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ADJOURNMENT: The meeting adjourned at 12:20 a.m..... 458

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:30 p.m.

Present: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid

Absent: Yeh

CLOSED SESSION

1. Conference with City Attorney-Existing Litigation

Title: Palo Alto Sanitation Co. v. City of Palo Alto, et al.;
Santa Clara County Superior Court Case No.: CV107084380

Authority: Government Code Section 54956.9(a)

Council reconvened at 6:50 p.m. from the closed session.

Assistant City Attorney Don Larkin reported that the settlement will include the following; 1) the City shall pay Pasco the sum of \$450,000 from the Refuse Fund, and 2) Pasco shall sell to the City its fleet of six recycling CNG trucks and three roll-off trucks for the total net book value of \$914,734, and at its election the City may transfer this purchase option to the City's new waste hauler, and 3) Pasco shall dismiss with prejudice its pending lawsuit against the City for additional compensation, and 4) Pasco shall cooperate with the new waste hauler in ensuring a smooth transition of crucial operational functions, and 5) Pasco shall waive all future claims for mid-year adjustments and additional compensation.

SPECIAL ORDERS OF THE DAY

2. Proclamation for United Nations Association Film Festival (UNAFF).
Mayor Klein read the Proclamation into the record.

Jasmina Bojic accepted the Proclamation and spoke to keeping Palo Alto informed on what is going on throughout the world.

3. Selection of Candidates to be Interviewed for the Architectural Review Board.

MOTION: Council Member Barton moved, seconded by Council Member Espinosa to interview all five applicants for the Architectural Review Board.

MOTION PASSED: 8-0 Yeh absent

Mayor Klein asked when the interviewing would take place.

City Clerk Donna Grider stated the date would be decided in the coming week.

ORAL COMMUNICATIONS

Arthur Liberman, 751 Chimalus Drive, spoke regarding hazardous material oversight, and the need for community outreach, as well as the Fire Department rethinking their mission and fire codes.

CITY MANAGER COMMENTS

City Manager James Keene reported that the Police Department made an arrest of a murder suspect. He spoke to the financial market turmoil and the uncertain future, but shared the City's investment policies as well as their standings against other cities, and stressed Council's thoughtful priority process in City spending. He spoke to area electricity rate increases and how this affects the average customer. He gave the status of the plan for adding new restrooms to the parks in the City. He stated further community outreach would be occurring in this area before money was spent.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Council Member Kishimoto to approve the minutes of September 8, 2008 as amended.

MOTION PASSED: 8-0 Yeh absent

CONSENT CALENDAR

Staff removed Agenda Item No. 4 from the Consent Calendar.

Lynn Chiapella spoke regarding Agenda Item No. 13 and stated she cannot see where this money is actually going with this transfer in that work does not seem to be coming along in either area.

Emily Renzel spoke regarding Agenda Item No. 19 and cited various approvals and costs, and asked how all of this equipment is accounted for in cost per ton, and wished for a completed count on these expenditures. Council Member Kishimoto asked staff to clarify the concerns Ms. Chipella had raised on whether the City has the funding to complete all the projects.

Public Works Director, Glenn Roberts, stated in this year's phases, the Alma Project was under budget, and University Project was over budget. Staff requested the monies be transferred so both projects could be completed. He stated any ongoing project needs on Alma Street would be funded in future years' budgets.

Council Member Schmid registered a no vote on Agenda Item No. 13.

MOTION: Council Member Morton moved, seconded by Council Member Barton to approve Consent Calendar Item Nos. 5- 22.

4. ~~Policy and Services Committee and Human Relations Commission Recommendation to the City Council to Adopt an **Ordinance Amending Section 9.72.070 of Chapter 9.72 [Mandatory Response to Request for Discussion of Disputes Between Landlord and Tenant] of Title 9 of the Palo Alto Municipal Code to Void Rent Increases Given Without Notice of the Right to Mediation.**~~
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MOTION PASSED for Item Nos. 5-12, 14-22: 8-0 Yeh absent

MOTION PASSED for Item No. 13: 7-1, Schmid no, Yeh absent

MOTION: Mayor Klein moved, seconded by Vice Mayor Drekmeier to move Agenda Item Nos. 28 and 29 forward on the agenda.

MOTION PASSED: 8-0 Yeh absent

COUNCIL MATTERS

28. Adoption of a Resolution Opposing Santa Clara County Measure B Enacting a One-Eighth Cent Sales Tax Increase over 30 Years in the November 2008 Santa Clara County Election.

MOTION: Council Member Kishimoto moved, seconded by Mayor Klein to adopt the resolution in opposition of Santa Clara County Measure B, enacting a one-eighth cent sales tax increase over 30 years in the November 2008 Santa Clara County Election.

David Coale, 766 Josina Avenue, spoke in opposition of Measure B, and stated the less-expensive Caltrains system was a better and more effective option.

Mona Miller, 751 Christine Drive, stated she has used public transit over the long-term, stressing the current problems with the bus system. She was not in support of Measure B and spoke in support of the Caltrains system.

Phyllis C. Cassell, 621 Wellsbury Way, representing the League of Women Voters, stated they were in support of Measure B as the next step to complete the rail system and reduce global warming.

