

CITY COUNCIL MINUTES



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Special Meeting
January 25, 2010

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:01 p.m.

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

Absent:

ORAL COMMUNICATIONS

Wynn Grich, 30166 Industrial Parkway SW #296, Hayward, spoke regarding fluoride use as pesticides and sewage sludge disposal.

Jean Wilcox, 4005 Sutherland Drive, spoke regarding the Mitchell Park pine trees being replaced.

Jeff Hoel, 731 Colorado Avenue, spoke regarding the font on letters from citizens going to Council.

Herb Borock, P.O. Box 632, spoke regarding early distribution of the Council agenda packet and the deadline for public comments to be included in the packet.

Mark Petersen-Perez, spoke regarding the Driving Under the Influence (DUI) process.

Ronna Devincenzi, 2600 El Camino Real #100, spoke regarding the California Avenue tree removal and replacement program.

Aram James spoke regarding police action and the use of tasers.

MOTION: Council Member Schmid moved, seconded by Council Member Holman to move Agenda Item No. 3 forward to become Agenda Item No. 1.

MOTION PASSED: 9-0

SPECIAL ORDERS OF THE DAY

1. (Former No. 3) Presentation from League of California Cities Peninsula Division Representative.

Mike Kasperzak, California Cities Peninsula Division Representative, gave a presentation regarding the services that the California Cities Peninsula Division of the California Cities Association provides to cities. He discussed the proposed initiative, Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Council Member Yeh asked the specifics to the property tax protection portion of the proposed initiative

Mr. Kasperzak stated the proposed initiative spelled out the various taxes and specifically identified them, it did not allow borrowing from any of the funds. The ballot measure included a provision that if a lawsuit was required and the local governments prevailed, a continuing appropriation was set forth constitutionally that the legislature would pay the local government.

STUDY SESSIONS

- 1a. Potential Discussion Topics – Legislative Update Study Session.

The Council held a Study Session to discuss various elements of the City's legislative program. Dan Carrigg, Legislative Director for the League of California Cities, presented the Council with various ideas for effectively engaging with the State on legislative matters. The Council had numerous questions of Mr. Carrigg on a range of topics, including infrastructure backlogs, High Speed Rail, regional housing allocations and housing development, and State budget issues. Assistant to the City Manager, Kelly Morariu then presented information on the City's proposed State and Federal legislative priorities and the proposed Federal appropriations requests.

MOTION: Council Member Klein moved, seconded by Vice Mayor Espinosa to move Agenda Item No. 7, Policy and Services Committee Recommendation for Approval of Federal Appropriations Requests and Approval of the City's 2010 Federal and State Legislative Program, to be moved forward to become Agenda Item 3A, to be discussed prior to the Consent Calendar.

MOTION PASSED: 9-0

2. Service Efforts and Accomplishments (SEA) Report for Fiscal Year 2009
– Annual Report on City Government Performance.

The Council held a Study Session to discuss the Service Efforts and Accomplishments (SEA) Report for Fiscal Year 2009. Lynda Brouchoud, City Auditor, presented the City's progress on the Council's Top Priority areas, as well as expenditure and performance data for each City department. Ms. Brouchoud also presented the City's first Citizen-Centric Report, highlighting key data from the SEA report for the community. Council expressed interest in utilizing the report during the upcoming Council Retreat to help inform their discussions about future priorities and an overall interest in outreach to the community. Council also suggested the Policy and Services Committee review the report in-depth. The City Manager agreed with the Policy and Services Committee performing an in-depth review of the report and expressed the merits of utilizing the SEA report during the City's budget process.

MOTION: Council Member Klein moved, seconded by Vice Mayor Espinosa to move Agenda Item No. 7, Policy and Services Committee Recommendation for Approval of Federal Appropriations Requests and Approval of the City's 2010 Federal and State Legislative Program, forward and to return to the discussion of the SEA Report afterwards.

City Manager, James Keene suggested incorporating the SEA report into a more routine discussion throughout regular Council meetings such as during the Budget or financial discussions.

