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December 10, 2007

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	ADJOURNMENT: The meeting was adjourned at 11:05 p.m.	17

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

Present: Barton, Beecham arrived at 6:07 p.m., Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Mossar, Morton

STUDY SESSION

1. Debrief from Golden Guardian Exercise and Update on Disaster Preparedness Efforts

Staff provided an overview of the November 14 Golden Guardian emergency preparedness exercise along with key successes of the exercise and key improvements recommended from the After Action Report. Staff also presented an update on emergency planning efforts, one of the Council's top 4 priorities for the year. Members of the Palo Alto/Stanford Red Ribbon Task Force on Disaster Planning discussed their participation in the exercise and identified key lessons learned.

No action required.

Sandra Lohnquist, Chamber of Commerce, 122 Hamilton Avenue, spoke regarding the appreciation for Red Ribbon Task Force.

Mayor Kishimoto moved agenda Item No. 3 forward to be heard.

3. Proclamation Recognizing the Efforts of the Palo Alto/Stanford Red Ribbon Task Force on Disaster Planning

No action required.

ORAL COMMUNICATIONS

Mark Petersen-Perez, spoke regarding "Return of the Maniacal Son" Part II corruption in the Palo Alto Police Department.

Aram James, spoke regarding tasers in the Palo Alto Police Department.

Geoff Nicholls, 667 Marion Avenue, spoke regarding solar panel funding program.

Herb Borock, P.O. Box 632, spoke regarding LAFCO revisions to the Palo Alto Sphere of Influence.

Bob Moss, 4010 Orme, spoke regarding personal attacks on staff and Council by members of the public.

SPECIAL ORDERS OF THE DAY

2. Resolution 8774 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation for Administrative Services Director Carl Yeats Upon His Retirement"

City Manager Frank Benest spoke on behalf of staff in appreciation for Carl Yeats upon his retirement.

MOTION: Council Member Morton moved, seconded by Barton, to approve the resolution.

MOTION PASSED: 9-0.

Director of Administrative Services Carl Yeats spoke regarding his appreciation of his staff, the City staff, and the Council over his tenure.

4. Vote and Appointment of Candidate to the Public Art Commission

First Round of Voting for Public Art Commission

Voting for Einar Sunde: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

City Clerk Donna Rogers announced on the 1st ballot, Einar Sunde, with 9 votes, was appointed to the Public Art Commission for a term ending April 30, 2009.

CONSENT CALENDAR

Vice Mayor Klein moved, seconded by Council Member Beecham to pull Item 7 from the Consent Calendar to become Item 11A.

Mayor Kishimoto asked for policy clarification on Item 5 regarding the City paying for vehicles driven to employee's homes.

Director of Public Works Glenn Roberts stated the policy for taking vehicles home was being eliminated effective January 1, 2008.

MOTION: Council Member Mossar moved, seconded by Drekmeier, to approve Consent Calendar Items 5, 6, and 9-11.

5. Approval of a Purchase Order with Western States Oil for a Period of up to 3 Years in the Amount of \$944,000 Per Year for a Total Amount Not to Exceed \$2,832,000 for Provision of Automotive Fuel

6. From Policy and Services Committee: Human Relations Commission Recommendation to the City Council to Designate the Palo Alto Mediation Program as a City Contractor for Mediation Services
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10. Request for Authorization to Engage Executive Recruiting Firm for City Manager Search and Direction to Return with Budget Amendment Ordinance for \$30,000
11. Approval of Amendment to City Manager's Employment Agreement Regarding the Sharing of Costs of Home Improvements in Advance of Home Sale

MOTION PASSED: 9-0.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 11A. (Old Item 7) From Policy and Services Committee: Human Relations Commission Recommendation to the City Council to Adopt Resolution 8776 entitled "Resolution of the Council of the City of Palo Alto Encouraging the U.S. Department of Homeland Security Immigration and Customs Enforcement Agency Under Any Ongoing "Operation Return to Sender" Initiative to Enforce the United States Immigration and Customs Laws in a Manner that Complies with All Applicable Laws, Rules and Regulations, Including the Protection Against Unreasonable Searches and Seizures, and the Principles of Fair Play and Substantial Justice"

Vice Mayor Klein stated his lack of support for the resolution.

