

1. Interview of Candidates for the Utility Advisory Commission (UAC) 3

ADJOURNMENT: The meeting adjourned at 6:50 p.m. 3

ORAL COMMUNICATIONS 4

1. Resolution 8529 entitled "Resolution of the Council of the City of Palo Alto Calling for a General Municipal Election of Council Members, Requesting the Services of the Registrar of Voters and Requesting the Consolidation of Said Election" 5

2. Resolution 8530 entitled "Resolution of the Council of the City of Palo Alto Authorizing City Manager to Cast Ballots on Behalf of the City in Favor of a Proposed Increase in a Santa Clara County Vector Control District Assessment on City-Owned Property" 5

3. Ordinance 4875 entitled "Ordinance of the Council of the City of Palo Alto Updating the Low-Density Residential District Regulations of Title 18 [Zoning] of the Palo Alto Municipal Code by Repealing Chapters 18.10 [Re Residential Estate District Regulations, 18.17 [R-2 Two Family Residence District Regulations, 18.19 [RMD Two Unit Multiple-Family Residence District, and 18.30 Neighborhood Preservation Combining District (NP) Regulations] in Their Entirety and Enacting a New Chapter 18.10 Low-Density Residential Districts" (*1st Reading 05/16/05, Passed 7-2, Mossar, Kleinberg no*) 5

4. Resolution 8531 entitled "Resolution of the Council of the City of Palo Alto Summarily Vacating a Ten-Foot Wide Public Utility Easement at 4161 Donald Drive" 5

5. Approval of a Utilities Public Benefit Program Contract with Eagle Systems International, Inc. DBA Synergy Companies in the Amount of \$570,000 for Implementation of a Low-Income Residential Energy Assistance Program (REAP) 5

6. Request for Authorization to Increase Amount of Existing Contract with the Law Firm of Manning & Marder, Kass, Ellrod, Ramirez, LLP 5

7. Public Hearing: Assessment for California Avenue Area Parking Bonds – Plan G: FY 2006-06 5

8. Request to Provide Staff with Policy Direction for a Revised Ordinance Regulating Leaf Blowers and Approval of an Amendment to Palo Alto Municipal Code Chapter 9.10 Changing the Effective Date of the Prohibition of Gas Powered Leaf Blowers to After December 31, 2005... 6

9. Colleagues Memo from Mayor Burch and Council Members Ojakian and Council Member Kishimoto re: Proposal to Allow Council Members to Serve One Additional Four-Year Term 13

ADJOURNMENT: The meeting adjourned at 10:50 p.m. 15

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:15 p.m.

PRESENT: Beecham, Burch, Cordell, Kishimoto, Kleinberg, Morton, Ojakian

ABSENT: Freeman, Mossar

SPECIAL MEETING

1. Interview of Candidates for the Utility Advisory Commission (UAC)

No action required.

ADJOURNMENT: The meeting adjourned at 6:50 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

PRESENT: Beecham, Burch, Cordell, Freeman (teleconferenced from 7100 Four Seasons Point, Carlsbad, California), Kishimoto, Kleinberg, Morton, Ojakian

ABSENT: Mossar

ORAL COMMUNICATIONS

Tony Spitaleri spoke regarding firefighters.

Maya Spector spoke regarding SEIU.

Police Chief Lynne Johnson spoke regarding anarchists.

Pat Roy, 1901 Embarcadero Road, spoke regarding the Palo Alto Airport.

Policewatch.org spoke regarding police and the Human Relations Commission (HRC).

Aram James spoke regarding Officers Kan and Lee.

Herb Borock spoke the regarding Brown Act.

Dennis Mitrzyk, 201 Maclane Street, spoke regarding high-density housing and the recent anarchist event in Palo Alto.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Ojakian, to approve Item Nos. 1 - 6 on the Consent Calendar.

