

CITY COUNCIL MINUTES

CITY COUNCIL MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26
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Special Meeting
March 2, 2009

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ADJOURNMENT: The meeting adjourned at 1:00 a.m. 31

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:06 p.m.

Present: Barton arrived at 7:25 p.m., Burt, Drekmeier, Espinosa, Kishimoto, Klein arrived at 7:25 p.m., Morton, Schmid, Yeh

UNFINISHED BUSINESS:

City Attorney Gary Baum noted that Council Member Barton would not participate in Agenda Item Number 1 as he is on staff at Stanford University and Council Member Klein would not participate in Agenda Item Number 1 as his wife is on staff at Stanford University.

1. Review of the Transportation Analysis for the Proposed Stanford University Medical Center and Stanford Shopping Center Expansions.

Interim Director of Planning and Community Environment, Curtis Williams stated the Traffic Impact Analysis (TIA) had been reviewed by the Planning and Transportation Commission (P&TC) and by Council. He stated the discussion of the Traffic Impact Analysis was to provide input on what Council felt were appropriate Mitigation Measures to pursue. The TIA will be incorporated into the traffic section of the Environmental Impact Report (EIR), which was scheduled to return to Council in late April.

City Attorney, Gary Baum gave notification of the discretion and limitation to Council's authority regarding Development Agreements, the Zoning and Entitlement Process, Discretionary Approvals, and the Environmental Review.

Mayor Drekmeier stated the community benefits portion of the project would be discussed on March 14, 2009.

Council Member Schmid stated concerns how a project of this magnitude would impact Palo Alto traffic volume by less than ten percent.

Council Member Yeh stated the Mitigations being discussed were based on the data assumptions from the model. He stated the traffic demand was being developed regionally and therefore needed to include Palo Alto neighboring jurisdictions.

Mr. Williams stated the TIA Staff met with Santa Clara and San Mateo Counties and surrounding cities to discuss their traffic transportation systems. He stated the Assumptions in the TIA would be revisited, modified and returned to Council with necessary revisions.

Council Member Schmid stated there had been a dramatic change in traffic volume over the past ten years compared to what had been forecasted for the forthcoming ten years. He stated there needed to be an explanation of the difference between expectation and actuality.

Vice Mayor Morton requested Stanford look at the cumulative effect of its growth and development over the past few years plus the impact of new growth to improve intersections. He asked how Staff was going to show specific examples of Mitigation of enhancement to the flow of traffic.

Mr. Williams stated Staff would explore the physical improvements and the feasibility of the traffic areas surrounding Stanford to determine whether they were available as a Mitigation Measure.

Vice Mayor Morton encouraged Staff to give Council the best possible suggestions as to what mitigating factors should be voted on.

Council Member Kishimoto stated the Stanford proposal was to add up to twenty more impacted intersections, the impact on local traffic and housing was considerable. The community expected Council to adopt very high standards of expectations and performance. Stanford projects were 100 percent over current zoning allowances, it was reasonable to expect 100 percent Mitigation. She discouraged the approval of the proposed 1.6 percent annual growth. She supported the transit hub for the shopping center and the hospital.

Council Member Espinosa asked what alterations Staff had for an analysis separate from the Association of Bay Area Government's (ABAG). He asked Staff's approach to regional coordination.

Mr. Williams stated Staff would review the assumptions and the model for areas in need of improvement. He stated assumptions were written for maximum feasibility, to comply with California Environmental Quality Act (CEQA). He stated the traffic impact of the project was significant to the impacted intersections. He stated the transportation staff would contact the various surrounding transportation agencies, cities, and counties as a regional coordination on a general planning approach.

Council Member Burt stated that the campus had developed and encompassed an economical, sustainable, and workable traffic model. He asked why that type of model was not applied to the shopping area.

Mr. Williams stated the base assumptions had been configured utilizing the trip and parking rates generated by Institute of Transportation Engineers (ITE).

Council Member Burt asked how these projects would be judged in the context of the emerging regulations of State Legislation AB32 and SB375 that will be implemented in the upcoming years.

Mr. Williams stated there was not a current formula for implementing the regulations in the model. Staff would incorporate the transit opportunities and more dense building surrounding transit areas into the model in order to reduce overall traffic into and outside the City.

Council Member Burt stated compliance with the mandates of AB32 were essential in the approval process of the project.

Senior Assistant City Attorney, Cara Silver stated the EIR review and certification for this project was the first to incorporate a separate climate change section that addressed AB32 and touched on SB375.

Council Member Burt asked the rate of growth for traffic per year and the projected growth under the baseline assumption.

Mr. Williams stated over the past fifteen years the rate of growth at several key intersections had been one percent annually at a.m. peak hours and 1.7 percent at p.m. peak hours, over the last five years 1.6 percent at a.m. peak hours. What was projected was 1.6 percent depending on a.m. and p.m. peak hours.

Council Member Burt stated the projections were considerably above the historic baseline. He requested the configuration details be presented to Council with clarification. He asked how the input from Council became a basis to proceed with the negotiations on the project.

Mr. Williams stated Staff would meet with the Consultants to discuss how the parameters were affecting the assumptions and modeling; then prepare a write-up on the assumptions and modeling process.

Mayor Drekmeier stated there was a provision in the General Use Permit that Stanford could count trip reductions from the hospital towards their commitment from the County. He asked how the medical expansion would affect those provisions.

Mr. Williams stated Stanford's counting was based on permit parking spaces that were portioned for the hospital and the campus.

Vice Mayor Morton stated although Stanford presented the expansion as two separate projects, the benefits were combined. Therefore the City would not receive the entire share of benefits for the two projects.

Council Member Schmid stated concerns regarding the no new net trips for the project. He stated Stanford's main campus had a cordon where they count cars entering and exiting the campus. He stated a part of the campus was outside of the cordon and down the street from the medical center and asked how accurate the calculations were without the traffic from those areas.

Council Member Kishimoto asked what measures would be taken to prevent the hospital from returning to a state of overcrowding after the expansion.