Council Member Beecham made a Motion to Table the Item.

MOTION TO TABLE: Council Member Beecham moved, seconded by Klein, to table this item.

MOTION TO TABLE PASSED: 5-4 Drekmeier, Cordell, Barton, Morton no.

UNFINISHED BUSINESS

12. Approval of Workplan and Timeline to Respond to Council Colleagues Memo Regarding Integrated Policy Discussion of Landfill Closure and Byxbee Park Phase II

Council Member Mossar stated a Colleagues Memo had been presented to Council which resulted in staff returning with estimated time and energy in a workplan.

MOTION: Council Member Mossar moved, seconded by Kishimoto that the workplan for Byxbee Park be presented to the Parks and Recreation Commission prior to returning to the Council.

Mayor Kishimoto stated the plan submitted to the state did not match the Master Plan approved by Council in 1991. She asked whether there were any irreversible landfill actions being taken which would foreclose Council options prior to returning in July 2008.

Director of Public Works Glenn Roberts stated in terms of the grading plans for Byxbee Park in the Master Plan, there will not be any irreversible actions taken.

Mayor Kishimoto asked whether the full set of options would be brought to Council in July 2008.

Mr. Roberts stated yes, consistent with the adopted Master Plan.

Mayor Kishimoto asked whether Hargreaves Associates would be involved in each step of the process.

Mr. Roberts stated yes.

Mayor Kishimoto asked whether Hargreaves Associates would return to the Council and Planning Commission meetings in July 2008.

Mr. Roberts stated it was possible.

Emily Renzel, 1056 Forest, spoke regarding the expansion of the Byxbee Park project.

Mayor Kishimoto asked the consequences if the City pursued further changes in areas not yet filled.

Mr. Roberts stated nothing will be done that would foreclose options of implementing the Byxbee Master Plan or the Hargreaves report.

MOTION PASSED: 9-0.

13. Policy and Services Committee Recommendation Regarding Creation of an Environmental Commission

Council Member Barton stated after serious review and consideration on a three to one vote, Policy and Services Committee voted not to create a Council appointed or Brown Act committee.

MOTION: Council Member Barton moved, seconded by Kleinberg, to approve the Policy and Services Committee recommendation that Council not go forward with creating an Environmental Commission and instead suggested that staff put together an environmental group with the support of the community.

SUBSTITUTE MOTION: Council Member Drekmeier moved, seconded by Kishimoto to refer this item to a Policy and Services meeting.

Mayor Kishimoto stated her support for the Substitute Motion.

Council Member Mossar stated her support for the original Motion.

Vice Mayor Klein stated his support for the creation of an Environmental Commission which would be requested to perform specific determinations on improving the environment and status on Global Warming.

David Coale, 766 Josina Avenue spoke regarding his support for the Policy and Services recommendation.

Herb Borock, P.O. Box 632 spoke regarding his support for the Policy and Services recommendation.

Carl Anderson, 4044 Amaranta Avenue spoke regarding the Policy and Services recommendation.

Council Member Morton stated his support for the Policy and Services recommendation.

Council Member Cordell stated her support for the Policy and Services recommendation.

Council Member Drekmeier stated the request was to give the incoming Council Members an opportunity to vote on an item that would effect their terms.

SUBSTITUTE MOTION FAILED: 3-6, Drekmeier, Kishimoto, Klein yes.

MOTION PASSED: 6-3 Drekmeier, Kishimoto, Klein no.

Mayor Kishimoto stated her agreement to assist staff in the creation of a Climate Protection Task Force.

Council Member Kleinberg stated the creation of a Task Force was not agendized.

Mayor Kishimoto stated the staff report suggested putting together an environmental group.

Council Member Mossar stated her vote was to have staff put together a group of community minds to assist in environmental impacts.

Vice Mayor Klein stated the discussion to form a Task Force was out of order. There was nothing before the Council agendized regarding a Task Force.

14. Adoption of an Amended Green Building Policy for City Facilities

MOTION: Council Member Morton moved, seconded by Barton to approve the staff recommendation that the requirement to be LEED Silver and the threshold be 5,000 square feet.

