as Proposition 16. PG&E spent \$3.5 million collecting signatures to add Proposition 16 onto the ballot. It was his opinion Proposition 16 would protect PG&E's monopoly against competition, raise electricity rates, and create substantial implications to the City's public power utility customers and infrastructure investment. He indicated no investor-owned utility company cosponsored the ballot initiative. He spoke on the At-Place Items which contained the legislative analyst objective analysis, newspaper editorials opposing the ballot initiative, adopted Resolutions from other Northern California power agency members, and a letter to the Chairman of PG&E from the California Senate Leadership. He spoke on a coalition of citizens, communities, environmentalists, consumer advocates, and businesses against the energy monopoly's proposed state pre-emption of local home majority rule, energy choice and climate protection called Taxpayers Against the PG&E Power Grab.

Utilities Advisory Commission Chair, John Melton, stated the Utilities Advisory Commission (UAC) voted unanimously to recommend that the City Council oppose the New Two-Thirds Requirement for a Local Public Electricity Providers ballot initiative, and reach out to other entities that are standing in opposition to PG&E's power grab.

Vice Mayor Espinosa requested suggestions that could be taken by the City Council to become more proactive in lobbying efforts in opposition of PG&E's power grab.

Mr. Melton noted Staff was restricted from utilizing public funds or resources to oppose the ballot initiative. He stated elective representatives could join organizations to help educate the public on the ballot initiative. If the initiative was passed, it was his belief there would be difficulty in locating new sources of supply and transmission in utility services and would effect the City's economic development.

Council Member Yeh suggested that the City Council visit the editorial board of the local newspapers to ensure they were aware of the ballot initiative.

Council Member Klein suggested a copy of the proposed Resolution, and other public documents, be sent to the Chamber of Commerce, Silicon Valley Leadership Group, and Joint Venture Silicon Valley.

Council Member Price inquired whether Staff was working with the League of California Cities.

City Manager, James Keene stated Staff was precluded from utilizing public funds or resources to advocate any position on the ballot initiative. He indicated the City Council could follow up with the League of California Cities and other local agencies to share ballot initiative information.

Council Member Yeh stated the League of California Cities created several committees to research the ballot initiative. They all unanimously voted to oppose the ballot initiative.

City Attorney, Gary Baum reiterated that employees were not permitted to advocate a ballot initiative position; however, the City Council could adopt the proposed Resolution and distribute it and other factual information.

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Price to adopt the Resolution opposing the Proposition 16 "New Two-Thirds vote requirement for local public electricity providers" ballot initiative; additionally, direct Staff to provide the Resolution and information from the Council's vote and share it with business organizations.

MOTION PASSED: 9-0

11b. (Former No. 11) Approval of Amendment Number Three to Contract No. S09128567 with Columbia Telecommunications Corporation (CTC) to Retain Professional Telecommunications Engineering Services in Support of an Economic Stimulus Grant Application for the Broadband Project in an Amount Not to Exceed \$50,000 During Calendar Year 2010.

Council Member Scharff spoke on the importance of scrutinizing how City funds are spent. There was a low probability the City would be awarded the federal economic stimulus grant (grant) funding because Palo Alto was not an underserved community. The City spent \$73,000 developing a plan during the first round grant application process, and did not complete the forms required for the grant funding. He inquired how the City would meet the criteria for the second round grant application, and whether there was any additional value in approving the Agenda Item.

Assistant Director of Utilities Engineering, Tom Marshall stated additional funding for the consultant was necessary to assist the City in preparing a grant application for the funding available under the American Recovery and Reinvestment Act. Funding would not be wasted because information researched for the grant application would assist Staff in developing a Fiber to the Premise (FTTP) business plan. He stated Staff attended a seminar and met with grant evaluators. There was a possibility that the City would be awarded the grant funding.

Council Member Scharff inquired how many applicants applied for the grant in the first round, and the percentage of applicants that were awarded grant funding.

Mr. Marshall was unsure of the number of applicants or how many received grant funding.

Council Member Scharff inquired whether Staff would recommend approval of the Agenda Item if they felt the grant would not be awarded.