Mr. Williams stated he was uncertain of the process that would be taken and felt it would be a zoning issue.

Ms. Silver stated there would be a bed count limit imposed.

Council Member Kishimoto asked for clarification on diverted and pass-by trips.

Traffic Engineer, Dennis Strucker stated a pass-by trip was travel directly adjacent to the street surrounding the shopping center where the traveler drove into the center. He stated a diverted trip was travel coming from a greater distance from the center.

Council Member Kishimoto clarified a diverted trip was a longer pass-by trip.

Mr. Strucker stated yes, with a diverted trip effecting the local intersections surrounding the project whereas a pass-by trip had no traffic effect.

Council Member Kishimoto clarified twenty-five percent of the actual trips were pass-by trips and therefore not counted as additional trips.

Mr. Strucker stated yes.

Mayor Drekmeier supported the no new net trips on a regional basis.

SPECIAL ORDERS OF THE DAY

2. Appointment of Nine Members to the Blue Ribbon Task Force on Composting.

City Clerk, Donna Grider stated five votes were required to be appointed to the Task Force, if nine applicants had five votes or more the first nine with the highest number of votes would be appointed. She stated it was required for all appointees to file a Form 700 Fair Political Practices Commission (FPPC) Statement of Economic Interests.

City Attorney, Gary Baum stated the Form 700 required the disclosure of income above 500 dollars for any individual, spouse or registered domestic partner and therefore if any of the persons previously mentioned had direct financial connection to the composting venue, the applicant would be disqualified from serving.

First Round of Voting for Nine Blue Ribbon Task Force on Composting Members

Voting For Steve Albertolle:	Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid,
Voting For Craig Barney:	Barton, Burt, Drekmeier, Espinosa, Klein, Morton, Schmid, Yeh
Voting For Maria Coladonato:	Burt, Espinosa, Kishimoto, Klein, Morton, Yeh
Voting For Cedric Dela Beaujardiere:	Barton, Burt, Drekmeier, Kishimoto, Klein, Morton, Yeh
Voting For Jeremy Eddy:	Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Yeh
Voting For Kirsten Flynn:	Drekmeier, Espinosa, Yeh
Voting For Hilary Gans:	Barton, Burt, Drekmeier, Klein, Morton
Voting For Ellie Gioumousis:	Kishimoto, Schmid, Yeh
Voting For Yoshihara Hiraki:	Barton
Voting For Thomas Jordon:	Burt, Espinosa, Schmid
Voting For Bryan Long:	Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh
Voting For Anil Ravi:	Barton, Drekmeier, Kishimoto, Morton
Voting For Emily Renzel:	Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh
Voting For Bob Wenzlau:	Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh

Ms. Grider announced that Bryan Long and Bob Wenzlau with nine votes, Steve Albertolle and Craig Barney with eight votes, Cedric De la Beaujardiere and Jeremy Eddy with seven votes, Maria (Maia) Coladonato and Emily Renzel with six votes, and Hilary Gans with five votes each were appointed to the Blue Ribbon Task Force on Composting.

3. Selection of Candidates to be Interviewed for the Library Advisory Commission Unexpired Term of Sanford Forte.

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to interview all applicants for the Library Advisory Commission.

MOTION PASSED: 9-0

4. Selection of Candidates to be Interviewed for the Human Relations Commission for Three, Three-Year Terms Ending March 31, 2012.

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to interview all applicants for the Human Relations Commission.

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

City Manager, James Keene stated there were a number of reports related to the Utilities Department; Utilities Equity Transfer would be discussed in the Utilities Advisory Commission (UAC), Staff proposed a methodology with a combined transfer of the gas and electrical funds into the General Fund. He stated the UAC was reviewing rate adjustment proposals for water, gas, electric, and wastewater funds. He commented on complaints and concerns over high utility bills. He stated the Palo Alto Library Systems had been rated as a Star Library; one of sixteen throughout the State of California. He announced City Attorney, Gary Baum, had been elected as Co-President of the Bay Area City Attorney's Association. He stated he would recuse himself from Agenda Item Number 8 as the item pertained to him.

Mayor Drekmeier mentioned there were programs available to the community to reduce utilities costs and he requested Staff ensure the community was aware of how to apply.

Mr. Keene stated there was a special Study Session regarding the Urban Design and Community Benefits of Stanford on March 14, 2009.

ORAL COMMUNICATIONS

Mark Petersen-Perez spoke regarding a State Bar Complaint against Gary Baum.

Aram James spoke regarding Public Records Act concerning the applications for the Police Chief position not being available to the public.

Christopher Lund, 1643 Woodland Avenue, East Palo Alto, spoke regarding Palo Alto Police Department Lieutenant Tim Morgan holding a second line of employment at Page Mill Properties as head of security.

Matthew Fremont, 1986 Euclid Avenue, No. 3, East Palo Alto, spoke regarding Page Mill Properties hiring security staff in violation of Conflict of Interest regulations.

Jody Davidson spoke regarding National Groundwater Awareness Week.

APPROVAL OF MINUTES

MOTION: Council Member Klein moved, seconded by Council Member Espinosa to approve the minutes of January 26, 2009.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Yeh moved, seconded by Council Member Schmid to remove Agenda Item Number 5 from the Consent Calendar to become Agenda Item 14A.

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to approve Consent Calendar Item Numbers 6-8.

