

Special Meeting  
May 9, 2011

The City Council of the City of Palo Alto met on this date in the Civic Center Plaza at 4:20 P.M.

Present: Burt, Espinosa, Shepherd, Scharff, Schmid

Absent: Holman, Klein, Price, Yeh

4 P.M. STUDY SESSION

1. Bicycle Boulevard Bike Ride.

4:00 pm Meet at Civic Center Plaza

4:10 pm Churchill Avenue & Castilleja Avenue

Start of Bike Boulevard Project

4:20 pm Park Boulevard & Leland Avenue

Transition from Castilleja Avenue onto Park Boulevard

4:40 pm Park Boulevard & Fernando Avenue

Discussion of the El Camino Real & Matadero Avenue Intersection

5:00 pm Wilkie Way & Charleston Road

End of Proposed Bike Boulevard

Return back to City Hall via Bryant Street Bike Boulevard

5:30 pm Refreshments at City Hall

05/09/11

## 6:10 P.M. STUDY SESSION - CHAMBERS

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

Absent: Yeh

### 2. Bicycle and Pedestrian Transportation Plan Update.

Staff and Consultants (Alta Planning + Design) held a Study Session with the City Council as part of the Bicycle and Pedestrian Transportation Plan Update Project. The Study Session began with a bicycle tour/ride along several bike routes within Palo Alto to highlight strategies and potential improvements that could be implemented as part of the Park Boulevard Bicycle Boulevard Project, and returned to City Hall via the existing Bryant Street Bicycle Boulevard. The second part of the Study Session took place within the City Council Chambers and consisted of a brief presentation by Staff and consultants, public comments, and a discussion by each of the City Council Members. Topics of the Study Session included but were not limited to: planning policies, bicycle friendly roadway treatments, implementation strategies, and specific projects and improvement areas. This Study Session provided valuable input to Staff and Consultants as the development of a draft Bicycle and Pedestrian Transportation Plan was developed. The draft Plan would be made available for public review, would be brought to the Planning and Transportation Commission in August for a recommendation of approval, and would then return to City Council for adoption in September 2011.

## SPECIAL ORDERS OF THE DAY

### 3. Proclamation Bicycle Month.

Council Member Scharff read the Proclamation into the record.

Cedric de la Beaujardiere thanked the Council for recognizing the importance of bicycling. He stated Thursday was Bike to Work and School Day and there would be energizer stations set-up throughout the City.

Share the Road spoke regarding the need for people to own a bicycle in case of an emergency and the availability of MMM Roadside service, a service provided free of charge for bicyclists.

Mayor Espinosa stated there were several bike programs occurring throughout the City; Bike Share Programs, Bike Palo Alto Day Run, Safe Routes to School, the Bike and Pedestrian Master Plan, and the Gran Fonda Race.

4. Commendation from Supervisor Liz Kniss for the Safety Fair.

Santa Clara County Board of Supervisor, Liz Kniss and Annette Glanckopf spoke regarding the Emergency Preparedness Fair and presented commendations to numerous citizens for their participation. The citizens receiving commendations were; Officer Ken Dueker, Lisa Pelletier, Sheri Furman, Patrick Muffler, Alex Shoebeck, Lydia Cue, Acting Deputy Fire Chief Catherine Capriles, Khashayar Alaei, and Police Chief Dennis Burns.

Mayor Espinosa stated Emergency Preparedness was a top priority for the City Council. He expressed his appreciation and that of the full Council and City Staff for all of the effort put into ensuring the community was prepared in the event there was an emergency.