Mayor Burt asked where the correct forum was for the fundamental discussion of the SEA report.

Mr. Keene stated the discussions the Policy & Services Committee (P&S) had in prior years was to allocate time on a regular basis to prioritize the workplans and the workload for the City. The SEA Report provided a guiding compass. He suggested referring the SEA Report to the Policy & Services Committee.

Council Member Yeh agreed referring the SEA Report to P&S would generate feedback although it was nice to hear from the members of the Council who were not on the Committee.

Council Member Schmid suggested hearing briefly from each Council Member in order to maximize what was of value to each Council Member.

MOTION PASSED: 9-0

3. (Former No. 7) Policy and Services Committee Recommendation for Approval of Federal Appropriations Requests and Approval of the City's 2010 Federal and State Legislative Program.

Assistant to the City Manager, Kelly Morariu presented the three key priorities Staff had selected for the Federal appropriation request:

1. San Francisquito Creek JPA project
2. Foothills Evacuation Route Vegetation Treatment/Clearing
3. Highway 101 Bicycle/Pedestrian Overpass

Thane Young, Vice President, Van Scoyoc Associates, Federal Lobbyist, stated there was to be an announcement from Washington, D.C. regarding Federal appropriation freezes during the next three Fiscal Years. He stated once the State budget had been solidified the available appropriations would be considered.

Vice Mayor Espinosa encouraged the analysis of the advocacy campaign to focus on the urgency of the emergency evacuation plans, the clearing of the foothills trails, and the bicycle and pedestrian pathways.

Council Member Klein asked what items were considered for the Federal appropriation list but were not recommended.

Ms. Morariu stated the Public Safety Building, the Animal Shelter, and the Fiber to the Premises were all considered as priorities. The Staff had been informed public safety facilities were not eligible for appropriation funding which was why the first two projects mentioned were pulled from the list.

Mr. Young clarified the goal was to minimize competition within appropriation bills. Palo Alto was uniquely qualified to represent the Fiber to the Premises efforts; although the emphasis was being placed on communities which did not currently have broadband services.

Council Member Klein asked whether it would be more beneficial to have informational meetings rather than lobbying on Fiber to the Premises.

Mr. Young stated yes, that approach would be more beneficial to the City for the next generation of appropriation funding.

Council Member Price asked if the opportunity arose where additional funding became available, was there a secondary list of items to be funded. She asked how the City's legislative strategies were shaped relative to the surrounding cities.

Ms. Morariu stated there was a secondary list of projects for consideration and there was a list of projects considered for available Stimulus funding. She noted there had been ongoing outreach efforts with surrounding cities to verify, coordinate and understand their requests for appropriation.

Council Member Price asked whether the items were in priority list form.

Ms. Morariu stated Staff wanted to remain flexible with the projects needing funding, the list was a Council authorized list but not in a prioritized manner.

Council Member Holman asked why the funding request was \$2 million when the project cost was \$7.5 million.

Mr. Young stated the Corps of Engineers noted their capability funding was \$2 million for the upcoming year.

Council Member Schmid stated the Corps of Engineers released their study of the South Bay Levy System and asked how that affected the funding list.

Mr. Young stated he was unfamiliar with the study and asked whether it was a feasibility study.

Council Member Schmid stated it was a requirement study for the south bay.

Mr. Young stated he would research the request and inform the Council.

Council Member Yeh asked how the State budget freeze impacted the local government.

Mr. Young stated the aggregate level would be frozen but there would be flexibility in other accounts. He stated the goal was to not increase budgetary spending over the next three years.

Mayor Burt asked how the second stimulus package affected the budget freeze.

Mr. Young stated the funds for stimulus funding came from the unspent Troubled Assets Relief Fund (TARP).

Mayor Burt clarified the funds had been allocated in a previous budget cycle.

Mr. Young stated that was correct.

MOTION: Council Member Klein moved, seconded by Council Member Yeh to approve: 1) The City's 2010 State and Federal Legislative Program; and 2) The Federal appropriations requests.