Irvin Dawid, 753 Alma St. #126, spoke against Measure B and stated transit funds should come from a more diverse revenue base besides just sales tax.

Robert Moss, 4010 Orme Street, spoke against Measure B, and spoke to past bus and other transit problems in the city, and stated that the proposed funding measure would not result in any real change or upgrades.

Toby Williams, spoke against Measure B, and stated funding one train line that needs more work and even more money than the measure provided was not a feasible option.

Margaret Okuzumi, Bay Rail Alliance, spoke against Measure B. BART had not shown a true financial plan where these monies will result in finishing the project. The money is better spent on electrifying the Caltrains line.

Herb Borock, P.O. Box 632, spoke against Measure B, and stated the measure only supports transit users, and larger corporations, none of which benefit the citizens of Palo Alto.

Carl Anderson, 4044 Amaranta Avenue, spoke in support of the need for fast transit due to increased population growth, but also cited reasons why Measure B was not entirely appropriate.

Doug DeLong, 982 Wright Avenue #1, Mountain View, read from the Mountain View Voice in an effort to inform Palo Alto citizens as they made their decisions regarding Measure B.

Rod Diridon stated the League of Conservation Voters researched this issue and did endorse Measure B, with only one dissenting vote, and stressed that this is a board which represents every city in the County.

Carl Guardino, 489 Bird Avenue, Los Gatos, spoke in support of Council's efforts to work towards local and regional good, and in that vein hoped for Council support of Measure B in interconnecting all transit systems.

Council Member Espinosa asked where the funding is really coming from for BART and whether or not this will take money away from the electrification of Caltrains, or other Caltrains' improvements.

Mr. Guardino stated the funding comes by multiple process from the local share of the Measure A revenue, the State's share and the Federal Government. He stated if Measure B passes, and the Federal Government does not come through on their grants, the tax never takes effect. He stated this makes sure they can operate and maintain what is built without taking money from the rest of the system.

Vice Mayor Drekmeier asked if this was really the best way to spend limited dollars for increased transit, and would they be seeing real benefits in terms of environmental concerns.

Mr. Guardino stated the BART system has 75 percent ridership and Caltrains had its biggest month in August with 46,000 weekday passenger trips. The goal is to bring both systems together with seamless rail which could result in removing the equivalent of two full freeway lanes of traffic into the rail system, for phenomenal ridership numbers. He reiterated there had been alternative analysis completed looking at 11 different alternatives and modes, and the BART alternative still proved the best bet. He stated it is not inexpensive, but is effective, will achieve goals, and is an efficient system with a dedicated revenue source.

Council Member Morton asked if Measure B would jeopardize the other systems, or was BART truly well near completion, whereas the other alternatives were in very early or pre-development stages.

Mr. Guardino agreed that the other options were in these early stages of development and concern. He stated he believed in these other systems; however, the BART system posed fewer challenges and was closer to completion. He stated the ultimate goal would be for the rail systems to finish concurrently, but that funding still needed to be identified in areas regarding the other rail options.

Phaedra Ellis, South Bay Labor Council, spoke in support of Measure B. She cited reasons why it is feasible and accountable by studies, spoke to Santa Clara County Valley Transportation Authority (VTA) better operations, and the ability to bring more people together in a regional partnership.

Council Member Kishimoto disagreed with Measure B and noted the four reasons she is against the measure: 1) a BART-dominated transportation plan is not the most effective; 2) sales tax is the most regressive tax and not the best way to pay for transit; 3) was this fair share, and/or does this

really serve the economy; and 4) it is not clear which projects will risk incompleteness with the full funding of BART.

Mayor Klein stated Irwin Dawid's comments resonated with him in that he has been a longstanding supporter of transit projects, but he was not in favor of the measure. He agreed with the need to look at the measure in a countywide perspective.

He stated BART is not near completion in that said completion has been over-promised and under-performed. He stated they needed to still be looking at short-term ways to reduce the area's carbon footprint with buses and light rail.

Council Member Barton stated he understood the concerns shared, was against the notion of a regional approach, and opposed the Motion on the table.

Council Member Morton stated this was not a vote for or against BART. The sales tax does not come into play until Federal funds are received and other alternative transit measures are not in jeopardy by Measure B's approval.

SUBSTITUTE MOTION: Council Member Morton moved, seconded by Council Member Espinosa to support Measure B.

Council Member Espinosa stated transportation planning cannot be done solely on a local basis. He stated there had been a federally approved audit to ensure that sales tax revenue would be enough and he voiced his support of Measure B.

Council Member Burt stated he was not entirely convinced in either direction. He shared colleague and community concerns, wished there was a better alternative to tie-in seamless rail. He stated he was in opposition of the Motion, and would endorse Council taking a neutral position.

SUBSTITUTE MOTION FAILED: 3-5 Barton, Espinosa, Morton yes, Yeh absent.

Council Member Morton urged colleagues to vote no, or at least staying neutral, in not going against their neighboring jurisdictions.