Council Member Morton stated Silver was an attainable standard and where Gold could be met, it should be achieved.

David Coale, 766 Josina Avenue, spoke regarding his support for the highest standard possible.

SUBSTITUTE MOTION: Council Member Drekmeier moved, seconded by Klein that 1) the LEED certification standard be applied to any City buildings over 2,500 square feet; 2) certification be at the LEED Gold standard; and 3) certification be from LEED, not an equivalent.

Vice Mayor Klein stated LEED Silver was not difficult to attain, and that we need to set goals not easily attained.

Council Member Mossar stated she supported the original Motion and not the Substitute.

Mayor Kishimoto stated her support for the Substitute Motion.

SUBSTITUTE MOTION FAILED: 4-5, Kleinberg, Drekmeier, Klein, Kishimoto yes.

MOTION PASSED: 9-0.

REPORTS OF OFFICIALS

15. Approval of Response to Association of Bay Area Governments (ABAG) Regarding 2007-2014 Regional Housing Needs Assessment Numbers

Planning & Transportation Commissioner Lee Lippert reviewed Attachment A, and Attachment D of CMR 451:07.

Bob Moss, 4010 Orme Street, stated ABAG efforts to build housing near transit centers would not solve the Palo Alto housing balance.

School Board Member Barb Mitchell, 550 N. California spoke regarding the thirty percent growth of the School District without additional housing and within the next five years there are expectations of another thousand students.

Vice Mayor Klein asked whether the School Board had intended to write a letter to ABAG and if so, where in the process they were.

Ms. Mitchell stated the Board wanted to involve the new incoming Board Members, and have been dealing with the Superintendent as well as the City/School Committee.

Vice Mayor Klein thanked them for their support in the process.

Herb Borock, P.O. Box 632 spoke regarding the need for new policies on the Housing Element program.

Council Member Mossar asked for clarification of the goals of the letter as wasn't clear how Palo Alto is different. She stated the Council had an obligation to be clear, direct and helpful in the Region in dealing with population growth.

Council Member Cordell asked whether the letter was pro forma, as in it was not likely the body to whom we were appealing would change their mind.

Director of Planning and Community Environment Steven Emslie stated it was rare for there to be a major change during the appeal period.

Council Member Cordell stated the letter should state the position of the City of Palo Alto as in what we can do, will do, and what we cannot do and will not do.

Mr. Emslie stated the School District letter and community interest groups writing supporting letters would assist in our position.

Council Member Cordell asked whether there were other Cities with comparable demographics that had received different numbers than the ones received from ABAG to the City of Palo Alto.

Mr. Emslie stated yes.

Council Member Cordell asked whether it was appropriate to add that to the letter, to ask ABAG why Palo Alto was being treated differently if the numbers were comparable.

City Attorney Gary Baum stated research on the appellate process showed the ability for a second step appeal and the last possibility would be to sue ABAG, which he did not suggest.

Council Member Cordell asked why, if it was a viable case.

Mr. Baum stated it was a hopeless process.

Council Member Morton stated speaking out gave satisfaction and it may not change their decision but at least Palo Alto would be on record stating their dissatisfaction.

Council Member Barton asked why the report stated the District was at capacity; however, there are three elementary sites and a large portion of a High School that could be opened. There are costs involved with losses of leases and costs associated with build out.

MOTION: Vice Mayor Klein moved, seconded by Beecham, to approve staff and the Planning Transportation Commission recommendation for a draft letter in concept, subject to stylistic changes, to be reviewed by two Council Members as part of the City's appeal of the Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation for Palo Alto and direct staff to transmit the letter to ABAG.

Council Member Beecham stated the resolution has to come from Sacramento and the letter would come in handy. There was room in the City to expand but not in such a large capacity.

AMENDMENT: Council Member Drekmeier moved to remove the fifth paragraph on page one and the sentence beginning on page 3 and finishing on page 4 as follows: "The high cost to the City of providing this housing as well as supporting services and facilities, schools, transit and parks, is an unfunded state mandate."

AMENDMENT FAILED FOR LACK OF A SECOND

Council Member Kleinberg stated Council and the community needed to speak up and inform ABAG that their calculations were not equitable.