Mr. Marshall stated it was Staff's intention to request funding for a FTTP business plan regardless of the grant.

Council Member Scharff inquired what percentage of the requested \$50,000 would benefit a FTTP business plan.

Mr. Marshall stated approximately \$25,000 would be allocated to a FTTP business plan.

Council Member Klein felt the City Council should show constituents that all possible steps had been taken to move the grant forward. The project could move forward, regardless of the grant, because there was close to \$7 million in the Fiber Optics Fund Rate Stabilization Reserve. He stated issues would soon develop, which would force the City to move forward, such as the expiration of the I-NET contract in June 2010. This issue would have an impact on the Palo Alto School District and East Palo Alto.

Council Member Schmid requested a discussion on the first and second round grant application process, and the strategy for a FTTP business plan.

Deputy Director of Administrative Services, Joe Saccio spoke on a Study Session where Staff presented a potential project for the first round of the grant application process. Staff felt the success rate for the grant was not likely, as the grant was for underserved communities, in the first round. The City Council directed Staff to move forward with a plan to maximize the number of businesses that would generate additional revenue to provide Fiber to the Home. Staff used the same consultant to develop a plan to meet the City Council's vision. He indicated the National Technology

Opportunities Program removed the restriction of underserved communities in the second round. He stated there would likely be a large interest in the grant.

Council Member Schmid stated his concern for appealing to the conditions of the grant, and losing sight of the development of a FTTP business plan.

City Manager, Keene stated the City Council should not have apprehensions approving the Agenda Item because it would ultimately benefit a FTTP business plan.

Council Member Price spoke on her support for a FTTP business plan because it would be a benefit to the community.

Jeff Hoel, 731 Colorado Avenue, spoke on his support for FTTP for residences, businesses, and schools.

Herb Borock, P.O. Box 632, spoke on his support for an open and public process on matters related to FTTP.

Utilities Advisory Commissioner, John Melton spoke on his discussion with the Chief of Staff, Chief Information Officer, for the State of California. He encouraged the City to proceed with the second round grant process.

Council Member Scharff felt City projects should be scrutinized, even when funding did not impact the General Fund.

MOTION: Council Member Scharff moved, seconded by Vice Mayor Espinosa to approve amendment number three to contract No. S09128567 with Columbia Telecommunications Corporation (CTC) to retain professional telecommunications engineering services in support of an Economic Stimulus Grant Application for the Broadband Project in an Amount Not to Exceed \$50,000 During Calendar Year 2010.

Council Member Holman inquired whether time constrained Staff from holding a competitive bid process for professional services to assist in the second round grant process.

Mr. Marshall spoke on the recent changes to the rules for the second round grant process that encouraged Staff to proceed in a timely manner.

Council Member Schmid requested that Staff return to the City Council within 60 days with a report on the direction of a FTTP business plan.

City Attorney, Gary Baum stated a separate Motion could be made to agendize a FTTP business plan.

Mr. Keene stated his concern in meeting a 60 day timeline.

MOTION PASSED: 9-0

MOTION: Council Member Schmid moved, seconded by Council Member Holman to direct Staff to agendize a Fiber to the Premise business plan with the City of Palo Alto.

Council Member Schmid stated Staff based the grant application partially on a FTTP business plan.

Mr. Keene proposed that Staff return to the City Council with a scope on the contents, objectives, and directives of a FTTP business plan.

Council Member Price inquired how the Motion would fit into Staff's existing workplan.

Mr. Keene spoke on findings that resulted from the application process of the first round, and recent information that indicated a chance of receiving second round grant funding. Findings from the grant process helped direct the Fiber Optics Fund Rate Stabilization Reserve. There was a base amount of seven million dollars contained within the Fiber Optics Fund Rate Stabilization Reserve, with the ability to earn one million dollars annually. The total project had an estimated scope of roughly \$60 million. The City had the potential to access \$10 million from the grant. He stated the Motion would build on existing work that had previously been done.