MOTION FAILED: 4-4 Barton, Burt, Espinosa, Morton, no, Yeh absent

MOTION: Mayor Klein moved, seconded by Council Member Morton to move Agenda Item No. 29 forward on the Agenda

MOTION PASSED: 8-0 Yeh absent

29. Colleague's Memo from Mayor Klein and Council Member Kishimoto Requesting Adoption of a Resolution Supporting State of California Ballot Proposition 1A, the Safe, Reliable High Speed Passenger Train Bond Act for the 21st Century.

Rod Diridon ran through a presentation on keynotes of high-speed rail around the world, and the plans for high-speed rail in the United States. He stated the plan receives one-third of its funding from the ballot measure, another one-third from the Federal Government and the final one-third from public and private entities. He stated they will be using private contractors following public and private procedures, will be fully bonded with no overruns and they will complete on time with funds left over for the other rail systems' concerns.

Council Member Burt asked how much latitude existed in the route and system should the proposition pass.

Mr. Diridon stated the identified route was in an overlay area of the peninsula, parallel to Caltrains, and would go into project level environmental review and bid process with community involvement and public hearings on the type of configuration in the corridor selected. He stated it is probable that they will choose the Caltrains corridor and probable that they would look at a four-track system, even though they would legally be required to look at two-track systems, tunnels and trenching, grades and elevations, and that Council would be involved in the process.

Council Member Burt asked if it were true that above 200 mph, the CO2 generation per passenger mile on high-speed rail was comparable to and/or greater than air travel.

Mr. Diridon stated this was false in that they have data suggesting otherwise, and noted on the peninsula the trains will not be running at those high speeds, due to relatively frequent stops and noise concerns.

Council Member Espinosa asked where Redwood City and/or Palo Alto are in the planning process as far as stops or stations.

Mr. Diridon cited two stations that were being decided upon on the south end, and/or Palo Alto or Redwood City. He stated those are left to be decided in the project level environmental review, and will depend upon Council's decision. He stated Redwood City is interested in having a station.

Council Member Barton stated he was supportive of this approach, but did ask for the numbers of air traffic travelers per year, going north to south California, versus the number of rail traffic passengers at full build-out, in per year figures.

Mr. Diridon stated the figures were low at this point, but as population grows in the state, the air corridor will be more congested, so rail will reduce this congestion. He cited conservative ridership figures of between 90- and 117-million riders per year based on the State Department of Finance's population projections.

Council Member Morton asked where things are, statewide, in terms of supporting bond measures, considering the economic crisis and stressed the need for community outreach.

Mr. Diridon stated latest polls show 30 percent opposed and 50 percent in favor. He stated once there is more community outreach, the public will realize this measure is a no tax increase bond. He stressed the long-term cost effectiveness of the rail system over the next 100 years of usage. He repeated that no bonds would be sold until the Federal grants were processed.

Phyllis C. Cassell, 621 Wellsbury Way, stated the League of Women Voters supports Proposition 1A, which will provide an innovative transportation alternative to auto and air travel in consideration of population growth.

David Coale, 766 Josina Avenue, stated he was in support of Proposition 1A as an easy choice in these economic times and that it would boost regional and local transit. He was also in support of Measure B.

Herb Borock, P.O. Box 632, questioned the benefits of the rail system to Palo Alto. He stated the speeds proposed would require four-tracks and grade separations, which he felt would be bad for the City, as well as any alternatives to limiting the numbers of tracks or miles per hour, since this would not make the transit system any faster or more effective.

Omar Chatty, stated opposition of the high-speed rail with regard to the budget for the State of California. He is not opposed to high speed rail, but felt this was not the time for it, economy-wise, city and statewide.

Jim Bigelow, 1011 Merrill Street Menlo Park, Chamber of Commerce, stated many chambers along the peninsula are in support of high-speed rail. He urged Council support on 1A, along with the Sierra Club, and pointed out further benefits of train travel and eventual connection of all systems.

MOTION: Mayor Klein moved, seconded by Council Member Kishimoto to adopt the Resolution 8865 Supporting State of California Ballot Proposition 1A, the Safe, Reliable High Speed Passenger Train Bond Act for the 21st Century.

Vice Mayor Drekmeier stated he was in support of the motion in that it was a better proposal than years prior and that high-speed rail is the one viable long-term option.

Council Member Kishimoto supported the bond measure, and states that any real issues on how this affects the peninsula are out ahead of this decision.

Council Member Espinosa supported the measure and spoke to starting talks sooner rather than later on whether or not Palo Alto would want a station. He stressed the need to keep the community informed and the need for early planning and study.

Council Member Schmid stated he would support the Motion, but also discussed concerns over how high-speed rail will affect their area which has long been comprised of smaller networks and hubs within an automobile infrastructure and framework. He was also interested in the possibility of underground rail. Long-distance he felt rail was a competitive element but in the short-rail system, he felt it was more of a detriment.

Council Member Morton stated support in the Measure in the hope that it would solve transportation issues in the west Bay Area, and hoped there would be enough money to support Caltrains and other systems.

Council Member Burt supported the Motion, and stated raised issues could be handled at future Study Sessions.

Mayor Klein was in support of the Measure, seeing it as a step forward for Palo Alto.