5. ~~Adoption of (1) Resolution Declaring Intention to Reimburse Expenditures from the Proceeds of Bonds to be Issued by the City; and (2) Ordinance Amending the Budget for Fiscal Year 2009 to Establish Capital Improvement Program Project Number PE-09005, Downtown Library Improvements, and to Provide an Appropriation in the Amount of \$411,056; Establish Capitol Improvement Program Project Number PE-09006, Mitchell Park Library and Community Center New Construction, and to Provide an Appropriation in the Amount of \$3,390,309; Establish Capital Improvement Program Project Number PE-09010, Library and Community Center Temporary Facilities, and to Provide an Appropriation in the Amount of \$79,525;~~

~~and Approval of Contract C09130744 with Group 4 Architecture, Research + Planning, Inc., in a Total Amount Not to Exceed \$3,827,280 for Architectural and Engineering Design Services for the Mitchell Park Library and Community Center, Downtown Library and Library and Community Center Temporary Facilities.~~

6. Approval of a Conditional Use Permit and Record of Land Use Action to Allow the Sale of Alcohol for Onsite Consumption at Theater Performances for TheatreWorks at 1305 Middlefield Road (Lucie Stern Community Center).
7. Approval of Amendment No. 1 to Contract No. C08122241 with Rodan Builders, Inc., in the Amount of \$39,332 for the Renovation of the Open Space Maintenance Building at Foothills Park, Capital Improvement Program (CIP) Project OS-07003 for a Total Not to Exceed Amount of \$272,232; and Adoption of a Budget Amendment Ordinance 5029 for the Fiscal Year 2009 to Re-appropriate \$20,000 from CIP OS-00001 and \$19,332 from CIP OS-09001 to CIP Project OS-07003 for a Total of \$39,332.
8. Adoption of a Budget Amendment Ordinance 5030 for the Fiscal Year 2008-09 to Provide an Appropriation of \$2,000,000 for the Acquisition of Residential Property In Accordance with the Housing Assistance Provision of the City Manager's Employment Agreement; Authorization to Mayor to Sign Necessary Documentation to Complete City Manager Home Purchase.

MOTION PASSED: 9-0

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to bring Agenda Item Number 11 forward to be heard before Agenda Item Number 9, to become Agenda Item Number 8B.

MOTION PASSED: 9-0

MOTION: Mayor Drekmeier moved, seconded by Vice Mayor Morton to move Agenda Item Number 10 forward to be heard before Agenda Item 8B (formerly Agenda Item Number 11), to become Agenda Item Number 8A.

MOTION PASSED: 7-2 Barton, Schmid no

PUBLIC HEARINGS

8A. (Former No. 10) Adoption of the 2008-09 CDBG Annual Action Plan Amendment to the 2005-10 Consolidated Plan to Provide: (a) Pre-award Authorization to Expend \$300,000 from the City's 2009-10 CDBG Grant for Additional Site Acquisition Funding for the Affordable Housing Project at 488 West Charleston Road; and (b) An Additional Allocation to InnVision the Way Home for Homeless Shelter and Services of \$80,000; Adoption of an Ordinance 5031 Amending the Budget for the Fiscal Year 2008-2009 to Provide an Additional Appropriation of \$300,000 from the Residential Housing Fund for the Acquisition of 488 West Charleston Road and Development of the Site into an Affordable Housing Project; and Approval of Two Contract Amendments with InnVision the Way Home to (1) Add \$56,000 for Services at the Opportunity Center for a Total Not to Exceed Amount of \$86,000, and (2) Add \$24,000 for Services at the Clara Mateo Alliance Shelter for a Total Not to Exceed Amount of \$59,000

Council Member Barton advised that he would not be participating in this item as it pertains to 488 W. Charleston Road as his residence is on Charleston Road.

Mayor Drekmeier advised that he would divide the item and the section pertaining to 488 W. Charleston Road would be heard first.

Interim Director of Planning and Community Environment, Curtis Williams stated an Amendment was needed to the Community Development Block Grant (CDBG) Program to allocate \$300 thousand from next years' program for the acquisition of the property located at 488 W. Charleston.

Council Member Schmid asked for clarification on the transfer of funds.

Mr. Williams stated the transfer would be temporarily loaned from the Residential Housing Fund to the project and repaid to the City from the CDBG Fund.

Council Member Schmid asked for a guarantee of repayment in the upcoming fiscal year.

Mr. Williams stated yes, the amount received was guaranteed from the grant.

Council Member Kishimoto asked why the project needed to be heard by Council in two separate actions.

Mr. Williams stated the current item being heard was in respect to the Amendment to the (CDBG) program whereas the upcoming item was a specific funding agreement to the project at 488 W. Charleston.

Public Hearing opened and closed with no speakers at 8:17 p.m.

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to accept Staff recommendation to:

1. Approve and authorize submittal to the Department of Housing and Urban Development (HUD) the attached 2008/09 Annual Action Plan Amendment to the 2005-2010 Consolidated Plan to authorize the pre-award expenditure of \$300,000 in 2009/10 CDBG funds for additional site acquisition costs for the Tree House affordable housing project at 488 West Charleston Road; and an allocation of \$80,000 in additional 2008/09 CDBG funds to InnVision the Way Home to fill an emergency funding gap in homeless supportive and shelter services.
2. Adopt the attached Budget Amendment Ordinance to provide an additional appropriation of \$300,000 in interim funding from the City's Residential Housing Fund for the Tree House project. acquisition costs which will be reimbursed from 2009/10 CDBG funding when it is available.
3. Authorize the City Manager or designee to request \$300,000 in fiscal year 2009/10 CDBG funds from HUD in order to reimburse the City's Residential Housing Fund for the additional Tree House acquisition costs.

MOTION PASSED: 8-0 Barton not participating.

Mr. Williams stated the next portion of the project was allocating CDBG funding for services where the funding was only available through the end of this fiscal year.

Council Member Yeh asked whether there was a non-profits listing available for those in need of funding.

Mr. Williams stated there was no systematic approach to locating the number of non-profit organizations, although there was a protocol in place for programs to apply for the funding.

Manager of Planning, Cathy Siegel stated there was an outreach program being put into place to notify non-profit organizations of the impending stimulus funding available.

Vice Mayor Morton stated InnVision was the operator of the Opportunity Center which was partially owned by the Community Working Group. Although

his firm provided pro-bono work for the Community Working Group, the City Attorney confirmed there was no conflict.

Public Hearing opened at 8:24 p.m.

InnVision CEO, Christine Burroughs, 33 Encina, stated they were the only provider of homeless shelters and service centers on the midpeninsula. She stated gratitude for the consideration of the grant request and mentioned it was a one-time request.

Public Hearing closed at 8:26 p.m.