Council Member Klein suggested that Staff return to City Council with a presentation to consider the grant application once filed, and discuss the cost and desirability of a FTTP business plan.

SUBSTITUTE MOTION: Council Member Klein moved, seconded by Council Member Yeh that Staff is to return to Council with a presentation to consider the grant application once filed and discuss with Staff the cost and desirability of a business plan.

Council Member Yeh spoke on his support for the FTTP business plan.

Mayor Burt stated there was a significant effort taken on the prior FTTP business plan that involved participation from a community advisory group. He stated a FTTP business plan would require changes from the previous plan, and should include the expertise of community members.

Council Member Schmid stated his support for the Substitute Motion. He stated Staff should return with a prospectus FTTP business plan.

Mayor Burt requested clarification on the difference between what was contained in the first round grant application, and what had been in the previous scope of the FTTP business plan.

Mr. Saccio stated there was a balancing act between meeting the criteria of the grant application, and following the objectives of the City Council's FTTP business plan. The federal government stressed community anchoring institutions and Staff's strategy was to reach out to local businesses and the Palo Alto School District.

Council Member Schmid inquired whether Staff would be more comfortable returning to the City Council with a FTTP business plan or the grant application.

Mr. Keene stated his preference to return to the City Council with the grant application proposal. It was his belief the grant application would help guide the next directive on proceeding with the FTTP business plan.

SUBSTITUTE MOTION PASSED: 9-0

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Yeh to continue the public hearing to consider the approval of water supply assessment to Stanford Medical Center Facilities renewal and replacement project to February 8, 2010.

14. Public Hearing: Consider the Approval of Water Supply Assessment to Stanford Medical Center Facilities Renewal and Replacement Project.
(STAFF REQUESTS ITEM TO BE CONTINUED, BY COUNCIL MOTION, TO 02/08/10)

Council Member Klein advised that he would not be participating in this Agenda Item as his wife was a faculty member at Stanford University.

Council Member Holman inquired how the Water Supply Assessment related to the release of the project's Environmental Impact Report (EIR).

Director of Planning and Community Environment, Curtis Williams stated State law required that the City Council adopt a Water Supply Assessment prior to the release of the draft EIR. The Water Supply Assessment would assist in mitigating the use of water that would be incorporated within the EIR.

MOTION PASSED: 8-0 Klein not participating

ACTION ITEMS

12. Public Hearing: Adoption of an Ordinance Amending Section 21.04.030(a)(30) of Title 21 (Subdivisions) of the Palo Alto Municipal Code to Revise the Definition of "Private Street".

Director of Planning and Community Environment, Curtis Williams stated the Agenda Item was a follow-up to an Ordinance adopted by the City Council on September 21, 2009. There was a proposed initiative to establish minimum street widths for private streets; however, the definition of a private street within the Ordinance was obsolete. The City Council directed Staff to bring the Ordinance back for adoption, rather than setting the measure on the November 2009 ballot. He spoke on the key changes in the proposed Ordinance. He stated the Planning and Transportation Commission (P&TC) recommended that the City Council approve the proposed Ordinance.

City Attorney, Gary Baum stated the proposed Ordinance would not be retroactive, due to a provision in California Government Code Section 66464.2 (Subdivision Map Act).

Council Member Scharff requested a definition of vehicular traffic, and whether it included bicycles.

Mr. Williams stated vehicular traffic applied to automobiles.

Council Member Scharff inquired whether a clear definition, that vehicular traffic applied to only automobiles, could be incorporated into the proposed Ordinance.

Mr. Baum stated vehicular traffic could be defined in the proposed Ordinance.

Public hearing opened at 10:27 p.m.

Robert Moss, 4010 Orme Street, spoke on the definition of private streets, the history of projects containing private streets, and his concern with the proposed Ordinance's effective date. He stated his concern that the effective date would not include current projects including Alma Plaza and the Palo Alto Bowl.

Herb Borock spoke on his concern regarding Ordinance No. 5059, adopted on September 21, 2009.

Public hearing closed at 10:33 p.m.

Council Member Holman inquired on language suggestions for defining vehicular traffic within the forthcoming Motion.