MOTION PASSED: 8-0 Yeh absent

PUBLIC HEARINGS

23. Approval of Mitigated Negative Declaration, Site and Design Review and Record of Land Use Action for a New Childcare Facility (San Antonio Children's Center) Located at 1129-1137 San Antonio Avenue

Mayor Klein advised he would not be participating in Agenda Item No. 23 as he is a shareholder in Google.

Interim Planning Director, Curtis Williams, stated this item went under site and design review by the Planning & Transportation Commission and by the Architectural Review Board (ARB), and both are in support.

Planning & Transportation Commissioner, Paula Sandas spoke on approval of the Negative Declaration in that it was a unanimous vote, with two members

absent. She stated findings were met with it being consistent with the Comprehensive Plan and appropriate land use.

Council Member Morton asked what the anticipated morning drop-off traffic pattern would be.

Commissioner Sandas stated the applicant could better address that issue.

Council Member Espinosa asked what can Council do about the adjoining or close-by sites with hazardous materials.

Mr. Williams stated there are specific concerns, but they have advice from the Fire Department on developing emergency response plans, and these plans renew yearly. He stated the applicant is aware of possible hazards.

Chris Dorman, Dorman and Associates, gave an overview of the project, including traffic and traffic backup concerns, and their confidence in the location including regard for the possible hazardous or otherwise activity on the neighboring site. He stated the building plan meets LEED Silver standards.

Council Member Kishimoto asked if there was going to be a shuttle.

Mr. Dorman stated Google has been looking at shuttle service but nothing has been decided upon as of yet.

David Blitz, representative from Staubagh Company, spoke to Google's interest in sustainability with the project, and that given it would take a year to complete the project, they would be studying the traffic and shuttle issues ongoing.

Council Member Kishimoto asked if Google was fully aware of earthquake, liquefaction, flooding and toxic waste exposure concerns.

Mr. Dorman stated extensive assessments, and consultation with the Fire Department were done prior to the project's design and recommendations were followed. As well, the liquefaction concerns were low, and the one-story design helped in that regard. He stated the building sites will be brought up to the minimum flood standard.

Council Member Kishimoto hoped Google would also look at facilitating bike and pedestrian access near that site.

Council Member Schmid asked for clarification on the traffic turn-arounds.

Mr. Dorman explained the parking and turn-arounds, and the loop and diagonal-only parking on the Bayshore Highway side.

Council Member Schmid asked if the preschool drop-off and pick-up traffic was going to be substantial enough to effect the Baylands Trails.

Mr. Dorman stated the trail comes near and around the site, but the site is heavily wooded.

Council Member Schmid stated at this point you can see the parking lot from the trail.

Mr. Dorman stated across the site, the traffic analysis was 40 trips beyond what the current trips are, and that the parking lot size has been reduced by at least 40 cars.

Council Member Schmid noted his concerns about turn-around traffic which is twice a day, drop-off and pick-up and quite a number of trips.

Mr. Dorman stated the turn-around is functional with plenty of drop-off parking spaces, decreasing the number of cars using the turnaround.

Council Member Schmid asked staff to address concerns over the noise issues that may arise from the heavy equipment used at the Los Altos Treatment Plant (LATP).

Mr. Williams stated there was enough separation in the plan to ameliorate those issues, along with screening along the property, to minimize the concerns over the noise effects on the school children.

Council Member Schmid asked if the applicant is in agreement with this statement.

Mr. Williams stated the applicant is aware of the wide range of uses on that site.

Council Member Morton asked if the composting site is going to be sound-proofed enough that it will not affect the daycare site.

Mr. Williams stated they are looking at what they are doing on their site as well to lessen these effects.

Council Member Morton stated they may have mitigation measures as well in their approval of this project.

Mr. Williams stated this to be true, but it should not prohibit the uses on their site, and they would need to look at measures to help with the sound-proofing and additional screening.

Council Member Morton asked if this would include walling the composting side of the site.

Mr. Williams stated it would be hard to know that at this particular point.

Council Member Morton stated the composting site will be there for 40 or more years and was concerned whether Council needed to address any additional measures.

Mr. Williams stated what is before Council is the Site and Design Review, and not the Conditional Use Permit. He stated they were limited in their comments as they have not heard specifics from the treatment plant. He stated measures are being taken, however, by that site to ameliorate the situation with vegetation and sound-proofing.

Council Member Morton stated it was understood, then, that there may be future uses on the LATP site that may not be compatible with the daycare.

Council Member Burt asked if it was possible to put something in the Record of Approval stating that they have this verbal agreement over the future intended uses and potential implications to prevent any legal challenges in the future.

City Manager, James Keene, stated this could be done, or they could come back to Council on this before they act, and that the applicant should be informed of this discussion as well.

Council Member Burt stated he would be comfortable with language in the Motion that would conceptually acknowledge the oral agreement with approval contingent upon staff and applicant giving the ministerial agreement to the anticipated contingencies and uses.

Council Member Espinosa agreed with Council Member Burt.

Council Member Schmid asked about the A2 map and the mediation buffers on the LATP side, if this was the official map and clarification on those buffers.

Mr. Williams stated it was the official map and the city would not be making any kind of commitment for those buffers.