MOTION: Council Member Kishimoto moved, seconded by Council Member Klein to accept Staff recommendation to approve and authorize the City Manager or his designee, to execute the contract amendments with InnVision the Way Home to allocate the additional CDBG funds to existing agreements as follows: a) to add \$56,000 to the Opportunity Center for case management and supportive services for a total not to exceed amount of \$86,000; and b) to add \$24,000 to Clara Mateo Alliance Shelter for shelter and supportive services for homeless individuals and families for a total not to exceed amount of \$59,000.

MOTION PASSED: 9-0

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to continue Agenda Item Number 5 to March 16, 2009.

Council Member Klein stated concern over further delay.

Council Member Schmid suggested leaving the item on the agenda and if it was determined later in the evening there was not enough time, then Council could continue the item to March 16, 2009.

Mayor Drekmeier stated the Motion was to continue the item to March 16, 2009 in order to release Staff from the remainder of the meeting.

Mr. Keene stated if it pleased Council, the Director of Public Works and the Library Director would remain.

MOTION WITHDRAWN

REPORTS OF OFFICIALS

- 8B. (Former No. 11) Status Report and Review of Draft Scoping Comments Regarding California High Speed Train (HST) San Francisco to San Jose Project EIR/EIS, and Authorization to Proceed with Next Steps

Interim Deputy City Manager, Steve Emslie reviewed the background for the implementation of the project which was approved in the November 2008 election. He stated an Environmental Impact Report (EIR) study of the impact of the implementation of the High Speed Rail (HSR) in the San Jose to San Francisco corridor scoping sessions had been held in several locations.

Transportation Manager, Gayle Likens reviewed Staff recommendations; establishment of a sub-committee to represent Palo Alto during meetings with other peninsula cities, regional agencies and the California High Speed Rail Authority (HSRA), request for the Mayor to sign joint letter with participating cities requesting the authority work collaboratively to develop the optimal design for the project, and request Council review the draft list of scoping comments.

High Speed Rail Authority representative, Rod Diridon, Sr. 870 Camino Drive, Santa Clara, stated there were laws in place to provide protection of all parties involved in such a project. The program level environmental clearance started in 1996, the draft EIR had been completed, reviewed and approved by the Federal Government which was then registered, certified and published on the Federal Registry in 2008.

High Speed Rail Authority representative, Dominick Spaething, 303 Second Street, reviewed the questions and concerns from the Public Information Session. He stated the main questions were focused on how the rail would go through Palo Alto, what was the ridership, and how was the scheduling going to work with CalTrain. He stated there were concerns regarding the construction interfering in the safety of surrounding schools, maintaining CalTrain, property values, and neighborhood cohesion. He urged all concerns and questions be submitted in writing as part of the scoping process.

Council Member Burt asked whether the HSRA would accept and recognize a coalition of peninsula cities as a negotiating party.

Mr. Diridon stated the representation determination was the Council's choice the coalition was chosen to be the voice of Palo Alto, the City needed to determine whether their autonomy would be given to the coalition or whether the coalition was merely a voice to communicate through.

Council Member Burt asked whether the HSRA considered the coalition a negotiating party.

Mr. Diridon stated yes.

Council Member Espinosa asked whether the following items would be considered as full options; a tunnel, Altamont Pass, Highway 101 and Highway

280 as alternatives, and the possibility of stopping in San Jose with a CalTrain connection to the peninsula.

Mr. Diridon stated he had not heard of the Altamont Pass corridor being considered as an alternative; the CalTrain corridor had been certified. He stated the other items mentioned would be studied.

Council Member Espinosa asked whether or not the notes taken at the Public Information Session would be released for public viewing.

Mr. Spaething stated the notes taken were for personal use, the agenda listed there would be a court reporter, unfortunately that was listed in error.

Council Member Espinosa clarified when the expectation was set beforehand of a record being made of a meeting, it should be expected those records would want to be reviewed.

Mr. Spaething stated it was understood.

Council member Espinosa asked why the large scale impacts and the Palo Alto stop had yet to be detailed in the process.

Mr. Emslie stated Staff recommended to return to Council with a policy statement that covered the implementation of the trains through Palo Alto as well as whether Palo Alto was going to be a station.

Council Member Espinosa stated a more in-depth study needed to be performed rather than a policy statement.

Council Member Barton asked once the scoping report was completed and reviewed by Council, what recourse would the City have if an item of importance was not included in the report as an option.

Mr. Diridon stated the recourse was to ensure that through the remainder of the process the City's desired options remained in the draft EIR. He stated there were cost, efficiency, and feasibility reasons for items being discarded as options.

City Attorney, Gary Baum stated all EIR's came out in draft form, the process would be to supply a letter, which the HSRA would need to respond to.

Mr. Diridon stated the scoping process had been extended to ensure all parties and ideas had been heard, once the scoping process was closed the next step was the public hearings. He stated there would not be a draft EIR at that point however; the scoping document was viewable and available for comment.

Mr. Emslie stated the Program EIR had committed that tunneling would be an option.

Council Member Barton asked for clarification that the Public Information Session was not a scoping meeting.

Mr. Spaething stated that was correct and it was clarified at the meeting several times that the session was an information gathering session.

Council Member Kishimoto asked what level of evaluation was done with the alternate options.

Mr. Diridon stated the evaluation process occurred for each corridor option and the CalTrain corridor was determined to be the most suitable. He stated the document had been certified and if the evaluation was to be reopened with options, it would terminate the viability of the current project; there could not be two documents open for the same project.

Council Member Kishimoto asked whether a Supplemental EIR would be possible.

Mr. Diridon stated he was uncertain.

Council Member Kishimoto asked how she could reassure her constituents the CalTrain corridor was the best option when there had not been a side-by-side comparison of the CalTrain and Highway 101 corridors.

Mr. Diridon stated the fact that the program level evaluation for the corridor had been certified should provide clear assurance of the CalTrain corridor being the most viable option.

Council Member Kishimoto asked how detailed the analysis was in completing the corridor evaluation to determine the Highway 101 corridor was not feasible.