5. Youth Community Services (YCS) - Non-Profit Presentation.

Youth Community Service (YCS) was formed to promote the ethic of service, foster youth leadership, build community and enhance education. YCS was started by the City of Palo Alto in partnership with the City of East Palo Alto, our two School Districts, Stanford Haas Center, and the YWCA to bring the communities closer through youth service. YCS has engaged 17,000 young people to contribute 110,000 hours of service to mid-peninsula communities through intergenerational collaboration with 40 community agencies – including senior and child care centers, environmental groups, and hunger programs. YCS Staff members are active participants in Project Safety Net and the Palo Alto Youth Collaborative. The month of May is Mental Health Month and YCS students have worked with Adolescent Counseling Services and the Media Center to create youth Public Service Announcement videos with a message that “It’s OK to Ask for Help.” Youth Community Service is based on service-learning strategies that combine meaningful service with direction to help the youth build skills, discover values and compassion, and to respect people who are different from themselves. YCS is part of the rich legacy of this community and thanked the City and community for helping to make it possible.

Council Member Shepherd asked whether the high schools recognized service hours worked as college transcripts credits.

Leif Erickson stated yes, that program was still in effect.

Council Member Shepherd asked how students noted their accomplishments.

Mr. Erickson stated the student recorded the hours through the Counseling and Career Placement Services.

Council Member Shepherd stated her theory was colleges appreciated seeing this type of effort by the students.

Mr. Erickson stated colleges looked for the student who had found their passion and had depth.

Council Member Shepherd asked Mr. Erickson to elaborate on the summer camp programs the YCS provided.

Mr. Erickson stated the programs were for students in middle school and going into their freshman year of high school. There were 160 spaces available, and the students could register through the Enjoy catalog. The program was designed for a youth to be paired with a Community Services partner. The youth performed the service alongside a City employee to learn the reason why the service was being performed.

6. Proclamation Foster Care Month.

Council Member Shepherd read the Proclamation into the record.

Minka van der Zwaag accepted the Proclamation for the Human Services Division.

7. Proclamation in Memory of Nathan Oliveira and His Contribution to the Artistic and Local Community.

Council Member Price read the Proclamation into the record.

Joe Oliveira accepted the Proclamation and thanked the Council for recognition of his father.

Council Member Klein stated Nathan was a client for a number of years and noted he was a wonderful human being with a great affection for people.

8. Appointments for Four Positions on the Public Art Commission for Three Year Terms Ending April 30, 2014.

First Round of voting for four positions on the Public Art Commission for three year terms ending April 30, 2014:

Voting For Johanna Hutchison: Holman

Voting For Robin Theil: Holman

Voting For Amanda Ross: Burt, Espinosa, Klein, Price, Scharff, Schmid, Shepherd

Voting For Larisa Usich: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd

Voting For Trish Collins: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd

Voting For Ally Richter: Burt, Espinosa, Klein, Price, Scharff, Schmid, Shepherd

City Clerk, Donna Grider announced that Trish Collins with 8 votes, Larisa Usich with 8 votes, Ally Richter with 7 votes, and Amanda Ross with 7 votes, were each appointed to the Public Art Commission for Three Year Terms Ending April 30, 2014.

### CITY MANAGER COMMENTS

City Manager, James Keene spoke on: 1) the Youth Art and Cultural Kaleidoscope Exhibition, 2) The You Made It Jamboree on May 14<sup>th</sup>, 3) the Summer 2011 Enjoy catalog would be distributed in the Palo Alto Weekly, and 4) recognizing the City Auditor's Office for receiving the Gold Knighton award.

### APPROVAL OF MINUTES

**MOTION:** Council Member Holman moved, seconded by Council Member Klein to approve the minutes of April 4, 2011.

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

### CONSENT CALENDAR

Mark Petersen-Perez spoke regarding Oral Communications and requested reconsidering the policy to allow for audience participation.

Bob Moss spoke regarding the City funding soft story structure upgrades to earthquake improve homes.

Council Member Burt had a question on Agenda Item No. 10. He stated there was a letter from Arborist Dave Dockter requesting the Applicant consider tagging or marking the branches of the Heritage Oak tree on the adjacent property to ensure proper pruning. He asked whether that process was a requirement for dealing with this specific tree.