Mr. Dorman stated the map was the initial constraints map in looking at how the site relates to the marshland. The remedial buffer was a point to the applicant regarding where to plant vegetation and was completely their responsibility.

Council Member Kishimoto wanted the checklist to include the liquefaction item, and wording that the applicant was responsible for striping.

Mr. Williams stated the language would be changed to reflect this. Council Member Morton wanted clarification on the remediation buffer on Map 2A and whether it was on the daycare side or the LAMP side.

Mr. Dorman stated that particular drawing is included for site context and is not drawn specifically as to the scope of work. The buffer is not intended to be on the LAMP site, nor be the City's responsibility.

Public hearing opened and closed with no speakers at 10:11 p.m.

MOTION: Council Member Burt moved, seconded by Council Member Morton to accept Staff, Planning & Transportation Commission, and Architectural Review Boards recommendation to approve 1) the Mitigated Negative Declaration, prepared for the property at 1129-1137 San Antonio Avenue, in accordance with the California Environmental Quality Act (CEQA) and 2) approve a Record of Land Use Action approving a Site and Design Review application to allow the construction of a new childcare facility subject to the findings and conditions of approval contained in the record of Land Use Action. Staff will negotiate a written acknowledgment of potential uses and preparation for those uses of adjacent City-owned land (former Los Altos Treatment Plan site), to include acceptance of anticipated noise and other impacts of those uses. Additionally, the applicant will pay for all pavement striping and the environmental checklist will be revised to include liquefaction mitigation.

City Manager Keene stated the Google site is under existing zoning, and can be permitted there, but they are to clearly acknowledge that it is adjacent to a site with demanding land uses that stretch into the future.

Council Member Burt stated that was the intent of the Motion.

Council Member Morton hoped it would go well in that this is not a traditional site neighbor.

Council Member Barton wanted to be clear that they were adding additional wording regarding the neighboring site, which was worded legally.

Council Member Burt stated the City Attorney had deemed the wording legal.

Assistant City Attorney, Don Larkin, said that they were simply asking the applicant to acknowledge the risks.

Council Member Morton asked if it would also be binding on a future tenant.

Mr. Larkin stated Council was not acting on a use issue currently, that it would be part of the record, but not legally binding.

Council Member Kishimoto asked if striping and liquefaction were being added.

Mr. Williams stated those changes were minimal and fine with them.

Council Member Kishimoto asked if the new wording included noise and hazardous material.

Council Member Burt said it was noise and other impacts of those uses.

Mr. Williams stated if there is contamination that needs to be addressed, this would be addressed before the project proceeds.

Council Member Burt asked what if something happened after the project was underway or in place.

Mr. Williams stated that is tightly controlled area of concern and anticipated it is also part of the project when they discuss potential uses, but it could be reworded with respect to remediation and prospective uses, if need be.

Council Member Burt, wished to modify his Motion to say, the uses and the preparation of those uses, if the seconder accepted, and restated that is an acknowledgement and not legally binding, but would be in the written body of the record.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: of those uses and preparation for those uses.

MOTION PASSED: 7-0 Klein not participating, Yeh absent

24. Approval of a Negative Declaration and Adoption of a Resolution Approving the Palo Alto Baylands Master Plan 2008

Senior Planner, Gloria Humble, stated the intent of the update was to consolidate the existing documents and update the document with regard to policy implementations, Council actions, out-of-date facts and other relevant information. She gave a presentation on the original plan documents (Master Plan Documents, Byxbee Park Documents and Other) and went through the events leading to the current Palo Alto Baylands Master Plan 2008 and the Site Assessment and Design Guidelines. Her presentation also covered what has happened since 1988 in terms of implementation of policies, additional Council actions, fact corrections and other relevant

information. She summarized the update as reflective of the contents of the prior documents and what has happened since 1988.

Ms. Caporgno told Council the completed final document could be issued as early as the end of the year.

Paula Sandas, Planning & Transportation Commissioner, conveyed staff's enthusiasm for the updated plan and thanked those involved.

Vice Mayor Drekmeier asked about recycled water being released into the unnamed slough, and asked if there were issues regarding caps on the amount of water being released.

Public Works Director, Glenn Roberts, stated there have been no substantial marsh conversion issues at their discharge point, being further north of the bay, although there are a few scattered areas of questionable plant growth, but nothing of substance.

Council Member Burt asked for clarification of Page 3 of the Baylands Comprehensive Conservation Plan.

Ms. Caporgno stated Community Services Department is currently working on it with a consultant on its preparation. The intent is to implement many of the policies that exist in the Baylands Master Plan, having been discussed 3 years ago, and with the consultant on board for the last 1½ years.

Council Member Burt asked for clarification for policies on natural areas versus commercial areas and whether the surface road gap in the bike trail would be dealt with in the future, and had questions regarding the acronym, CLUP.

Interim Deputy City Manager, Steve Emslie, stated CLUP stood for the Comprehensive Land Use Plan for aviation, and is state-mandated land use plan for airports. He stated it has little bearing on the park plan because the City's Master Plan does not allow intense development at all, and this is a passive open space park and is compatible with the County CLUP.