Vice Mayor Kleinberg registered a no vote on Item No. 3

LEGISLATIVE

1. Resolution 8529 entitled "Resolution of the Council of the City of Palo Alto Calling for a General Municipal Election of Council Members,

Requesting the Services of the Registrar of Voters and Requesting the Consolidation of Said Election”

2. Resolution 8530 entitled “Resolution of the Council of the City of Palo Alto Authorizing City Manager to Cast Ballots on Behalf of the City in Favor of a Proposed Increase in a Santa Clara County Vector Control District Assessment on City-Owned Property”



3. Ordinance 4875 entitled “Ordinance of the Council of the City of Palo Alto Updating the Low-Density Residential District Regulations of Title 18 [Zoning] of the Palo Alto Municipal Code by Repealing Chapters 18.10 [Re Residential Estate District Regulations, 18.17 [R-2 Two Family Residence District Regulations, 18.19 [RMD Two Unit Multiple-Family Residence District, and 18.30 Neighborhood Preservation Combining District (NP) Regulations] in Their Entirety and Enacting a New Chapter 18.10 Low-Density Residential Districts” *(1st Reading 05/16/05, Passed 7-2, Mossar, Kleinberg no)*
4. Resolution 8531 entitled “Resolution of the Council of the City of Palo Alto Summarily Vacating a Ten-Foot Wide Public Utility Easement at 4161 Donald Drive”

ADMINISTRATIVE

5. Approval of a Utilities Public Benefit Program Contract with Eagle Systems International, Inc. DBA Synergy Companies in the Amount of \$570,000 for Implementation of a Low-Income Residential Energy Assistance Program (REAP)
6. Request for Authorization to Increase Amount of Existing Contract with the Law Firm of Manning & Marder, Kass, Ellrod, Ramirez, LLP

MOTION PASSED 8-0 for Item Nos. 1, 2, and 4-6, Mossar absent.

MOTION PASSED 7-1 for Item No. 3, Kleinberg no, Mossar absent.

Vice Mayor Kleinberg spoke to her no vote on Item No. 3. She said an adequate amount of affordable housing would not be created by the ordinance as it was written.

PUBLIC HEARING

7. Public Hearing: Assessment for California Avenue Area Parking Bonds – Plan G: FY 2006-06

Council Member Morton stated he would not participate in the item due to a conflict of interest because he occupied a building, which could be impacted even though it was not within the 500 feet of the project.

Mayor Burch asked whether the City Clerk had received any written or oral communication from interested individuals.

City Clerk Donna Rogers indicated no communications had been received.

Council Member Freeman stated she would not participate in the item due to a conflict of interest because she owned property within 500 feet of the project.

Mayor Burch declared the Public Hearing open and, receiving no requests to speak, declared the Public Hearing closed.

MOTION: Council Member Ojakian moved, seconded by Kleinberg, to approve the staff recommendation to approve both resolutions (Attachment A) confirming the Engineer's Report and Assessment Roll for:

- California Avenue District, Project No. 86-01,
- California Avenue District, Project 92-13.

Resolution 8532 entitled "A Resolution of the Council of the City of Palo Alto Confirming Engineer's Report and Assessment Roll California Avenue Keystone Lot Parking Project No. 86-01 (For Fiscal Year 2005/2006)"

Resolution 8533 entitled "Resolution of the Council of the City of Palo Alto Confirming Engineer's Report and Assessment Roll California Avenue Parking Project No. 92-13 (For Fiscal Year 2005/2006)"

MOTION PASSED 6-0, Freeman, Morton not participating, Mossar absent.

REPORTS OF OFFICIALS

8. Request to Provide Staff with Policy Direction for a Revised Ordinance Regulating Leaf Blowers and Approval of an Amendment to Palo Alto Municipal Code Chapter 9.10 Changing the Effective Date of the Prohibition of Gas Powered Leaf Blowers to After December 31, 2005

Police Chief Lynne Johnson said a six-month extension had been requested by staff to allow for changes to the ordinance.

Russell Targ, 1010 Harriet Street, said environmental justice did not give anyone the right to pollute the air or disturb the peace in a residential neighborhood.

Patricia Phillips, 1010 Harriet Street, said a leaf blower ban in Los Angeles had not caused gardeners to lose their jobs.

Tammie Pereira, 143 Louise Lane, San Mateo, said the cost of maintenance would increase if leaf blowers were banned.

Dan Skinner, 30305 Bradham Drive, Visalia, said new technology would produce a hybrid four-stroke leaf blower to address the sound level.