Mr. Diridon stated the program level EIR documentation would fill a room and was available for review.

Council Member Kishimoto asked whether a legislative act could grant authority to begin review of alternative options and mitigations to be analyzed.

Mr. Diridon stated the procedures to accomplish an Environmental Review were covered under CEQA and National Environmental Policy Act (NEPA) which were unchangeable by State law.

Council Member Kishimoto asked how to increase the CalTrain corridor funding.

Mr. Diridon stated Proposition 1A was approved by the voters and therefore a new vote would be required to make any changes. He recommended the Proposition and the law it referred to be reviewed prior to any determination.

Mr. Baum stated the Initiative did not specifically state the allotment and therefore did not need an Initiative to alter the amount.

Council Member Kishimoto asked whether the HSR was legislated to go to San Francisco.

Mr. Diridon stated the Bill that clarified the matter for the ballot indicated the HSR would go from the transbay terminal to Anaheim.

Mr. Baum stated Proposition 1A stated the HSR would travel directly from San Jose to other locations as links.

Council Member Kishimoto asked for clarification on the coalition. A Memorandum of Understanding (MOU) would be signed between the cities involved in the coalition and then would the coalition negotiate an MOU with the HSRA.

Mr. Diridon stated any coalition would be negotiated with bearing in mind no coalition had more authority than the other.

Vice Mayor Morton asked what had been determined by the HSRA and how it effected Palo Alto.

City Manager, James Keene stated reconsideration of the CalTrain alignment not being in Palo Alto had been dealt with earlier in the EIR process.

Council Member Yeh asked for clarification on the maximum number of potential stations in the State of California.

Mr. Diridon stated he recalled there being a limit of twenty-six and stated he would verify and return with the answer.

Council Member Yeh asked whether the Public Information Session was the first meeting held in Palo Alto regarding the HSR.

Mr. Diridon stated no.

Council Member Yeh asked whether the other meetings in Palo Alto had been sponsored by the HSRA.

Mr. Diridon stated yes, sponsored by the outreach element of the organization.

Council Member Yeh asked if a city was looked at differently if it requested to host a station.

Mr. Diridon stated if a city wanted a station, it was recommended they request all of the data and notify the HSRA of their interest.

Council Member Yeh stated with the Proposition funding there would be a disproportionate expenditure within the communities that had stations and asked if that community had a greater input.

Mr. Diridon stated cities who had requested stations had concluded they would build their own station and noted the substantial amount of additional special district value.

Mr. Spaething stated it was the obligation of the HSRA to review all of the possible stations on an equal footing. He stated the law allowed a maximum of twenty-four station in the corridor.

Council Member Klein asked the impact to the HSRA if neither Palo Alto nor Redwood City requested to be a station city.

Mr. Diridon stated if the certified program document indicated one of those two cities was requested to have a station and neither complied, he believed the HSR would not stop in the peninsula.

Mr. Spaething stated that was correct. If there was no station in either location there would not be a stop on the peninsula.

Council Member Klein asked if there was verification on the age of El Palo Alto.

Mr. Emslie stated the age estimated at 200 years was given by the Planning Arborist, Dave Dockter.

Council Member Klein stated El Palo Alto was written about in the Portola Diaries in 1776. He stated it was important to protect the tree and the older it was the higher the importance.

Council Member Klein noted Staff recommendation number 6 was in the operating budget of Fiscal Year 2011 and asked why it was not in the Fiscal Year 2009-10.

Mr. Keene stated it was expressed as a two-year budget, Fiscal Year 2010-11.

Council Member Klein asked for clarification whether it would be authorized for this June when the regular budget was adopted.

Mr. Keene stated yes, Council would be adopting a Fiscal Year 2010 and a Fiscal Year 2011 budget.

Council Member Klein asked for a status report on the litigation against the HSR or whether that would be given after the scope had been received.

Mr. Baum stated the Town of Atherton and the City of Menlo Park had filed litigation in August of 2008. There was a hearing on May 29, 2009 in Sacramento. Essentially the lawsuit challenged the program EIR, Palo Alto was currently in the project EIR phase for the portion from San Jose to San Francisco.

Council Member Klein stated in Staff recommendation number 4 to authorize the Mayor to enter into an MOU, it had been brought to the attention of the Council the Charter required Council to approve the MOU.

Mr. Baum stated essentially the Council would be authorizing the Mayor to enter into the Agreement.

Council Member Schmid asked for clarification whether the EIR needed to be put forward by an elected body.

Mr. Emslie stated it had to be prepared before a decision making body whether they be elected or appointed.

Council Member Schmid stated the HSRA was an appointed body but in essence was making all of the decisions of planning, operations and budget.

Mr. Diridon stated the law that created the HSRA specifically delegated the responsibility in State Law to design, build, operate, and maintain the High Speed Rail System in the State of California. He stated the HSRA was made up of nine members; five appointed by the Governor, two by the Senate and two by the Assembly. He stated the final decision would be made by the HSRA.

Council Member Schmid stated the HSRA was currently negotiating an MOU with CalTrain regarding the right-of-way. He asked whether CalTrain was an Authority.

Mr. Diridon stated the agreement was a multi-billion dollar deal and it was an agreement between two authorities. He stated the CalTrain Authority was made up of primarily elected officials and those not elected were appointed by elected officials with the delegation of authority from those elected officials.

Emily Brauer, 585 Cowell Lane, gave a presentation regarding the evaluation of four alternatives by the analysis of eight areas of consideration on direct cost, human environment, residential property values, business development, ridership benefits, compatibility to existing rail, natural environment and safety. She stated based on the analysis it was recommended that Palo Alto not pursue a rail station due to the minimal expected benefits compared to the cost.

Council Member Espinosa requested to have the report posted on the City website for public viewing.

Mr. Keene stated Staff would post it.

Sheri Furman, 3094 Greer Road, shared her concern regarding the density impact and whether this project fit into the Comprehensive Plan.