Council Member Morton noted noise level plans are included in CLUPs. He stressed appreciation for staff's work.

Council Member Schmid asked why, if the work on Byxbee Hills Park is completed and paid for, is it fenced off and not open to the public.

Mr. Roberts stated prior policy directives in previous years involved not opening the space until all technical issue were met including final grading and methane gas collection systems.

Council Schmid asked if it Council's decision on when to open.

Mr. Roberts stated this was primarily the case to the best of his understanding, in that the Hardgrave's Master Plan contemplates the development of scenic vistas on those hilltop points and trail systems, rendering this plan incomplete.

City Manager, James Keene, asked how many years this entails, if by current policy, the park cannot open until completion.

Mr. Roberts stated best case scenario would be two or more years after final closure and release of the lands by the State of California, and completion of improvements contingent on funding.

Council Member Kishimoto asked if the design guidelines were officially adopted, and if so, could they be included.

Ms. Caporgno stated the design guidelines have never been officially adopted, and were now up for Council adoption.

Council Member Kishimoto asked if they were taking action today to adopt the guidelines.

Ms. Humble pointed Council to Policy No. 12, the Overall Environmental Quality Policy (Page 61), following the guidelines established in the Site Assessment and Design Guidelines of Palo Alto Bay Lands Nature Preserve, published in 2005.

Council Member Kishimoto asked if staff had a work plan for implementation of the next steps regarding the parklands.

Ms. Caporgno stated they would be coming back with the completed document, and asked if by other items she was referring to composting.

Council Member Kishimoto stated items such as the Mayfield Slough area conversion.

Ms. Caporgno stated those items were being implemented and would continue to be implemented as to policy direction by the different departments responsible for oversight of the projects. She stated Planning Staff had not anticipated coming back with multiple changes, in that this was the conclusion of their assignment.

Council Member Kishimoto inquired about bringing back a plan to incorporate changes into the next 5-year Capital Improvement Project (CIP).

City Manager Keene stated they could follow-up with Council on the implementation while moving into the new CIP with the completed plan.

Public Hearing opened at 10:57 p.m.

Emily Renzel, 1056 Forrest Avenue, spoke to the area wetlands and their preservation, its continued importance and all the work that had been done in many areas.

Enid Pearson noted the Baylands were designated as parklands in 1965, and that they had come a long way in securing and improving these lands since then, and looked to Council to continue these efforts.

Phyllis C. Cassell, 621 Wellsbury Way, President of the League of Women Voters in Palo Alto, stated the League was in support of the Baylands projects. This new plan was historic documentation on open space issues.

Libby Lucas, 174 Yerba Santa Avenue, Los Altos, hoped for further delineation and support of the wetlands in the area, with help from the Corp of Engineers, and stressed the continued importance of maintaining and sustaining these lands.

Tom Jordan, 474 Churchill Avenue, supported staff recommendations, urged Council's recommendations, and asked that titling of the baylands be undertaken with the State Lands Commission, and that Council look into the curative 1974 Corp permit requirements.

Deirdre Crommie, Park and Recreation Commission Member, stated the Commission unanimously supported the approval of the Baylands Master Plan.

Herb Borock, P.O. Box 632, thanked staff for the document, and urged Council to adopt staff recommendations.

Public Hearing closed at 11:15 p.m.

MOTION: Council Member Morton moved, seconded by Council Member Kishimoto to accept Staff, Planning & Transportation, and Parks and Recreation Commission recommendation to 1) adopt the Negative Declaration and 2) adopt the Resolution approving the Palo Alto Baylands Master Plan 2008 including errata.

Council Member Morton stated Council shared the public's remarks on how much the document is appreciated, the persistence and patience involved.

Council Member Kishimoto broke Council's usual procedure and asked that the staff involved be given a round of applause.

Council Member Schmid spoke to recent time spent in the Baylands, and overhearing community appreciation of the park. He stressed the need to continue this open access to the park system for the community.

Council Member Espinosa asked staff to clarify the concerns or issues about the 1976 Resolution 5187, Marsh Restoration and Preservation Plan, and whether or not it is omitted and/or included in the new plan.

Ms. Caporgno stated the information Council received was an attempt to address that issue, which they had heard about on late notice, and would return to Council with wording to address that.

Council Member Espinosa stated it is important when looking back historically, to remember the unpaid citizen faction who remain adamant through the years fighting for the Baylands preservation, and he wished to acknowledge them. He also expressed the hope that positions would not soften on the issue of restoring the Byxbee areas to pastoral parklands.

MOTION PASSED: 8-0 Yeh absent

REPORTS OF OFFICIALS

25. Library Department Update on Progress of Audit of Library Operations Recommendations.

Library Director, Diane Jennings, gave the library's update on the progress on implementing the recommendations of the Audit of Library Operations and gave a presentation on this progress citing audit purpose, the 32 audit areas (with substantial completion ratios in these areas), and highlighted the library's next steps.

Council Member Espinosa stated he is the Council Liaison to the Library Advisory Commission and there had been robust movement on all recommendations by library staff, and wanted Palo Alto community members to know that their libraries are efficient.

Mayor Klein noted that no Council action was required on this agenda item.