Council Member Beecham asked whether staff had information on the 65-decibel (dBA) leaf blower and if it was available.

Mr. Skinner said he would provide staff with the information and that it was available.

Council Member Morton asked whether the backpack leaf blower was a four-stroke model.

Mr. Skinner said two manufacturers were currently working on a four-stroke hybrid engine backpack leaf blower.

Council Member Morton said the leaf blower met the dBA requirements.

Mr. Skinner said the test result information was for that particular leaf blower.

Michael Hertzler, 214 Cristich Lane, #101, Campbell, said he opposed the outright ban on the gas leaf blower. He indicated there were four-stroke engine leaf blowers that met the 65-dBA requirements.

Rita Morgin, 600 Channing Avenue, said gas-powered leaf blowers were a problem for air quality.

Dale Johnson, 2327 Sierra Avenue, said he had increased health problems from leaf blowers.

Elizabeth Lee, 2327 Sierra Court, said the American Lung Association recommended against gas leaf blowers.

Valerie Voight, 3028 Emerson Street, said individuals who used leaf blowers needed to respect the rules regarding hours of use.

John K. Abraham, 736 Ellsworth Place, said the ban on leaf blowers should be enforced.

David Low, American Lung Association of Santa Clara County, 1469 Park Avenue, San Jose, said brief exposure to leaf blowers could lead to health problems; long-term exposure could lead to respiratory diseases.

Pat Blumenthal, 777 Newell Road, said there was enough noise pollution in the community.

Robert Finn, 271 Lowell Avenue, said Palo Altans had waited five years for relief from the health hazards and disruptions caused by leaf blowers.

Lina Crane, Lois Lane, said she hoped silence would prevail by July 1, 2005.

Ellen Fletcher, 777-108 San Antonio Road, said it was unnecessary for every leaf to be discarded in the community.

Deborah Goldeen, 2130 Birch Street, said noise produced from leaf blowers should not be allowed.

Karen Harwell, 1335 Dana Avenue, said her gardener used the leaves from her garden as mulch and compost.

Robert Moss, 4010 Orme Street, said electric-powered leaf blowers were more popular, less expensive, and as efficient as gas powered leaf blowers.

Sanford Forte, 280 College Avenue, said leaf blower manufacturers should provide solutions to address the health and well being of gardeners, their customers, and the environment.

Juan Carlos Prado, 212 Lincoln Avenue, said homeowners should ensure their gardeners were certified.

Micaela Flores, 967 Bay Road, East Palo Alto, said her dad was a gardener in Palo Alto; the gas leaf blowers should not be taken away from the gardeners.

Catalino Tapia said the leaf blower enabled him to serve more customers in his job as a gardener.

Jose Aleman Gleangrin Viewsen, 345 Manzanita Way, Woodside, said he instructed gardeners on the proper use of leaf blowers.

Jose Gonzalez, 340 Larkspur Drive, East Palo Alto, said the ban on leaf blowers should be extended to provide time for education.

Valentine Gonzales, 43 Atherwood Avenue, Redwood City, said banning leaf blowers would affect gardeners and their customers.

Myra Orta, 1225 Via Huerta, Los Altos, said the ban on leaf blowers worked in Los Altos and many other communities in California without increased fees.

Miguel Barron, 490 4th Avenue, Redwood City, said he used the quietest leaf blower with the least amount of pollution.

Ramon Quezada, 258 Alameda, Redwood City, said a solution that benefited everyone should be found.

Hector Sandoval, c/o 193 Arch, Redwood City, said garden maintenance took less time with gas leaf blowers than with electric leaf blowers.

Rafael G. Madriz, 342 Beverly Avenue, Millbrae, said he hoped for a solution to the issue.

Roland Finston, 856 Thornwood Drive, said electric leaf blowers were easier to turn off when pedestrians and bicyclists were passing by on sidewalks and streets.

Hillary Hug, 381 Oxford Avenue, said gas leaf blowers created air pollution and noise.

Jeff Hook, 381 Oxford Avenue, said the current ordinance only banned gas-powered leaf blowers in residential areas.

Robin Bayer, 381 Oxford Avenue, said a survey by the Comprehensive Plan Advisory Committee indicated Palo Alto residents valued quiet neighborhoods and clean air in their community.