Director of Planning and Community Environment, Curtis Williams stated that process was not explicitly in the conditions requiring the trimming or pruning of the tree to meet the Project Arborists' recommendations. He stated if the process was agreed upon by the Council, Staff would explicitly require the Applicant to mark the limbs to be pruned to the satisfaction of the Planning Arborist prior to work being performed.

Judy Kay spoke regarding Agenda Item Number 10. She stated the Heritage Oak tree resided on their property and she had concerns with the implications and impacts on the tree due to the residence being built adjacent to the property.

Roy Leggitt spoke regarding Agenda Item Number 10. He stated if the project was approved the equity of the Heritage Oak tree would be changed on both properties. He requested the item be removed from the Consent Calendar.

Roger Smith spoke regarding Agenda Item Number 10. He had requested a Director's hearing regarding the tree with respect to the project and requested this item be removed from the agenda.

Dave Madwed spoke regarding Agenda Item Number 10. He reiterated he had made compromises with respect to the project with the neighbors on a number of issues including obtaining 13 arborists reports to ensure the safety and well being of the tree.

Mindie Romanowsky spoke regarding Agenda Item Number 10. She requested the Council approve the project. She stated the project met all 5 of the guidelines of the Individual Review, complied with the R1 zoning and satisfied the Tree Ordinance protection measures.

Ken Deleon spoke regarding Agenda Item Number 10. He stated by not approving the project, it would discourage people from moving to Palo Alto.

Carol Garsten spoke regarding Agenda Item Number 12. She encouraged the Council to approve the HSRAP funding.

**MOTION:** Council Member Scharff moved, seconded by Council Member Klein to approve Agenda Item Nos. 9-14.

9. Resolution 9166 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to File an Application for 2011/2012 Transportation Development Act Funds in the Amount of \$55,597 for Bicycle and Pedestrian Projects".
10. Appeal the Director's Individual Review Approval of a New Single Family Residence at 258 Tennyson Avenue and a Record of Land Use Action.
11. Finance Committee Recommendation to Accept the Report on the Status of Audit Recommendations (April 2011).

12. Finance Committee Recommendation for Approval of Fiscal Year 2011-13 Human Services Resource Allocation Process (HSRAP) Contracts.
13. Appointments for Four Positions on the Historic Resources Board for Three Year Terms Ending May 31, 2014.
14. Recommendation From the Council Appointed Officers Committee for Selection of the City Auditor Recruitment Firm.

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

#### ACTION ITEMS

15. Approval of Agreement with Sherry L. Lund and Associates in an Amount of \$37,875 (Subject to Potential \$1,500 Discount) for Completion of Annual Council Appointed Officer's Performance Reviews.

**MOTION:** Council Member Price moved, seconded by Council Member Holman to authorize the Mayor to enter into a contract with Sherry L. Lund and Associates in an amount of \$37,875 for facilitation of Council Appointed Officers evaluations.

Council Member Price stated the Council had been pleased with the work performance of Ms. Lund in previous years and she felt the contract was appropriate.

Council Member Holman stated her appreciation for the work Ms. Lund had performed and looked forward to working with her again.

Council Member Klein stated his agreement with Ms. Lund's performance although he failed to see the reason behind the expansion of those services.

**AMENDMENT:** Council Member Klein moved, seconded by Council Member Shepherd to delete the mid-year check in and the modified 360 evaluation.

Council Member Klein stated the mid-year check in did not need participation by a professional. He felt if there was a need, it could be requested by the Council. He clarified there was no need to complete a mid-year check in with 2 of the 4 Council Appointed Officer's (CAO) positions since one position was vacant and one will only have been filled for 3 months. The City Clerk position had been held by the same person for twelve years and the Council was pleased with her performance. He clarified although the expense in question may not be a large amount, the number of hours involved by the other people necessary added to the equation.

Council Member Shepherd shared her concerns with the amount of hours necessary to complete the additional evaluations and noted the workload on Staff was already at a high level without additional time constraints for the modified 360 evaluation. She stated the annual evaluations were taken seriously and the CAO's compiled their objectives as directed by Council. She asked her Colleagues to reconsider the expanded service.