Alison Cormack, 3487 Ross Road, Better Libraries for Palo Alto stated the City's libraries have received bad reports in prior years, which make the voting in November important for the future of Palo Alto libraries.

Council Member Burt thanked staff for bringing this forward prior to the election so community members can be aware prior to voting. He asked

what the impact of staff concerns for new libraries would be in Council's current planning.

Ms. Jennings stated one to three additional staff would be required for Mitchell Park, and no additional staff for Main or Downtown.

Council Burt asked if the Mitchell Park library's use of the new technology would offer the greatest potential for staff efficiencies.

Ms. Jennings stated he was correct because circulation studies showed increased circulation at Mitchell Park and more appeal, and the technology will help to keep staffing down even with additional workload.

Council Member Burt asked throughout the library system, if implementation of the new technology is feasible at all locations.

Ms. Jennings stated there is an issue of space at the current Mitchell Park location, it could be installed at Main, and a small unit at Children's, but Mitchell Park has the greatest circulation concerns, which will grow in proportion to the other libraries when it becomes the new facility.

Council Member Burt asked what kind of range of increased usage can be expected at the new facility if approved.

Ms. Jennings stated the Main library closing for renovations will add to the already expected numbers, so she has difficulty making a first-year estimate on how much of the increase is due to the new facility and how much is runoff from Main. Over time, they are expecting a 30 percent increase.

Council Member Schmid spoke to leveraging the libraries continued resources by looking at library usage areas, how they change, the number of people and the ratio of employee-to-user, and extended hours of usage where there would be less staff needed with the new technology.

Ms. Jennings said she would take all this for the future into consideration.

Mayor Klein remarked that the library should keep up the continued good work and hoped for a good outcome at election.

26. Approval of an Agreement Between San Mateo County Convention and Visitors Bureau and the City of Palo Alto for the Provision of Destination Palo Alto Visitorship Services in the Amount of \$215,000 for Fiscal Year 2008-09 and \$240,000 for Fiscal Year 2009-10 and Approval of an Agreement Between the Palo Alto Weekly and the City of Palo Alto for the Provision of the Destination Palo Alto Website Update and Revision, Visitor Guide and Associated Services in the Amount of \$25,000 for Fiscal Year 2008-09.

Economic Development Manager, Susan Barnes, gave an abridged version of her Destination Palo Alto presentation. She did talk about the solicitation process and gave information on the bids received and considered. She reviewed the evaluation process with a well-seated board, the interviews and review process and what lead to their final unanimous decision. She reiterated what they would like Council's action on currently.

Council Member Kishimoto stated she was supportive of the efforts thus far. She asked about waiving of permits and asked for clarification on whether the proposed amount includes this or not.

Ms. Barnes stated it would go through the normal permitting process and only City-Sponsored events would have a waiver of the permits.

Council Member Kishimoto asked about event support and assumed booking of hotels was included, but other event support was not.

Anne LeClair, San Mateo County Convention & Visitor Bureau, 111 Anza Boulevard, Burlingame, stated they would be involved in booking hotels, taking planners around, taking travel agents around as the primary function. She stated they might also set up fresh food service. She stated it is not an absolute part of the contract, but they are helpful in any area they can. Council Member Schmid stated the criteria for success and stated area merchants would jump on board in support.

Council Member Barton left the meeting at 11:50 p.m.

Ms. Barnes stated that type of momentum and involvement was absolutely critical.

Mayor Klein asked for clarification on fam, and assumed it meant familiarization.

Ms. LeClair stated this was correct and bringing planners out for a familiarization tour of the hotels was key to their success.

Council Member Burt made comments and suggestions towards using an alternative metric to factor in the current financial outlook, and looking at how Palo Alto stacks up with area cities. He stated occupancy is a common quantifiable metric, but asked if they could factor in each occupant's retail purchases.

Ms. LeClair stated they had average visitor spending metrics and would be using Godby Research for a better picture of how people are spending in the area during different seasons.

Council Member Burt stated there are four days a week less supply than demand, and a lot more business and recreational visitors than are put up on hotels, and asked if there would be some kind of metric to address their retail spending, even if they are not using the hotel, per se.

Ms. LeClair stated, in terms of daily visitors, they are going to use the hotel user studies to latch on to that metric, but she has also created surveys for area restaurants to better establish numbers.

Council Member Burt stated press and public comment describes this as a tourism program, when really the greatest hotel income comes from business and university travelers, and hoped the public would come to understand the difference.

Ms. LeClair stated group events are key, beyond business or university traffic.

Council Member Morton asked for a sense of how they would accommodate 30,000 people for the 2009 Senior Games and how much of this contract will go to that concern. He asked also, since many visitors would be using other community hotels, what are their plans for keeping them in Palo Alto for the most part of their stay prior to retiring to their hotels.

Ms. LeClair stated the Cribbs' group took the lead on that, and they participated in those meetings.

Council Member Morton asked if she expected other community buy-ins as well, and assumed this would be one of her big efforts in the support of the Senior Games.

Ms. LeClair stated it is possible, but normally the best time and way to get money from the other communities is before the contracts are signed for the hotels. She stated they are in continued support of the Senior Games.