David Schrom, 381 Oxford Avenue, said it was difficult to predict the consequences, which could result from the ban.

Francisco DeLeon, 6 St. Mary's Road, Redwood City, said he hoped for a compromise with the City; more time was needed before the ban was enforced.

Nonette Hanko, 3172 Emerson Street, said her gardener tested his gas and electric leaf blower versus raking; the gas blower worked the best.

Gerardo Lombera, 436 Warrington Avenue, Redwood City, said the gardeners were educated to properly operate gas blowers and would like an extension to respond with a better solution.

Carolyn L. Curtis, 531 Alger Drive, said progress needed to be made regarding the community's pulmonary health.

David Vick, 323 Manzanita Avenue, said airborne particulates created a health hazard.

Council Member Morton asked whether the opinion of the community would be clearer in six months.

Ms. Johnson said the six-month recommendation was to allow for wording changes in the ordinance and to share the changes with the general public.

Council Member Morton said, currently, commercial properties would be exempt but City properties would not be exempt. The increase in cost to the City would be \$2 million.

Assistant City Manager Emily Harrison said staff recommended a lower level of cleanliness in the City's parks.

Council Member Morton said the City could be exempted; the ban would only be residential. He asked what would it cost to add a measure on the November ballot.

Ms. Rogers said a measure on the November ballot would cost approximately \$50,000.

Council Member Morton felt it would be beneficial to spend \$50,000 to obtain the opinion of the community. It could be added to the ordinance that residents should hire only certified gardeners.

City Attorney Gary Baum confirmed it could be a legal option.

Council Member Morton said he did not believe there should be a ban on gas leaf blowers.

Council Member Kishimoto said the Council reached a compromise five years prior. She felt additional enforcement was needed.

Council Member Beecham said if no action was taken, what would be banned as of July 1, 2005.

Ms. Johnson said gas-powered leaf blowers would be banned for commercial gardeners as well as for residents.

Council Member Beecham asked whether an initiative or other action could be taken if the Council did not take action.

Mr. Baum said if no action were taken, the ordinance would go into effect on July 1, 2005; gas-powered leaf blower's use would be banned in residential areas by homeowners, gardeners, and City staff. An initiative could allow or ban all forms of leaf blowers.

Council Member Beecham stated the objective was to reach a certain lower noise level on leaf blowers and asked whether it had been effectively mapped.

Ms. Johnson said an instrument's rating could be affected by other factors.

Council Member Beecham said electric blowers might not be quieter.

Ms. Johnson agreed. She said in other cities, gardeners chose to use gas-powered generators to operate their electric leaf blowers.

Council Member Beecham asked when other cities banned leaf blowers, were all blowers banned or just gas-powered leaf blowers.

Ms. Johnson said the greater majority of the bans were on gas powered leaf blowers.

Council Member Beecham said the expectation was other cities had electric gas generator powered, or battery operated, leaf blowers. He asked whether the battery-operated leaf blowers were quieter than gas blowers.

Ms. Johnson said most of the battery-operated leaf blowers were quieter.

Vice Mayor Kleinberg said a 1998 report listed the cities that had banned gas and/or electric leaf blowers; most of the cities listed had banned gas leaf blowers.

Council Member Beecham said in 2002 an amendment to the approved ordinance extended the ban's deadline until 2005 with the hope the noise generation and gas emissions of the gas leaf blowers would be reduced. He asked whether any recent leaf blowers met the 65-dBA testing.

Palo Alto Police Lieutenant Mark Venable said there was a difference in the manufacturer's test results in a controlled environment and what they were in the field.

Council Member Beecham asked when the most recent testing was completed.

Lt. Venable said the testing had been completed two to three weeks prior. He said the latest manufactured equipment, which included an electric leaf blower, had been tested.

Council Member Beecham said he was disappointed that additional time did not produce a leaf blower that met the required 65-dBA.

Council Member Cordell said five years was provided to prepare for the ban to obtain viable alternatives. A review in one year would determine whether the ban should continue.

MOTION: Mayor Burch moved to direct staff to create a new ordinance to ban both electric and gas leaf blowers; to not allow commercial or park exemptions; enforcement should be by complaints followed up by a letter; and the ordinance would become effective December 31, 2005.