Mayor Kishimoto supported the letter.

Council Member Morton asked staff to express in the letter that Palo Alto provides jobs for the neighboring communities and should not be penalized with providing more housing. He also asked staff to respond to the suggestion of growth including the artificial inflation from Barron Park be annexed from the equation.

Mr. Emslie stated annexing Barron Park was a reasonable factor to qualify into the letter.

Council Member Morton asked staff to research whether the trade-off had been reviewed for the units built in the Stanford West BMR units.

Mr. Emslie stated yes, there were strict rules adhered to in the process.

Council Member Morton asked the possibility to quantify in the letter what the credited number of carry-over should be.

Commissioner Lippert stated getting the facts on record was an important first step in preparation for a Public Hearing later on in the process.

Council Member Drekmeier stated the letter needed to be fair to Palo Alto and the surrounding communities. However, wealthier communities surrounding Palo Alto who receive a tax base from property taxes can provide adequate schooling and other services; whereas lower income communities desire the jobs and tax base.

MOTION PASSED: 7-2 Mossar, Barton no.

City Manager Frank Benest requested the Mayor appoint someone to review the letter for adequate changes so it may be completed in a timely manner.

Mayor Kishimoto stated Council Member Morton and Vice Mayor Klein will be the Council Members to review the letter.

PUBLIC HEARINGS

16. Approval of a Tentative Map and a Record of Land Use Action to Subdivide the Elks Lodge Site into Two Lots, for a New Lodge and a Multi-Family Residential Project, Located at 4249 and 4251 El Camino Real

MOTION: Council Member Kleinberg moved, seconded by Mossar, to continue this item to a date uncertain.

MOTION PASSED: 9-0.

17. Approval of the Acceptance and Expenditure of Citizens Options for Public Safety (COPS) Funds in the Amount of \$120,403 and the Approval of \$29,597 in Prior Year's COPS Funds for Purchase and Outfitting of a Crime Scene Evidence Collection Vehicle, Equipment for the Designated Rifle Officer (DRO) Program, Replacement of the Digital Imaging Management System (DIMS), and Upgrade of Digital Video Camera Equipment

Public Hearing was opened at 9:50 p.m.

Mark Petersen-Perez spoke regarding the funds being better spent on community services.

Aram James spoke regarding the funds being better spent for training the law enforcement officers.

Herb Borock, P.O. Box 632 spoke regarding funds for officer training.

Public Hearing was closed at 9:55 p.m.

MOTION: Council Member Cordell moved, seconded by Morton, to approve staff recommendation to approve the acceptance of Citizens Options for Public Safety (COPS) funds in the amount of \$120,403, as well as commitment of \$29,597 in prior year's COPS funds for the purchase of a crime scene evidence collection vehicle, equipment for the Designated Rifle Officer (DRO) program, replacement of the Digital Imaging Management System (DIMS), and upgrade of digital video camera equipment.

MOTION PASSED: 9-0.

COUNCIL MATTERS

18. Colleagues Memo from Council Members Cordell, Drekmeier, and Kleinberg Regarding Opposition to U.S. Military Intervention in Iran and Adopting Resolution 8777 entitled "Resolution of the Council of the City of Palo Alto Opposing United States Preemptive Military Intervention in Iran"

A Raging Grannies Representative spoke regarding their support for the Resolution.

Mark Nadim, 2927 Alexis Drive, spoke regarding the lack of support for the Resolution.

Mitra Varza, 756 Talisman Ct., spoke regarding her support for the Resolution.

Vahid Naraghi, Wellsbury Way, spoke regarding his support for the Resolution.

Javad Khakbaz, 539 Mill River Lane, San Jose, spoke regarding his support for the Resolution.

Jamshid Varza, 756 Talisman Court, spoke regarding his support for the Resolution.

Abtin Assadi, 1845 Guinda Street, spoke regarding his support for the Resolution.

Barbara Baxter Berman, 464 Churchill Avenue, spoke regarding her support for the Resolution.

Aram James spoke regarding his support for the Resolution.

Council Member Kleinberg stated this is a local issue and the funds utilized for the efforts in Iran have impacted our community.