Mr. Williams stated amending the proposed Ordinance to exclude bicycles would be ideal.

MOTION: Council Member Holman moved, seconded by Vice Mayor Espinosa to adopt the Ordinance amending Section 21.04.030(a)(30) of Title 21 (Subdivisions) of the Palo Alto Municipal Code revising the definition of "private street" with one amendment that bicycles would be excluded from the definition of vehicular traffic.

Council Member Holman felt adopting the proposed Ordinance would be appropriate to correct the definition of a private street.

Vice Mayor Espinosa spoke on his appreciation toward the P&TC members for their efforts on this Agenda Item.

Council Member Schmid inquired whether the City Attorney wished to comment on any legal questions raised at public comment.

Mr. Baum stated the issues were previously addressed at prior meetings. It was his belief the Motion effectuated the intent of the City Council.

MOTION PASSED: 9-0

13. Monthly Update on City Activities Related to High Speed Rail Project.
(ITEM CONTINUED FROM 01/25/10)

Deputy City Manager, Steve Emslie spoke on the activities related to the High Speed Rail (HSR) Project that have been undertaken at the State and City levels since the last report in November 2009.

Mayor Burt stated the High Speed Rail Subcommittee was originally formed as a City Council Ad Hoc Committee. The Ad Hoc Committee had met consistently for the past year, and consistent with the City Attorney's guidelines, should be changed to a standing committee. He stated the function of the Ad Hoc Committee would not change.

City Attorney, Gary Baum stated this would return, as a Consent Item, for the City Council's approval.

Californians Advocating Responsible Rail Design (CARRD) member, Nadia Naik stated CARRD was created to focus on local and State-wide concerns related to the HSR Project. She highlighted upcoming events that CARRD would be engaged in, as follows: 1) Palo Alto Chamber of Commerce – Government Action Committee on Wednesday, February 3; 2) preview of the process of the Alternatives Analysis meeting on Tuesday, February 9; 3) preview of the Alternatives Analysis on March 4; 4) Community Stakeholders Workshop for Santa Clara County on March 24; and 5) Final Alternatives

Analysis Report on May 20.

CARRD member, Elizabeth Alexis spoke on proactive steps that could be taken, at a Federal level, as follows: 1) consistency across agencies for issues of noise, vibration, and safety; 2) rule-making processes, for environmental factors, to be open and transparent, data driven, and should consider the long-term effects on wildlife, people and agriculture; 3) adoption of Context Sensitive Solutions as policy for the Federal Railroad Administration; and 4) consider funding Context Sensitive Solutions 2.0 technologies to improve engagement. She spoke on proactive steps that could be taken, at a State legislative level, as follows: 1) require an independent ridership model; 2) require an independent peer review of the California High Speed Rail Business Plan (Business Plan); 3) require the Board of Directors to officially adopt the Business Plan; 4) require an adequate Risk Management Plan before any money was deployed; and 5) strengthen the independent peer review process by giving it structure, a minimal budget, and requiring regular updates to the Legislature.

Ms. Naik stated citizens could find additional information on the City's website.

Mayor Burt inquired whether CARRD had a website.

Ms. Naik stated CARRD's website could be located at www.calhsr.com.

Council Member Klein spoke on the following topics: 1) upcoming preview of the Alternatives Analysis Meeting; 2) release of the unadopted Business Plan, Legislative Analyst Report, and other reports that set an outbreak of conversations regarding dismay and weaknesses in said reports; 3) recap of State Senate Transportation Subcommittee Informational Hearing with State Senator Joe Simitian and State Senator Alan Lowenthal on January 21, which discussed ridership and the City's position; 4) award of a \$2.5 billion Federal grant under the stimulus project to the California High Speed Train Project; 5) Mayor Burt's efforts on the Peninsula Cities Consortium (PCC); and 6) Vice Mayor Espinosa and he would be traveling to Washington D.C. to address HSR and Fiber to the Premises Projects.

Mayor Burt stated Richard Hackmann had been the only member of the public present at a recent executive committee meeting of the HSR Board Meeting held in Sacramento.