Council Member Schmid stated the positions in question were extremely important to the function of the City and it was essential the Council be aware of issues that may arise. The contract was set up as a check in at mid-year and the consultant would be able to manage this process.

Council Member Scharff asked when the evaluation was to be completed for the City Attorney.

Council Member Holman stated ninety days.

Council Member Scharff stated if that was the timeframe and then a mid-year check in would be sixty days following, he felt that did not make sense.

Council Member Holman stated the ninety days would be consistent with the annual review cycle and a mid-year would be 6 months after.

Council Member Scharff stated he supported the Amendment and requested the items be divided for the vote.

Council Member Holman stated it was the CAO's who initially requested a mid-year check in. She reiterated with the changing environments and changing priorities there were often times a need for a check in. She noted the difficulty of coordination for a mid-year check in which had not happened in previous years. She understood the fiscal impacts and felt the importance of the matter out-weighed the cost.

Council Member Burt stated his agreement in that Ms. Lund did an exceptional job in providing the Council the support necessary. He felt the CAO check in was valuable although the level of a check in was informal and did not require a consultant. He did not concur with the subordinate input in the CAO evaluation. He stated he would be supporting the Amendment.

Council Member Price stated she would not be supporting the Amendment for the following reasons: 1) a major responsibility for Council was the oversight of the CAO positions, and 2) a mid-year check in was favorable to the employees. As far as the modified 360 evaluation, it could be valuable information since the Staff had day-to-day contact with the CAO.

Mayor Espinosa stated he felt the mid-year check in could be performed without a consultant although he understood the amount of work it required.

He stated the question was how to implement best practices into the standard practices. He stated he would not be supporting the Amendment and felt the recommendations from the CAO Committee were adequate.

**AMENDMENT TO ELIMINATE THE MID-YEAR CHECK IN FAILED:** 4-4  
Espinosa, Holman, Price, Schmid no, Yeh absent

**AMENDMENT TO ELIMINATE THE MODIFIED 360 EVALUATION FAILED:**  
4-4 Espinosa, Holman, Price, Schmid no, Yeh absent

**SUBSTITUTE MOTION:** Council Member Klein moved, seconded by Council Member Scharff to continue this item to the Council Meeting on May 16, 2011.

Council Member Scharff stated Vice Mayor Yeh's participation would be necessary to avoid a tie vote.

Council Member Holman stated her appreciation for the Substitute Motion although she felt the timing was critical for the item moving forward.

Council Member Scharff recommended moving forward with a vote for the original contract of \$25,500 and hold the contentious items until the full Council was available.

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to approve the original contract for CAO performance reviews in the amount of \$25,500.

Council Member Klein stated he had a follow-up Motion to recommend with respect to the continuation of the remaining 2 items when full Council could convene.

Council Member Holman stated she was commenting on the requested Substitute Motion to continue the item and how it would cause constraint for the consultant.

**SUBSTITUTE MOTION RESTATED:** Council Member Klein moved, seconded by Council Member Scharff to: 1) approve the recommendation for \$25,500, to include the \$1,500 deduction for early completion, 2) not include the mid-year review or the modified 360 evaluation, and 3) continue those two items to a date when all Council Members are available.

Council Member Shepherd asked for verification that the \$1,500 discount would still be received for early completion of the evaluations.

Sherry L. Lund asked for clarification on the actual date for postponement of the decision.

Council Member Scharff clarified the contract would be voted on during the meeting, it was the mid-year check in and receiving Staff input that would be postponed.

Ms. Lund stated yes, the City would retain access to the \$1,500 discount assuming the Council could act on the annual review within the timeline set. She noted postponement of the mid-year check in would cause no conflict although gathering feedback from Staff members needed to be compiled prior to her gathering information to submit to the Council for the initial evaluations.