MOTION PASSED: 9-0

At this time Council reconvened back to Agenda Item No. 2 – Service Efforts and Accomplishments (SEA) Report for Fiscal Year 2009 – Annual Report on City Government Performance.

Vice Mayor Espinosa asked the recommendation from the City Auditor's Department regarding the variances by regions within the City.

City Auditor, Lynda Brouchoud stated the gaps in performance measures in the SEA Report were intended as information for the Council. When a specific item or project was brought to Council, there was data readily available to assist in the decision process. The goal of the SEA Report was to assist governments in their duty to the public to be accountable for the taxpayer dollars and provide information to make informed, economical, and political decisions.

Vice Mayor Espinosa asked more specifically regarding the City regions as in South and North Palo Alto. There were large variances in how different regions of the City viewed infrastructure, how well the City was working and the priorities.

Ms. Brouchoud stated the SEA Report was provided to inform Council of concerns within the community.

City Manager, James Keene stated the data in the geographical area of the SEA Report was poll driven. He suggested Staff return to Council with more detailed data or a secondary poll to verify the information was consistent.

Vice Mayor Espinosa stated concern for the varied number in satisfaction among the SEA Report and dissatisfaction among the newspapers. He asked how the City could bridge the gap between the two.

Mr. Keene stated there needed to be a review of both the negative and positive data. He clarified the newspaper data was a daily event triggered by the events of the day whereas the SEA survey was annual and provided the communities overall perspective of how the City was doing.

Council Member Holman noted the areas of negative reaction were land use planning and zoning, economic planning and development, and public trust.

She requested a benchmark be presented to Council comparing the 2009 SEA Report to the ones completed over the past eight years.

Council Member Klein asked what the margin of error was, and was there a sufficient amount of participants to satisfy a statistician's confidence in the results.

Ms. Brouchoud stated on the geographic subgroup comparisons report, the National Research Center provided information on the confidence levels which they concluded was at the five percentage point-level.

Council Member Klein stated there needed to be follow-up polling in an effort to ensure accuracy.

Ms. Brouchoud clarified the geographical breakdown was difficult in Palo Alto since there were no clear lines as to jurisdictional areas. She suggested rather than a secondary poll, compiling a focus group on a specific topic chosen by the Council.

Council Member Klein asked with the data currently available would it be possible to breakdown the responses by election precincts.

Ms. Brouchoud stated she was unsure, but would research the plausibility.

Council Member Klein stated in order for the data to be useful it should read by traditional lines of breakdown of North and South of Oregon Expressway, West of El Camino, and North of University Avenue.

Council Member Shepherd requested data on when homes were purchased which would determine the property tax paid. The City taxed inequitably but redistributed equitably, which would provide information on whether there were entitlement issues causing concerns.

Council Member Schmid stated Civic Engagement had been a Council priority over the past two years which was not about the City website it was about substance. Civic Engagement was being measured on how Council did but if the budget and the utility rates structure were set in a way that people were dissatisfied; that should engage Council to set priorities that would be responsive to the needs of the community.

Council Member Price stated in this economic environment people had a tendency to be inner focused and not as civically engaged. She stated comparison to other cities was a view into what strategies Palo Alto could utilize to increase community approval.

Council Member Yeh requested in future years to incorporate the business community into the SEA reporting. He noticed on the geographic area satisfaction portion of the report the residents' further out from the City Hall were more dissatisfied.

Mayor Burt stated clearly the SEA Report was a report based on community perceptions. He stated there needed to be a comparison on the realities to the perception which was not always readily available. He stated there needed to be a systematic tool implemented to reach the community at large regarding open communications.

Council Member Klein corrected the margin of error reported on the zip code section of the SEA Report earlier was not five but accurately recorded as a nine percentage margin of error.

Ms. Brouchoud stated the five percentage margin of error mentioned earlier was in reference to the confidence section of the SEA Report.