MOTION: Council Member Kleinberg moved, seconded by Cordell, to adopt the Resolution calling on the United States government to refrain from any preemptive action in dealing with any unconfirmed threat of military force by Iran and to use all peaceful means possible to arrive at a diplomatic resolution of any confirmed threat that may jeopardize lives and property in Iran or elsewhere.

Council Member Cordell stated the City Council role was to speak out on all matters that impact the community whether they occur within the City of Palo Alto or not.

Council Member Drekmeier urged the Council to support the Motion.

Council Member Morton supported the Motion.

Council Member Mossar supported the Motion.

Council Member Barton stated he was voting no on the Motion.

Vice Mayor Klein stated he was voting no on the Motion.

Council Member Beecham stated he was voting no on the Motion.

Mayor Kishimoto stated her support for the Motion.

MOTION PASSED: 6-3 Beecham, Barton, Klein no.

19. Colleagues Memo from Council Members Cordell, Kleinberg, and Mossar, Requesting Referral of Permitting Foothills Park Entry for Non-Resident Business Owners to Policy & Services Committee

Council Member Cordell stated this Memo was a request to take an objective and reasonable look at the access to Foothills Park.

MOTION: Council Member Cordell moved, seconded by Kleinberg, to send the question of whether or not to lift the entry restriction at Foothills Park for non-resident Palo Alto business owners to the Policy and Services Committee for its recommendation to the Council.

Council Member Morton stated the original issue was who purchased the park; it was purchased by the community of Palo Alto. He asked the benefit to the larger community to reverse a very long-term policy. He stated he was voting no on the Motion.

Mark Nadim, 2927 Alexis Drive, spoke regarding his lack of support for the Motion.

Tom Passell, 766 Bryant Street, spoke regarding his support for all parks being open to the public.

Aram James spoke regarding his support for the park being open to the public.

Herb Borock, P.O. Box 632, spoke regarding his lack of support for the Motion.

Robert Moss, 4010 Orme Street, spoke regarding his lack of support for the Motion.

Council Member Barton asked staff whether there was documentation of proof for a business owner in Palo Alto.

Assistant City Manager Emily Harrison stated at the moment the only permit required for a business was an occupancy permit and that did not apply to all businesses.

Vice Mayor Klein stated he was voting no on the Motion.

Council Member Mossar stated she was voting no on the Motion.

Council Member Cordell stated there was not a strong response against the Motion from the community but rather a few that have been against opening the park. She felt the policy was forty years old and needed to be discussed.

Council Member Kleinberg stated if there were businesses in the City who were interested in participating in the park, they could apply for a permit of ownership to show proof and have access to the park. She also mentioned the park access could be limited to the number of persons allowed at any given time to preserve the grounds.

Council Member Morton stated if the policy needed to be taken to the community for a vote; the majority would vote to preserve the park to maintain the policy as is.

MOTION FAILED: 3-6, Cordell, Drekmeier, Kleinberg yes.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Mayor Kishimoto noted she had three announcements: 1) she reminded her colleagues about the Brown Bag lunch meeting on Thursday, December 13, 2007 at 12:00 p.m. with a presentation by Bay Conservation and Development Commission (BCDC); 2) on Sunday, December 9, 2007, she and Council Member Morton had participated in the ceremonies and dinner for the 2007 World Junior Table Tennis Championship at Stanford and; 3) she noted there had been discussion about the City's website and was informed there was a new Google search engine installed.

CLOSED SESSION

12/10/07

Council adjourned into the closed session at 11:02 p.m.

20. CONFERENCE WITH CITY ATTORNEY-POTENTIAL/ANTICIPATED LITIGATION

Subject: Written claim for damages against the City of Palo Alto by Palo Alto Unified School District

Authority: Government Code Sections 54956.9(b)(1) & (b)(3)(C)

21. CONFERENCE WITH CITY ATTORNEY-POTENTIAL/ANTICIPATED LITIGATION

Subject: Written claim for damages against the City of Palo Alto by Darlene Fonseca

Authority: Government Code Sections 54956.9(b)(1) & (b)(3)(C)

Mayor Kishimoto stated no reportable action was taken.

ADJOURNMENT: The meeting was adjourned at 11:05 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.