MOTION FAILED FOR LACK OF SECOND

Council Member Freeman said the health and safety of Palo Alto, its neighbors and visitors was important. The California Lung Association's web site suggested gas leaf blowers should be banned.

Council Member Ojakian felt nothing would be accomplished by an extension of the ban. Caution had been taken because there was concern about the gardeners and their livelihood. Palo Alto wanted to send a message to the manufacturers that it did not want gas leaf blowers.

Vice Mayor Kleinberg said smaller steps should be taken with identified successes, and staff would report back in a year. Respect should be given to the gardeners who said they needed the gas blowers, but to take seriously the concerns of the community.

Council Member Beecham said noise and air pollution issues would continue.

Council Member Freeman concurred that staff should return in a year with a report and to use a survey to obtain information from the residents.

MOTION: Council Member Ojakian moved, seconded by Freeman, to deny the staff recommendation and direct staff to report back to the Council in one year on the effects of the impacts on the ban of leaf blowers.

Council Member Ojakian said 98 percent of 200 pieces of communication received by the Council asked that the ban on leaf blowers not be extended.

Council Member Morton said the particulate and noise problems had not been solved.

Mayor Burch said a greater service to the gardeners and the residents would be accomplished by banning all leaf blowers.

Vice Mayor Kleinberg said a step needed to be taken in the direction suggested by the health organizations.

MOTION PASSED 7-1, Beecham no, Mossar absent.

COUNCIL MATTERS

9. Colleagues Memo from Mayor Burch and Council Members Ojakian and Council Member Kishimoto re: Proposal to Allow Council Members to Serve One Additional Four-Year Term

Mayor Burch asked the Council's consent to agendize the proposal for full discussion and requested the City Attorney to prepare documentation and return on July 11, 2005, at which time the decision would be made whether to place it on the November 2005 ballot.

Council Member Cordell asked what action would be taken between that evening and the next time the item would return to the Council.

Mayor Burch said no action would be taken. The City Attorney would return with the ballot statement.

Council Member Cordell said the size of the Council should be determined prior to a decision on extending the Council Member's term limits.

Council Member Beecham said the community had not come forward asking for the Council's term limits to be extended.

Council Member Ojakian said the issue was internal to the Council and how it would function over a period of time.

Council Member Freeman said she did not feel any more time should be spent on the item; longer terms did not serve any purpose.

Council Member Kishimoto said she would like to discuss the issue of a seven person Council.

Vice Mayor Kleinberg said adding a third term to the current two terms could perpetuate an inbred Council; ever-changing community demographics were enabled by Council turnover.

MOTION: Council Member Morton moved, seconded by Burch, to agree to agendaize at an upcoming Council meeting the proposal for a Council - Member third term with a full discussion by Council and the public, and to direct the City Attorney to prepare the necessary documentation for this discussion.

Council Member Morton said he would like to have further information from the City Attorney and City staff.

Mayor Burch said he felt it was important to bring the issue forward.

Council Member Freeman said there could be some unintended consequences that could result from an additional term.

MOTION FAILED 4-4, Burch, Kishimoto, Morton, Ojakian yes, Mossar absent.

Council Member Ojakian asked for the matter to be reconsidered at the next meeting so Council Member Mossar would have the opportunity to voice her thoughts.

Assistant City Manager Emily Harrison advised the Council that the next Council Meeting agenda included the approval of the budget.

Council Member Ojakian said it would be nice to have Council Member Mossar's vote.

Council Member Beecham said the issue should be put on the Consent Calendar.

Vice Mayor Kleinberg said when the vote was split, the motion failed.

City Attorney Gary Baum said it could be a continuance.

Mayor Burch said he wanted a vote on whether the matter could be continued to the next meeting.

MOTION: Council Member Beecham moved, seconded by Morton, to place the item on the agenda for discussion at the Council meeting of June 20, 2005.

MOTION FAILED 4-4, Beecham, Burch, Morton, Ojakian yes, Mossar absent.

ADJOURNMENT: The meeting adjourned at 10:50 p.m.

ATTEST:

APPROVED:

City Clerk

Mayor

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