CITY MANAGER COMMENTS

City Manager, James Keene stated there was a link added to the home page on the City Website for direct access to the Council Agenda. He stated the Suicide Prevention and Teen Mental Health Task Force was available to support youth and teens in any environment and they were developing an action plan with strategies on education, prevention and intervention.

APPROVAL OF MINUTES

MOTION: Council Member Klein moved, seconded by Council Member Shepherd to approve the minutes of January 4, 2010.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Schmid moved, seconded by Council Member Scharff to pull Agenda Item Number 8 to become Agenda Item Number 11A.

Herb Borock, P.O. Box 632, stated Agenda Item No. 5 was originally recommended as a parkland dedication which was unclear since the area was a part of the downtown parking structure project as access ways.

City Attorney, Gary Baum stated there was a decision made to send the issue of the park dedication back to the Parks and Recreation Commission

(PARC) based on a number of issues. He noted the dedication and naming were separated so Council could adopt the Resolution naming the parcel.

MOTION: Council Member Holman moved, seconded by Council Member Schmid to pull Agenda Item Number 5 to become Agenda Item Number 11B.

MOTION: Council Member Klein moved, seconded by Council Member Shepherd to approve Agenda Item Nos. 4, 6 and 9-11.

4. Resolution 9032 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Changam Naidu Upon His Retirement."
5. ~~Parks and Recreation Commission and Palo Alto Historical Association Recommendation to City Council to Adopt a Resolution Naming a Parcel of Land in the Vicinity of High Street, University Avenue, and Hamilton Avenue as Anna Zschokke Plaza.~~
6. Utilities Advisory Commission Recommendation to Adopt a Resolution 9034 entitled "Resolution of the Council of the City of Palo Alto Approving the Utilities' Legislative Policy Guidelines for 2010."
7. ~~Policy and Services Committee Recommendation for Approval of Federal Appropriations Requests and Approval of the City's 2010 Federal and State Legislative Program.~~
8. ~~Utilities Advisory Commission Recommendation to Adopt a Resolution Establishing a Salinity Reduction Policy for Recycled Water.~~
9. Approval of an Agreement with the Palo Alto Unified School District of Santa Clara County Concerning the Public Use, Brokering and Maintenance of District-Owned Athletic Fields, Tennis Courts and Basketball Courts Jointly Used by School Students and the General Public.
10. Approval of a Cooperative Agreement with the Family Resources Foundation in Palo Alto for the Continued Funding Support of Program Staff and the Successful Attainment of Program Goals.
11. Finance Committee Recommendation to Accept Maze & Associates' Audit of the City of Palo Alto's Financial Statements as of June 30, 2009 and Management Letter.

MOTION PASSED: 9-0

MOTION: Council Member Klein moved, seconded by Council Member Price to move Agenda Item Number 13 forward.

MOTION PASSED: 9-0

13. Finance Committee Recommendation to Adopt an Ordinance 5072 entitled "Ordinance of the Council of the City of Palo Alto Authorizing the Closing of the Budget for the 2009 Fiscal Year"; Approval of 2009 Comprehensive Annual Financial Report (CAFR); and Approval of a Budget Amendment Ordinance 5071 (BAO) to Reinststate a \$809,000 Transfer from the General Fund Budget Stabilization Reserve (BSR) to the Technology Fund in Fiscal Year 2010

(Continued by Council Motion on December 14, 2009)

Director of Administrative Services, Lalo Perez gave a brief explanation of the Finance Committee recommendation and CAFR.

MOTION: Council Member Shepherd moved, seconded by Vice Mayor Espinosa to: 1) Adopt the Ordinance authorizing closure of the Budget for Fiscal year ending June 30, 2009; 2) Approve the City's 2009 Comprehensive Annual Financial Report (CAFR); and 3) Approve a Budget Amendment Ordinance for Fiscal Year 2010 to reinstate a \$809,000 transfer from the General Fund Budget Stabilization Reserve to the Technology fund.

MOTION PASSED: 9-0

- 11a. (Former No. 8) Utilities Advisory Commission Recommendation to Adopt a Resolution 9035 entitled "Resolution of the Council of the City of Palo Alto Establishing a Salinity Reduction Policy for Recycled Water."