Council Member Burt stated the delay of the modified 360 review aspect would make it difficult for Ms. Lund. Therefore, there should be a decision tonight and defer the mid-year check in until the full Council was available.

**AMENDMENT:** Council Member Burt moved, seconded by Council Member XXXXX to have a separate vote on the modified 360 evaluation piece.

Mayor Espinosa stated the Council had already voted on the elimination of the modified 360 evaluation.

Council Member Burt stated that vote was placed when there was a thought the item could be deferred, and now information had been given that deferral would impact the ability to include the information given by Staff.

Council Member Shepherd asked to vote on the Substitute Motion for the original contract of \$25,500 for CAO evaluations.

Mayor Espinosa stated there was a proposal by Council Member Burt to Amend the Substitute Motion with respect to the modified 360 evaluation.

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to return to the full Council at a later date on the issue of the mid-year check in and not to include the modified 360 evaluation in the Substitute Motion.

Council Member Klein stated his willingness to honor Vice Mayor Yeh's vote on the matter once he had adequate time to review the material.

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND.**

**SUBSTITUTE MOTION PASSED:** 7-1 Espinosa no, Yeh absent

**MOTION:** Council Member Holman moved, seconded by Mayor Espinosa to accept the modified 360 evaluation approach for \$4,925.

**MOTION FAILED:** 3-5 Espinosa, Holman, Price yes, Yeh absent

16. Public Hearing: Resolution 9167 entitled "Resolution of the Council of the City of Palo Alto Approving the Proposed Fiscal Year 2011/12 Community Development Block Grant (CDBG) Funding Allocations and the 2011/12 Draft Action Plan".

Advanced Planning Manager, Steven Turner gave a presentation on the funding received by the Department of Housing and Urban Development as an entitlement City under the Community Development Block Grant (CDBG) which was the principal federal program that provided grants to improve physical, economical, and social conditions primarily for persons of low to moderate income. He clarified the activities which must be conducted by using the funds needed to benefit low or very low income people or aid in the prevention or elimination of blights.

Human Relations Commissioner, Ray Bacchetti explained the application review process worked well for the Human Relations Commission (HRC) who was able to review the Human Services Resource Allocation Process (HSRAP) and CDBG applications which had overlapping domains.

Public Hearing opened at 9:57 p.m.

John Barton stated a number of years past the CDBG funds provided the ability to purchase the Alma Garden Project. He encouraged the Council to award the applications as they were presented.

Public Hearing closed at 9:59 p.m.

Council Member Scharff stated the Finance Committee appreciated the work put in by the HRC to move the CDBG applications forward. The process made for a smooth decision by the Committee.

**MOTION:** Council Member Scharff moved, seconded by Council Member Price to: 1) adopt the funding Resolution allocating CDBG funding as recommended by Staff and the Human Relations Commission in the 2011/12 Action Plan, 2) authorize Staff to submit the 2011/12 Action Plan to the Department of Housing and Urban Development (HUD) by the May 15, 2011 deadline, and 3) authorize the City Manager, on behalf of the City, to execute the 2011/12 application and Action Plan for CDBG funds and any other necessary documents concerning the application and to otherwise bind the City with respect to the application and commitment of funds.

Council Member Scharff stated it was clear to him the HRC had given detailed thought to the applications received and he appreciated their efforts.

Council Member Price stated her appreciation to the HRC for their dedication in the review process and asked whether there were other processes in which could be simplified to apply better service to the community.

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

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Shepherd reported she attended the Housing Summit presented by the Silicon Valley Leadership Group on Wednesday, May 4, 2011.

Council Member Burt reported he attended the Santa Clara County Children's Health Summit on Wednesday, May 4, 2011 where the City received a plaque for the City's Let's Move program. He also reported on the City receiving the Red Cross Heroes award.

Council Member Holman spoke regarding the May Fete parade and thanked all those involved in making it happen.

ADJOURNMENT: The meeting was adjourned at 10:05 P.M.

The City Council adjourned to the Public Improvement Corporation at 10:05 P.M.