

# CITY COUNCIL MINUTES



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Special Meeting  
February 22, 2010

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:47 p.m.

Present: Burt, Espinosa, Holman, Klein, Scharff, Schmid, Shepherd, Yeh

Absent: Price

## ORAL COMMUNICATIONS

Wynn Grcich, 30166 Industrial Parkway, Hayward, spoke regarding the City being involved with the International Council for Local Environmental Initiatives (ICLEI).

Ron Wormley, Box 60112, spoke on racial profiling.

Aram James spoke regarding the Public Records Act and the Police Advisory Board.

Stephanie Munoz, 101 Alma, spoke regarding public oversight for the Police Departments.

Timothy Gray, 4173 Park Boulevard, spoke regarding the Police Citizen Advisory Board.

## CITY MANAGER COMMENTS

City Manager, James Keene spoke regarding the Palo Alto Youth Forum that took place on February 6, 2010 with another scheduled for Saturday February 27, 2010 at Mitchell Park Community Center. He spoke regarding the plane crash that occurred in East Palo Alto and the power outage in Palo Alto.

## CONSENT CALENDAR

City Attorney, Gary Baum stated the City Manager was empowered to declare a state of emergency; however, the declaration needed to be ratified by the City Council at their next meeting.

**MOTION:** Council Member Schmid moved, seconded by Council Member Yeh to approve Agenda Item Number 1.

1. Adoption of a Resolution Confirming the City Manager/Director of Emergency Services' Proclamation of Existence of a Local Emergency.

**MOTION PASSED:** 8-0 Price absent

## ACTION ITEMS

2. Request for Direction to (1) Prepare Response to Google's Fiber for Communities Request for Information; and (2) Discontinue Work for the Submission of a Federal Stimulus Grant Application Under the National Telecommunications and Information Administration Broadband Technology Opportunities Program.

Council Member Klein advised he would not be participating in this Agenda Item as he owns stock in Google. He left the meeting at 8:10 p.m.

Council Member Shepherd advised she would not be participating in this Agenda Item as she owns stock in Google.

City Manager, James Keene stated the proposal by Google was in alignment with the long-term efforts the City had been developing. He noted the criteria in the Google proposal matched the City's goals for broadband more so than the National Telecommunication and Information Administration (NTIA) criteria.

Utilities Director, Valerie Fong introduced Jim Fleming, Utilities Department Management Specialist.

Council Member Schmid asked whether there were legal issues surrounding Google expressing interest in investing in the City's broadband expansion and what rights would the City be expected to share.

Senior Assistant City Attorney, Grant Kolling stated after reviewing the Request for Information (RFI) he did not believe there was interest in ownership by Google.

Ms. Fong stated if negotiations began, there would need to be discussions surrounding ownership and participation.

Council Member Schmid asked whether there was the expectation of Google expending funds without expectation.

Ms. Fong clarified there were multiple models available for outside entities being involved with government agencies.

Mr. Keene stated Google had requested information without a specific proposal or award.

Mayor Burt asked for clarification on the RFI that the City was to present a proposal to Google on what it would request or require of them to participate in the creation of the City's broadband system.

Mr. Keene stated yes, his understanding was to present a proposal to Google.

Mayor Burt stated if the City's proposal was viewed as favorable by Google then more information would be requested in Phase II of the process.

Council Member Yeh asked whether Staff had identified areas of data gaps that would significantly impact the community.

Ms. Fong stated there had not been significant data gaps identified that would raise flags at this point in the process.

Mr. Keene stated the types of information being placed in the proposal would be of a broader and deeper nature involving data, factors and arguments.

Council Member Yeh asked the speed expected.

Mr. Keene stated Google proposed 1 Giga Byte (GB).

Council Member Yeh asked whether there was a geographic clustering of interested residents', he stated there would be a sequential process for the programs roll-out. He asked what the community's needs and interest in that level of speed would be and would there be a willingness from the community to invest their own resources if it was requested of them.

Mayor Burt stated within the Google proposal they appeared to be looking for communities to identify usefulness of bandwidth ranging from 100 Mega Bytes (MB) per second to 1 Giga Bytes (GB) per second.

Mr. Keene stated the history of the City's efforts on building the existing forty-one mile ring and the efforts to design a program to have 100 percent

of the City connected had never been solely a Staff driven effort. The expectation for preparing the proposal to Google would be a creative collaboration between Council, Staff, the Fiber to the Home Ad Hoc Committee, and the Citizens Advisory Committee.

Fiber to the Home Ad Hoc Committee member, Bob Harrington stated in reviewing the RFI from Google it was clear they were requesting similar information that the committee had been working on. He stated there needed to be a coordinated plan implemented to get the community to nominate Palo Alto on the Google site by the 26<sup>th</sup> of March to impress upon them that the Palo Alto community was behind the concept.