Council Member Schmid asked why a plan was not in place to conduct an analysis of the recycled water supply.

Manager of Environmental Compliance, Phil Bobel Stated state law mandated recycled water was usable; the analysis of the Total Dissolved Solids (TDS) levels would not change the State law. There was demonstration of decades of recycled water usage with higher levels of TDS without causing any issues.

Council Member Schmid requested a policy be included to investigate the usage of recycled water with TDS levels.

Mr. Bobel stated the policy was being altered to include the language for sampling of TDS levels.

Council Member Yeh stated concern with Staff requesting Council to pass a policy without timeframes, enforcements or clear cost implications. He stated it would set a damaging precedent.

Jim Inglis, Stanford University, stated he supported the positive step being taken with the proposed salinity reduction policy.

Council Member Scharff stated concern with not having support from Canopy or the garden community. He stated the local horticultural environment may not readily accept salt being introduced into the soil thereby causing the possibility of long-term environmental damage.

Director of Public Works, Glenn Roberts stated current groundwater contained 600 parts per million (PPM); therefore, the recycled water would be at the same level of saturation. He stated the City of Mountain View had made significant steps in making improvements to reduce their contribution of salinity.

Council Member Scharff asked for clarification on the current water saturation of 600 PPM, his understanding was it was 450 PPM.

Mr. Roberts stated the groundwater was currently at 600 PPM, the potable water was at a level of 100 PPM.

Mayor Burt stated there were two sources of groundwater, the shallow and the deep aquifers. He asked which of them were at 600 PPM.

Mr. Roberts stated the deep aquifer was at 600 PPM.

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Scharff to adopt a Resolution approving the proposed Recycled Water Salinity Reduction Policy (Salinity Policy).

Council Member Yeh stated he was not in support of the Motion.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF MAKER AND SECONDER to add a seventh bullet in Attachment B under Procedures: Monitor impact of Total Dissolved Solids (TDS) and all the relevant constituents of concern for salinity on compost, plants and soil.

Mayor Burt asked whether the request was to monitor the TDS levels in aggregate or in individual materials.

Mr. Bobel stated all of the items would be monitored as well as the water itself.

Council Member Holman stated she had concerns with there being no method of review for the economic impacts and asked when the Environmental Impact Report (EIR) would be completed. She stated she would not be supporting the Motion.

Assistant Director of Utilities, Jane Ratchye stated Staff would be returning to Council for additional funding for the (EIR) and once that was approved it would take up to a year to complete.

MOTION PASSED: 7-2 Holman, Yeh no

11b. (Former No. 5) Parks and Recreation Commission and Palo Alto Historical Association Recommendation to City Council to Adopt a Resolution 9033 entitled "Resolution of the Council of the City of Palo Alto Naming a Parcel of Land in the Vicinity of High Street, University Avenue, and Hamilton Avenue as Anna Zschokke Plaza."

Council Member Holman expressed concern with the order of accomplishments in naming a park that had yet to be dedicated.

Mayor Burt stated his understanding was the naming was for the plaza and not the park.

City Attorney, Gary Baum stated the park dedication request was returning to the Parks and Recreation Commission (PARC). The naming of the plaza was not critical prior to the dedication and could be returned after the park dedication had been clarified.

City Manager, James Keene stated the naming was for the space as is and whether there was a park dedication or not the space would remain a plaza.

Mayor Burt asked for clarification that at the present time there was no clear understanding that the plaza would be a park in the future.

Mr. Keene stated that was correct.

Council Member Schmid asked whether there was a policy in place on how the plazas, parks or other areas were named in a single application versus an open discussion.

Interim Director of Community Services, Greg Betts stated there was no clear policy for naming these areas, each incident created a different situation. The Palo Alto Historical Association had expressed interest in naming a City facility in honor of Anna Zschokke; Palo Alto's first resident,

when this opportunity had become available the Association approached the City.