Vice Mayor Drekmeier spoke to the amount and number of room revenues they would have to attain in order to recoup the \$240,000. He stressed this was a considerable investment, and also they needed to be reminded of the increasing traffic levels and other concerns that came with this plan.

Ms. Barnes stated the formulary is a 5 percent increase in the top five hotels in Palo Alto netting out the \$240,000 over a year's time, and in addition to that they've looked at other multipliers and secondary impacts, with a Friday and Saturday night focus in improving occupancy, and she felt it was an attainable goal.

Vice Mayor Drekmeier spoke to the numbers based on her estimations.

Ms. Barnes stressed looking at monies spent on retail, arts and entertainment.

Council Member Kishimoto stated in order to keep continued support from the community they should be mindful of traffic concerns and other sensitivities. She stated branding Palo Alto can also be a sensitive subject.

Ms. LeClair stated most groups are aware and in support of using mass transit, walking or taking the bus, and the green movement is also a huge selling point for event planners.

Council Member Espinosa asked for a brief re-explanation of the breaking even on just the hotels and the percentage increase.

Ms. Barnes stated the Administrative Services Department came forward on what was reasonable to spend on a percentage rate over a year's times for the top five Palo Alto hotels.

Council Member Espinosa agreed with the Vice Mayor that public perception is that they are creating a tourism plan, when really it is a revenue plan looking at where they can get increased tax dollars. He urged Council approval on the recommendations.

MOTION: Council Member Espinosa moved, seconded by Mayor Klein to accept staff recommendations to, 1) authorize the City Manager or his designee to execute the agreement with the San Mateo County Convention and Visitors Bureau in an amount not to exceed \$455,000 for visitorship services for the fiscal year 2008-09 and fiscal year 2009-10, and 2) authorize the City Manager or his designee to execute the agreement with the Palo Alto Weekly in an amount not to exceed \$25,000 for the fiscal year 2008-09 for Destination Palo Alto website update and revision, visitor guide and associated services.

Mayor Klein stated he had been critical of the Destination Palo Alto for the previous lack of metrics, but sees an improvement in that area now, and spoke to the Vice Mayor's numbers bringing them down to weekly numbers, which lends to lesser traffic. He stressed also the need, perhaps, for renaming or re-branding.

Council Member Morton did not want to change branding and indicated his support will be measured on how well things go with the Senior Games since that will be the first big indicator, and not in that they should do or expect to have the Senior Games every year. He asked if the funding was coming out of this year's budget or next year's budget.

City Manager Keene stated it comes out of both years' budget, although

there is a clause not to proceed with the second year's budget, based on metrics.

Council Burt stated professionals are on board who could help with re-branding, and this would be the time in the process to do it. He also thought they should widen the metrics beyond the top five hotels. He asked also for the average daily rate of Palo Alto hotels.

Ms. Barnes stated \$300-\$400 dollars per night.

Council Member Bart stated that even paring down that figure, they could break even.

MOTION PASSED: 6-1 Drekmeier no, Barton, Yeh absent

REPORTS OF COMMITTEES AND COMMISSIONS

MOTION: Mayor Klein moved, seconded by Council Member Morton to move Agenda Item No. 27 to the Council meeting on October 20, 2008.

MOTION PASSED: 8-0 Yeh absent

~~27. Policy and Services Committee Recommendation to Approve a Pilot Program to Implement "Open City Hall" Online Service~~

~~**MOTION:** Council Member XXXX moved, seconded by Council Member XXXX to accept Staff and Policy and Services Committee recommendation to approve a pilot program to implement "Open City Hall" online services as an additional means to further engage the residents of Palo Alto in the decision making process and adhere to one of Council's top four priorities (Civic Engagement) for this year. The elements of the pilot program are:~~

- ~~a. 6-month pilot program at a cost of \$6,200 (\$5,000 set up fee + 200/month~~
- ~~b. Hosted on www.OpenCityHall.com~~
- ~~c. Initially, staff will select 1-3 key Council agenda items to use as discussion topics each week on the forum during the pilot program~~
- ~~d. Peak Democracy staff (founders of Open City Hall) will monitor the forum~~
- ~~e. An evaluation of the program will be conducted at the end of the 6-month period. Guidelines to indicate the success of the program have yet to be determined; however, staff had identified key areas to evaluate: Participation, Discussion Items, and Resources.~~

~~**MOTION PASSED:** 8-0 Yeh absent~~

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Kishimoto reported there is an upcoming show on October 25, 2008 at the Palo Alto Art Center of four custom made Kimonos for Palo Alto. She reminded everyone that this week is Palo Alto Walks and Rolls Week and that Gunn High School had over 600 bikes parked at the school.

Mayor Klein reported that there will be information coming forth to Council on the upcoming Turkey Trot Walk/Run charity event.

Council Member Kishimoto also reported that several members of the Council attended the Palo Alto Black and White Ball last weekend, which was a huge success.

Council Member Morton also praised the Palo Alto Black and White Ball.

ADJOURNMENT: The meeting adjourned at 12:20 a.m.

ATTEST:

APPROVED:

City Clerk

Mayor

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