Mike Cobb stated there had been no discussion or Study Session regarding the bullet train and asked why the project was endorsed without proper evaluation beforehand. He stated it appeared a number of homes would be removed for construction and property values deteriorated.

Jim McFall, 1530 Escolata Avenue, presented mock drawings of an elevated train structure showing the impacted views and land destruction. He supported the concept of the High Speed Rail in California.

Helen Stavropoulos Sandoval, 1539 Mariposa Avenue, urged Council to support an underground tunnel for the rail and have the Rail Authority pay for it.

Luis Lindo, 274 Fernando Avenue, requested the railway be underground and eliminate all surface rails which required the expansion of Alma Street and a break in the CalTrain service.

Winter Dellenbach, 859 La Para, stated the lack of information and knowledge shared with the community regarding the structural and destruction implications to the community made it impossible to support Palo Alto hosting a rail system. She supported High Speed Rail in California.

James Stauffer, 3750 Starr King Circle, stated the Authority spoke to the community although they had already made major decisions without input from the Council. He supported High Speed Rail in California.

Caren Chappell, 242 East Charleston Road, suggested the expansion and electrification of CalTrain and stop the High Speed Rail in San Jose.

John Melrychuk, 3707 Linden Drive, supported the High Speed Rail network although the planning process was lacking consideration for the human and ecological environment.

Andrew Bogan, 435 Sheridan Avenue, supported the High Speed Rail in Palo Alto. He stated in a city where there was track without a station, that city had cost without benefit.

Tom Vlastic, 1540 Mariposa Avenue, suggested more detail be put into the scoping comments regarding noise, construction and visual impact, and train operational safety. He stated concern with the program EIR regarding the adoption of the Statement of Overriding Consideration.

Julie Turner, 344 Tennessee Lane, stated Palo Alto did not have a negotiation position; it was merely being listened to. She urged Council to look at available litigation means to have a form of leverage in the process to verify proper procedures had been followed.

Sara Armstrong, 4118 Park, stated there was incredible public interest in the project and the belief was to have a working partnership between the City and residents in order to foster a beneficial program for all concerned.

John Hofer, 4111 Park, stated the overarching concern from all of the communities was similar. The deep sense of frustration by the residents residing close to the corridor, an outpouring opposition by the bifurcating effect of the elevated track, questioning safety, noise and air pollution and the visual blight. He urged Council to recommend a Citizens Advisory Board.

Cecilia Lancaster, 1637 Mariposa, stated a listing of comments had been given to the Council and she urged Council not to approve the Staff recommendation, to amend the Council's 2009 priorities, request a second extension from the HSRA and hold a town hall meeting to review all of the information regarding the HSR.

Nadia Naik, 1825 Emerson, urged the creation of the Citizens Advisory Board and approval of funding for consulting on urban planning. She requested a City Ballot Measure be used to determine whether Palo Alto should be considered for potential stops.

Judith Wasserman, 751 Southampton, stated the tunnel solution gave the benefits of HSR with reuse of the right-of-way, a greenbelt, use of the air rights downtown with or without a train station.

Catherine Davidson stated the HSR did not fit in Palo Alto or the other cities in California. She stated having a tunnel would deplete the emergency water supply and having raised tracks would divide Palo Alto into two separate cities.

Robert McGinn, 1560 Mariposa Avenue, stated his support for transit options, however, the Authority misled and misinformed the communities to pass their initiative.

Dennis Mitzyk, 201 Maclane, stated Palo Alto needed to join the lawsuit to prevent the HSR from destroying the peninsula communities. He stated the information currently available had been withheld from the residents prior to the vote.

AMR Razzak, 221 Maclane Street, stated the HSRA had lost trust at the community level with the withholding of information. He stated the HSRA claimed to be listening and considered input through the entire process, however; after reading the reports thus far it was clear the community input was not considered.

Herb Borock, P.O. Box 632, stated an MOU needed to be decided by a majority vote of the Council and not delegated. He did not support the Staff recommendation. He stated the real choice for the project was to stop the HSR in San Jose.

Andrea Ward, 1700 Fulton Street, supported HSR through major metropolitan areas, airports which could speed business and leisure travelers to the Los Angeles area. She did not support the existing CalTrain right-of-way as the predetermined route to go through the peninsula.

Rita Tetzloff, 1835 Newell Road, urged Council to reconsider the CalTrain route and questioned the tax implications on the community in the future to pay for the luxury of the entire State to pass through Palo Alto. She stated the tunnel was a more beneficial approach and stated the HSRA needed to pay the cost.

Lori Buechelor, 2200 Emerson, opposed the elevated approach and supported the study of the tunnel although she did not feel it was the answer.

Hinda G. Sack, 4104 Park Boulevard, stated CalTrain was upgrading to add more regular trains and baby bullets; therefore the need for the HSR was not necessary in Palo Alto.

Kris Kloudahl, 4153 Park Boulevard, stated Palo Alto needed to create its own lawsuit to stall the process as long as possible.

Jeff Greenfield, 3476 Waverley Street, stated receiving citizen involvement and accurate information was necessary.

Elizabeth Alexis, 349 Diablo Court, urged Council to allow the community to participate in the process. She needed to verify the scoping comments included Green Meadow as a registered National Historic Location.

Robert Herrick, 2066 Byron Street, stated the differential between a wonderful rail system and a disaster was a lack of information. He noted the HSRA had defined alternative routes were unacceptable due to cost but they had not explored the cost for the CalTrain route they were suggesting.

Irvin Dawid, 753 Alma Street, No. 126, stated voting for HSR appeared to support the environmental benefits, he had not heard how more beneficial the train was from a plane or car. He stated the electrification of CalTrain was cost effective with the HSR in place.

Jody Davidson stated her concerns over the effects of tunneling causing a large use of concrete, greenhouse gas producers and tunneling may create a barrier to the natural flow of water causing flooding or desecration.

Martin Sommer, 427 Alma Street, stated in his attendance of both the CalTrain and HSR meetings it appeared more competitive than cooperative.