Council Member Klein stated the naming process required a clear policy to be followed in order to ensure accuracy and consistency. He asked if the plaza was determined not suitable as a park, would the PARC have had a part in the naming.

Mr. Betts stated the naming policy read: it would be referred to the Commission or Committee which had a sphere of influence. He noted because of the landscaping and general recreational nature of the area, it fell under the jurisdiction of the PARC.

Council Member Klein asked what type of recreation occurred at the area.

Mr. Betts stated there were benches provided where residents could read, relax or enjoy the views.

Council Member Klein asked who determined the facility was significant enough to warrant a name.

Mr. Betts stated the original request was presented by previous Council Member Kishimoto, while she was in office.

Council Member Klein asked if the policy indicated the naming of a facility could occur with no more than one request.

Mr. Betts clarified that the plaza was a City facility and supplying a name added a point of reference to its location.

Mayor Burt asked if the question was the merits of this particular plaza being named and after whom.

Council Member Klein stated yes. He felt the process needed to be amended to ensure the Council decided by a majority vote whether a City facility needed a name.

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Schmid to adopt a Resolution naming the parcel of land adjacent to the plaza on High Street between University and Hamilton Avenues as "Anna Zschokke Plaza"

MOTION PASSED: 9-0

ACTION ITEMS

12. Monthly Update on City Activities Related to High Speed Rail Project and Authorization to Expend up to \$88,000 from the Council Contingency Account for the Proposed Resources Plan for FY 2010.

Mayor Burt announced that the City Council would only be addressing the authorization to expend up to \$88,000 from the Council Contingency Account for the proposed resources plan for Fiscal Year 2010 and that the monthly update would be continued to another date.

Deputy City Manager, Steve Emslie reviewed the proposed budget for the remainder of Fiscal Year 2009/2010 and expressed Staff would be incorporating the High Speed Rail (HSR) activities into the normal work program. He stated during the last Fiscal Year the HSR received funding from the Council Contingency which had not been completely expended with a remainder of \$42 thousand which was set-aside for the reviewing of technical documentation. He proposed the remainder of the previous funding be carried over and added to the current request.

Council Member Scharff stated his support for the HSR funding request.

Council Member Schmid stated once the Alternative Analysis Report documentation was released there was a 45 day window for review. He stated there was not enough time to accurately assess the report, have a consultant analyze the report, and receive public or Committee comments in a quality manner. He asked whether the funds would be better suited spent on critical data analysis preparing for the report.

Mr. Emslie stated HSR Authority would be sharing a draft of the alternative Analysis Report with the Peninsula Cities Coalition (PCC) throughout the month of February which would enable the consultant time to review the report prior to the release date.

Council Member Schmid asked why Staff was not getting community involvement surrounding critical questions on how the HSR would affect them.

Mr. Emslie stated the most immediate concern was the alternate analysis; the other potential environmental impacts were six months out for available hard data for discussion.

Council Member Price asked when the Scope of Work would be defined for the Scope of Services.

Mr. Emslie stated there had not been a contractual agreement entered into although Staff had consulted with firms with prior experience on such matters.

Council Member Yeh asked whether the HSR Authority had released a relative weighting on what was determined as most important when considering the alternatives. Attachment D clarified the areas of consideration to be:

1. Land Use
2. Planning Support
3. Constructability
4. Neighborhood Compatibility
5. Protection of Environmental Resources and Natural Environment

Mr. Emslie stated the HRS Authority had not considered relative priority. The (PCC) and subcommittee had communicated the concern to the HSR.

Council Member Yeh asked whether the HSR Authority had been working with the local jurisdictions to gather the information for the alternative analysis and if so, how would they not be aware of the priority for those jurisdictions.

Mr. Emslie stated there had been contact prior to the start of the alternatives analysis at a minimal level.

Sara Armstrong, CAARD, 4118 Park Boulevard, stated support for the Lobbyist in Sacramento to advocate for the City. She stated it was important for Palo Alto to have input with the HSR moving forward.