Richard Hackmann, 235 Embarcadero Road, spoke on topics he would like the City Council to consider in moving forward on the HSR. It was his belief a project of this magnitude could cost the State unforeseeable debt.

Vice Mayor Espinosa stated lobbying efforts in Washington D.C. would include three federal priorities, including the JPA project, Foothills Fire Plan, and Bike overpass.

Council Member Klein inquired on the status of hiring a lobbyist to support the City's position on the HSR.

Mr. Emslie stated Staff was in the process of soliciting proposals and would make a final selection within ten days. He indicated engaging other like-minded cities would be handled through the PCC.

Vice Mayor Espinosa inquired on whether the workplan of the lobbyist would return to the City Council, and how the workplan would be outlined.

Mayor Burt stated, in the Ad Hoc Committee's preliminary discussions, the lobbyist would be promoting the City within the guiding principals adopted by the City Council. He inquired whether the lobbying effort budget had been forwarded to the PCC.

Mr. Emslie stated the budget was in process of being forwarded to the PCC.

Mayor Burt stated it was possible the City's budget would be included on the PCC's Agenda scheduled on February 5.

Ms. Alexis stated February 19 was the final date any legislation could be submitted for inclusion at the State level.

Vice Mayor Espinosa inquired on the anticipated format and timeline of the Business Plan.

Mr. Emslie stated no timeline for the peer review of a Business Plan had been established.

Vice Mayor Espinosa inquired on the economic stimulus funding from President Obama.

Council Member Klein stated grant funding was the amount predicted from the High Speed Rail Authority (HSRA). He stated the Business Plan called for an additional \$17 billion from the Federal government. Out of \$45 billion dollars needed to complete the HSR, roughly 25 percent had been identified. Additional sources of revenue, noted in the Business Plan, called for funding from the private sector and local government.

Mayor Burt stated additional funding sources would likely be needed to complete the HSR and were unlikely at this time. He stated the HSRA was counting on roughly \$3 billion annually for the next six years from the Federal government.

Council Member Price inquired what document the peer review analysis was funding.

Mr. Emslie stated the peer review analysis was primarily funding the project level Environmental Impact Report (EIR).

Council Member Price stated discussions on HSR clarifications would take place in the Ad Hoc Committee.

Council Member Schmid inquired on the timing of when the City Council would meet to comment on the Alternatives Analysis.

Mr. Emslie stated a Special City Council Meeting could be established. Staff intended on requesting an extension from the HSRA on the time allotted for commenting on the Alternatives Analysis.

Council Member Schmid inquired whether Staff was confident that subsequent to 45-60 days, the City Council would have formulated an irrevocable decision about HSR in the City limits.

Mr. Emslie stated the Alternatives Analysis was only one part of the comprehensive project level EIR. He stated nothing could be final until the HSRA had a completed and certified document. He stated the comments collected would have a strong influence over the final decision.

Council Member Schmid stated the next few months would be the only time the City would be able to raise concerns, such as public and private funding contributions, eminent domain issues, and impacts on the water table and flood plain.

Council Member Klein stated commenting on the Alternatives Analysis was important, however, it was not the last time the City Council would be able to comment to the HSRA.

Council Member Price stated the Alternatives Analysis was the beginning of many steps and there was tremendous detail that needed to be assessed.

No action required.

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Yeh reported on attending the Northern California Power Agency's annual strategic issues workshop. He inquired whether the City had any recourse on Walgreens selling alcohol.

City Attorney, Gary Baum advised that the Alcohol, Beverage Control Board is a State Board and they issue the permits. Drug stores are allowed to sell beer and wine and at this time it is out of the City's control. Staff can look at this further if directed.

Mayor Burt stated that on Saturday, February 6, 2010 at 9:00 a.m. there will be a ceremony at the El Palo Alto tree. A regional historical society will be placing an El Camino Real historic bell at the site of the tree.

Council Member Schmid stated that the City/School Committee met this past week, and further information will be disseminated at a later date.

ADJOURNMENT: The meeting adjourned at 11:34 p.m.