Omar Chatty, 251 Vineyard Drive, San Jose, stated the cost of a tunnel was extraordinary and the HSRA would not agree to its construction. He stated Council had been falsely informed of the particulars of the project and implementing a station would create serious and significant transit oriented high density development.

Council break taken at 11:30 p.m. to 11:40 p.m.

MOTION: Council Member Kishimoto moved, seconded by Council Member Burt to approve Staff recommendations with modifications:

- 1) Direct the Mayor to establish a City Council High Speed Train Subcommittee of three members to represent Palo Alto in meetings with other Peninsula cities, regional agencies and the California High Speed Rail Authority (Authority) working meetings with the City Staff.
- 2) Authorize the Mayor to sign the joint letter from participating Peninsula cities to the Authority requesting that Authority staff and design team work collaboratively with the cities to develop optimal design alternatives for the HST and to ensure that the cities'

concerns are addressed in the environmental and engineering analysis.

- 3) Review the draft list of scoping comments to be included in a letter to the Authority on the San Francisco to San Jose Project EIR/EIS and direct Staff to return to Council prior to the April 6 scoping comment period deadline to review and finalize the City's comment letter.
- 4) Authorize the City Council subcommittee to recommend a Memorandum of Understanding among Peninsula cities to form a Peninsula Cities Consortium for the purpose of representing to the Authority the united interests of Peninsula cities in the High Speed Train Project to return with MOU to Council.
- 5) ~~Delete Staff's recommendations: Direct Staff to return to Council with HST policy statements for Council approval.~~
- 6) Direct Staff to consider the need for funding of urban design and/or engineering consultant services for expertise in HST design in the FY 2010 and FY 2011 operating budget to supplement Staff resources.
- 7) Refer scoping letter and relevant transportation and land use policy issues to the Planning and Transportation Commission including the station issue.
- 8) Keep open the possibility of Palo Alto as a potential station during the EIR process with the condition that parking and traffic impacts be kept to a minimum.
- 9) Direct the Council Sub-committee to work with the Peninsula Cities Coalition to begin the process of developing a position on the Regional Rail Plan and how it would be linked to the High Speed Rail Authority.
- 10) Direct Staff to return with a process to form a citizen's advisory committee to advise on High Speed Rail and its relationship to regional transportation.
- 11) Direct the City Attorney to schedule a closed session to discuss potential responses.

Council Member Kishimoto stated her intent was for the P&TC and Staff to return to Council with a number of related policy's including the HSR.

Mr. Keene asked for clarification on the Citizens Advisory Committee advising on transportation issues and asked whether their discussions would be specific to regional transportation as it related to the HSR and CalTrain or broader.

Council Member Burt stated the language could read a Citizens Advisory Committee to advise on HSR and its relationship to regional transportation.

Council Member Barton stated the HSR project had tremendous potential and risk for the community. He stated there was unknown information in adopting a station in Palo Alto. He supported the Motion.

Council Member Klein stated the HSR had a great deal of potential benefits and coming to our area in a viable form would be appreciated. He stated an elevated rail would destroy the City although there was time to adjust the proposal.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to modify Number 10 to: direct the City Attorney to schedule a closed session to report on litigations currently underway and what is involved in litigation with a public report.

AMENDMENT: Council Member Klein moved, seconded by Vice Mayor Morton to delete the Citizens' Advisory Committee (Number 10) and to agendize regular quarterly meetings with Council on the basis of report by either the City Manager or the Planning & Transportation Commission.

Council Member Klein stated there was a Planning and Transportation Commission (P&TC) and the creation of a secondary committee which would refer to the P&TC seemed superfluous.

Vice Mayor Morton stated the focus needed to be on what was best for the community. He stated the viability for the project was to move forward with community and the P&TC input.

Council Member Burt clarified the purpose of the Citizens Advisory Committee was to provide continued advice and to inform the P&TC and Council with community comments after the April 06, 2009 deadline.

Council Member Schmid stated Council should have a quarterly agenda item regarding the HSR and invite public comment.

Council Member Kishimoto did not support the deletion on the Citizen Advisory Committee. She stated the Citizen Advisory Committee was recommended by the residents and she saw it as an opportunity for a joint effort.

Vice Mayor Morton stated the community requested answers on how the HSR came to be without adequate shared information.

Council Member Yeh stated he did not support the Amendment.

Council Member Espinosa stated he did not support the Amendment.

AMENDMENT PASSED: 5-4 Burt, Espinosa, Kishimoto, Yeh no

INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to come up with a list of items to be incorporated into an economic analysis.

Council Member Espinosa asked whether Staff was aware of the alternatives that were not being considered by the HSRA.

Ms. Likens stated Staff would review the concerns and return to Council with input to whether the alternative options needed to stay in the comments.

MOTION AS AMENDED PASSED: 9-0

UNFINISHED BUSINESS

9. Acceptance of Service Efforts and Accomplishments (SEA) Report
FY 2007-08

City Auditor, Lynda Brouchoud gave a brief presentation regarding the Service Efforts and Accomplishments Report

Council Member Espinosa asked whether there were specific items that caused concern or needed further research.

Ms. Brouchoud stated there were no specific items needing extra attention. The report had been changed to include trend differential explanations and although some items needed no explanation there were comments included after each chapter.

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to accept the SEA report.

Council Member Schmid stated the employee benefits rate grew exponentially over the past few years which had serious implications for the future of the General Fund. He stated the SEA report, the Budget, and the Comprehensive Plan needed to be reviewed to incorporate necessary changes.

Council Member Yeh asked whether there was a total number of spending per household available to Council.

Ms. Brouchoud stated the National Research Center had a base cost for service and then additional costs per question added to the report. She stated

she would return to Council with an approximate cost for additional questions and which could be added to the 2008-09 report.

Council Member Yeh stated the comparisons in cross jurisdiction sections in the report would benefit by adding a utilities per capita consumption compared to other jurisdictions.

Ms. Brouchoud stated that could be done.

MOTION PASSED: 9-0

12. Approval of 2009 Citywide Legislative Principles and Priorities and Referral of Legislative Program to Policy & Services Committee.