Mayor Burt stated Google was interested in a community with extensive outreach capability; Palo Alto had a fairly high probability with sixty-five thousand people in the City.

Mr. Harrington stated if the majority of those residents nominated Palo Alto it would be impressive.

Mayor Burt clarified what the City had been working towards was in line with the Google criteria.

Mr. Harrington stated yes, and noted there was a website [www.ipaloalto.org](http://www.ipaloalto.org) and [www.ipaloalto.com](http://www.ipaloalto.com) for people and company's to view the past four years' efforts and communicate with the Fiber to the Home Ad Hoc Committee.

Jeff Hoel, 731 Colorado Avenue, stated working with Google appeared to be a great opportunity for the City and he shared his concern regarding the ownership aspect. He inquired as to how much input the public would have assisting Staff in writing the application to Google.

Michael Eager, 1960 Park Boulevard, stated he advocated for the fiber to the home concept for more than ten years. He stated his concern for the lack of community outreach over the past five years and encouraged the City to pursue Google but with caution.

Bob Moss, 4010 Orme Street, stated his support for fiber to the home. He stated the City needed to poll the community to verify the number willing to pay for the service; with a large enough support system Google would see Palo Alto was serious about participating in their program.

Herb Borock, PO Box 632, stated Google was mentioned to participate in the City's concept in 2005, along with the goal of the system being City owned with a private party running the network. In 2005 Google showed no interest in that type of situation; however, the City has now been presented with the opportunity for a possible partnership.

**MOTION:** Vice Mayor Espinosa moved, seconded by Council Member Holman to: 1) Direct Staff to discontinue work on the preparation of a federal stimulus grant application under the National Telecommunication and Information Administration's Broadband Technology Opportunities Program; 2) Direct Staff to prepare a response to Google's Request for Information (RFI), announced on February 10, 2010, for their Fiber to the Communities plan; and 3) Direct Staff to return to Council with an Informational Item outlining a grass roots outreach public engagement strategy plan.

Vice Mayor Espinosa stated there was a need to understand how the City could engage the public in the discussion, there was a great deal of history, background and expertise which could be utilized to leverage the development of the proposal received by Google. He noted a grass roots campaign outreach would be helpful in showing Google the community was behind the City.

Council Member Holman stated her support for the joint efforts being made to bring a long-time desire closer to reality.

Council Member Schmid stated Palo Alto had the ideal situation for supporting Google's concept of a test market. The City was relatively small, had a sophisticated community with a unique mixture of diverse age groups, a financial range of wealthy to lower based incomes, and a wide array of languages spoken.

Mayor Burt stated March 26, 2010 was the deadline to nominate the City on the Google website. He noted there was a lot to accomplish in a short timeframe.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to authorize Staff to implement a grass roots outreach program and to have a reconstituted Council Ad Hoc subcommittee to work with Staff and the community on outreach and other elements of the proposal.

Vice Mayor Espinosa asked whether Staff had concerns regarding the requested timeframes being placed on them.

Mr. Keene stated Staff had the capability to accommodate the requests being made of them and he suggested the reconstitution of the Ad Hoc Committee would assist in the accomplishments of the tasks.

Mayor Burt recommended a public meeting be convened at the earliest date possible to reach out through all of the communication tools the City had at its disposal both to locate expanded groups of citizen experts in various aspects of applications, advocacy or other complimentary tools that could

assist in completing a strong team to work with the Staff, Ad Hoc Committee and the Citizen Advisory Group.

**MOTION PASSED:** 6-0 Klein and Shepherd not participating, Price absent

At this time the City Council adjourned to the Council Conference Room for the Study Session with the Architectural Review Board (ARB).

### STUDY SESSION

3. Joint Study Session with the Architectural Review Board (ARB) to Discuss Palo Alto ARB Issues.

The discussion included comments on process, public benefits in Planned Community zone changes, California Government Code Section 65915 (SB 1818) concessions, use of technology for information sharing, budget limitations, perceptions, definitions, policy setting, appointment of a task force to develop a strategy for urban design along arterials and identify opportunities, study process issues and report on post construction lessons as they relate to the approval process.

### COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Schmid asked about upcoming Council meetings pertaining to High Speed Rail.

Council Member Yeh spoke regarding the Youth Forum to be held on Saturday, March 6, 2010 at Mitchell Park.

Mayor Burt reported there is an uncertainty whether we will get the High Speed Rail Alternatives Analysis presentation on March 4, 2010.

Council Member Shepherd reported on attending the State of the Valley Conference this past week in San Jose.

Mayor Burt reported on attending the State of the Valley Conference this past week.

**ADJOURNMENT:** Mayor Burt closed the meeting at 10:15 p.m. in memory of former Council Member John Berwald who passed away last week, and the three Tesla Motors employees, Doug Bourn, Brian Finn, and Andrew Ingram who died in the plane crash in East Palo Alto on Wednesday, February 17, 2010.