MOTION: Council Member Klein moved, seconded by Council Member Scharff to authorize the City Manager to expend up to \$88,000 from the Council Contingency account to fund the proposed Resources Plan in FY2010 related to the Council High Speed Rail Ad Hoc Committee review of the High Speed Rail project, utilizing the \$42,000 remaining amount previously authorized by Council and including the following:

- a. Additional engineering consultant services to perform a peer review of the Alternatives Analysis for the San Francisco to San Jose HST project, estimated cost \$18,000
- b. Outside expert consultant services for peer review of HST ridership, fiscal and economic issues, and general environmental issues, estimated cost \$30,000
- c. A Sacramento Legislative Liaison consultant to represent the City's interests to the Legislature, estimated cost \$25,000

- d. A one-day High Speed Rail symposium (Teach-In) on financing of HSR alternatives and a potential HSR station in Palo Alto, estimated cost \$15,000

Council Member Klein stated the teach-in was an important aspect of input from the community and he noted the HSR was a political process and the voice of Palo Alto alone was not sufficient. He stated all of the cities affected and their communities needed to voice their opinions to the HSR Authority, the State Assembly, the Senate, and Congress.

Council Member Scharff stated his support for the Motion.

Council Member Shepherd stated her support for the Motion. She noted the HSR project was the largest project to have gone through Palo Alto in a century.

AMENDMENT: Council Member Schmid moved, seconded by Council Member Holman to add a provision that \$40,000 of the above listed funds will be spent starting February 1, 2010 on identifying and developing Palo Alto issues.

Council Member Holman asked Staff to confirm the viability of the funding resources being utilized in such a fashion.

Mr. Emslie stated the funding being requested had been slated for specific items in the project moving forward. If the \$40 thousand being mentioned was to be pulled from the Staff requested funds without applying them for the specific work determined, the development would be incomplete and additional funding would need to be requested at a later date.

Council Member Klein did not accept the Amendment and felt the consultant needed an organized, pragmatic and specific direction in order to allow for the utmost accomplishment within the timeframe granted.

COUNCIL MEMBER HOLMAN WITHDREW HER SECOND TO THE AMENDMENT

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

Mayor Burt agreed with Staffs' recommendation on the timing and focus of the expenditures.

Council Member Schmid stated the City was granted a 45 day leeway to make the decision on how to proceed with the Alternate Analysis Report and he felt that was not a sufficient amount of time.

MOTION PASSED: 9-0

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Shepherd reported on attending the 2010 New Mayors and Council Members Academy in Sacramento this past week.

Council Member Klein reported on the Santa Clara County Cities Association meeting that he attended on January 14, 2010. The main topics discussed were medical marijuana, Freedom of Information requests from the public asking for copies of Council Member emails from both cities issued and personal computers, and a request for our endorsement of a Children's Bill of Rights.

Council Member Holman reported on attending the 2010 New Mayors and Council Members Academy in Sacramento this past week. She also spoke on the upcoming Council Retreat on January 30, 2010 and the publicity for it.

City Manager, James Keene provided further information regarding the Council Retreat.

City Clerk, Donna Grider stated that the Council Retreat will be held from 9:00 a.m. – 4:00 p.m. at the Palo Alto Unified School District Offices at 25 Churchill Avenue, in the Board Room.

Council Member Holman requested that this information be sent to the neighborhood associations, service organizations, etc.

Mr. Keene stated that this was already being handled by Staff.

Council Member Scharff reported on attending the 2010 New Mayors and Council Members Academy in Sacramento this past week.

Mayor Burt spoke regarding the meeting that Senators Simitian and Lowenthal held on January 21, 2010 on High Speed Rail.

Council Member Price reported on attending the Policy Advisory Committee to the Santa Clara Valley Transportation Authority (VTA) Board meeting on January 14, 2010. One main action was to adopt the Short Range Transit Plan 2010-2019, which will now go forward to the VTA Board of Directors.

ADJOURNMENT: The meeting adjourned at 12:10 a.m.