City Manager, James Keene stated there were three requested actions for Council to consider, request to adopt general guiding principles, identify current year legislative priorities, and request the approval and refer the matter to the Policy and Services Committee to develop the structure.

Herb Borock stated confusion regarding a request from Staff to meet with Assemblyman Ruskin regarding the development and language for a composting technology whereas earlier in the meeting Council had appointed a composting task force who was responsible for creating a composting report.

MOTION: Council Member Klein moved, seconded by Council Member Barton to accept Staff recommendations that Council approve the 2009 Citywide Legislative Principles and Priorities for the Legislative Session in Sacramento and 111th Congress in Washington, D.C., and refer discussion of the structure of the City's Legislative Program to the Policy & Services Committee for further discussion.

Council Member Burt clarified Assemblyman Ruskin had agreed to maintain a placeholder bill should Palo Alto need necessary legislation regarding new composting technology coming from our Composting Task Force.

Council Member Yeh stated with the stimulus funds becoming available to local governments, the Policy and Services Committee should supply a framework for the oversight of possible projects.

MOTION PASSED: 9-0

PUBLIC HEARINGS

Council Member Barton advised he would not be participating in this item as he is on staff at Stanford University.

Council Member Klein advised he would not be participating in this item as his wife is on staff at Stanford University.

13. Consider the Approval of Water Supply Assessment for Stanford Medical Center and Stanford Shopping Center Expansion Project

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to continue this item until the Council Meeting on April 6, 2009.

MOTION PASSED: 7-0 Barton, Klein not participating

COUNCIL MATTERS

14. Colleagues Memo from Mayor Drekmeier, Vice Mayor Morton, and Council Member Burt Requesting Clarification of Staff and Public Art Commission Roles in Approving Artwork at the Mitchell Park Library and Community Center.

MOTION: Vice Mayor Morton moved, seconded by Council Member Burt to have Staff and the Public Art Commission evaluate engaging Bruce Beasley to create the centerpiece sculpture using an amount of the "One Percent for Art" fund to be decided by the Public Art Commission.

MOTION PASSED: 9-0

- 14A. (Former No. 5) Adoption of (1) Resolution 8905 Declaring Intention to Reimburse Expenditures from the Proceeds of Bonds to be Issued by the City; and (2) Ordinance 5028 Amending the Budget for Fiscal Year 2009 to Establish Capital Improvement Program Project Number PE-09005, Downtown Library Improvements, and to Provide an Appropriation in the Amount of \$411,056; Establish Capitol Improvement Program Project Number PE-09006, Mitchell Park Library and Community Center New Construction, and to Provide an Appropriation in the Amount of \$3,390,309; Establish Capital Improvement Program Project Number PE-09010, Library and Community Center Temporary Facilities, and to Provide an Appropriation in the Amount of \$79,525; and Approval of Contract C09130744 with Group 4 Architecture, Research + Planning, Inc., in a Total Amount Not to Exceed \$3,827,280 for Architectural and Engineering Design Services for the Mitchell Park Library and Community Center, Downtown Library and Library and Community Center Temporary Facilities.

Council Member Yeh stated the Citizens Bond Oversight Committee selection needed to put into place as soon as possible to continue the process of the Library.

Council Member Barton clarified the Oversight Committee was not a policy making board, rather a board that reviewed the expenditures for compliance with law and policy.

Alison Cormack, 3487 Ross Road, stated her support for the Council and moving forward with the long awaited renovations of the library.

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to accept Staff recommendation to:

- 1) Adopt a Resolution Declaring Intention to Reimburse Expenditures from the Proceeds of Bonds to be Issued by the City of Palo Alto.
- 2) Approve the creation of a new Capital Improvement Project (CIP) PE-09005 for the Downtown Library.
- 3) Approve the creation of a new Capital Improvement Project (CIP) PE-09006 for the Mitchell Park Library and Community Center.
- 4) Approve the creation of a new Capital Improvement Project (CIP) PE-09010 for Library and Community Center Temporary Facilities.
- 5) Adopt a Budget Amendment Ordinance in the total amount of \$3,880,890. Of this amount, \$3,827,280 is to be distributed to the various CIPs as outlined under Item 6 below as well as \$3,000 to CIP PE-09005, Downtown Library, for miscellaneous small contracts and \$12,000 to CIP PE-09006, Mitchell Park Library and Community Center for miscellaneous small contracts. Additionally, \$38,610 will be distributed to the various CIPs as outlined further below for plan check services.
- 6) Approve and authorize the City Manager to execute contract C09130744 with Group 4 Architecture, Research + Planning, Inc. in an amount not to exceed \$3,827,280 for architectural and engineering design services for the Mitchell Park Library and Community Center and for the Downtown Library, including a total of \$3,483,080 for basic services and \$344,200 for additional services. The funding shall be allocated in the following proportions:
 - Downtown Library
 - Design Fee = \$367,206
 - Additional Services = \$37,000
 - Total CIP = \$404,206
 - Mitchell Park Library and Community Center
 - Design Fee = \$3,043,549

Additional Services = \$300,000
Total CIP = \$3,343,549

- Library and Community Center Temporary Facilities
Design Fee = \$72,325
Additional Services = \$7,200
Total CIP = \$79,525

MOTION PASSED: 9-0

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Kishimoto reported on attending the Santa Clara Valley Transportation Authority Board workshop last week.

Vice Mayor Morton reported on attending the Santa Clara County Airport Land Use Commission meeting last week.

Mayor Drekmeier spoke on attending the Santa Clara County Recycling and Waste Reduction Commission meeting last week, and the upcoming San Francisquito JPA community meeting on March 12, 2009 in the City of Palo Alto Council Chambers.

Council Member Burt asked if the City has a Revolving Door Policy for employees.

City Attorney Gary Baum advised that there is a Revolving Door Policy for Council Appointed Officers, and several Council Approved employees, but not for all employees.

ADJOURNMENT: The meeting adjourned at 1:00 a.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.

