



CITY OF PALO ALTO CITY COUNCIL MINUTES

Special Meeting
September 18, 2012

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:30 P.M.

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

Absent:

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Santa Clara County Assessor's Parcel Number 182-46-006, Palo Alto
Agency negotiator: Steve Emslie, Lalo Perez, Hamid Ghaemmaghani
Negotiating parties: John Arillaga
Under negotiation: Price and terms of payment

Mayor Yeh announced that this closed session concerned a 7.7 acre parcel identified as Santa Clara County APN: 182-46-006, located adjacent to Foothills Park in Palo Alto, California. The parcel is located northeast of the Los Trancos Road Subdivision; south of the Lee Subdivision and Arastradero Preserve; and to the northwest of Palo Alto Foothills Park. There is no situs address for the site. The parcel is landlocked and there are no public utilities to the site. Other than through Foothills Park, access to the site is only possible via a 40-foot-wide, non-public emergency ingress/egress easement from Los Trancos Road, which crosses the 19.2-acre common area of the adjacent Lee Subdivision.

Herb Borock opposed the sale of the property. The property provided secondary and emergency egress from Foothills Park. The easement was used for hiking and biking through the park. He provided maps of the area to the Council and explained each one. The parcel provided a land bridge between Foothills Park and the common area of the Lee Subdivision. It was a mistake to dispose of the parcel.

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The City Council reconvened from the Closed Session at 7:20 P.M. and Mayor Yeh advised no reportable action.

SPECIAL ORDERS OF THE DAY

2. Resolution 9286 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Police Canine Aris z Kaplickeho hamru Upon His Retirement."

Council Member Holman read the Resolution into the record.

MOTION: Council Member Holman moved, seconded by Council Member Espinosa to adopt the Resolution expressing appreciation to police canine Aris z Kaplickeho hamru upon his retirement.

MOTION PASSED: 9-0

Mayor Yeh presented the Resolution and dog treats to Aris.

Police Agent Anthony Becker thanked the Police Department for the opportunity to work with Aris. Working with Aris was an honor and a privilege.

3. Proclamation of the Council in Support of Plug-In Day, September 23, 2012.

Vice Mayor Scharff read the Proclamation into the record.

Mayor Yeh was happy to highlight electric and plug-in vehicles and looked forward to related initiatives.

4. Community Partnership Presentation – 20 Years of Clean Bay Business Program.

Council Member Espinosa read the Proclamation into the record.

The Palo Alto City Council recognized automotive businesses in Palo Alto that have been part of the Clean Bay Business program for 20 consecutive years. 17 businesses in Palo Alto were honored for participating in this program, which has been successful in reducing heavy metal pollution from reaching the sewers and storm drains by using an incentive-based rather than regulatory approach. The significant decrease in heavy metal pollution from these businesses since the inception of the program contributes to the

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Regional Water Quality Control Plant's ability to meet its stringent heavy metal discharge requirements. Two businesses, Art's Bodycraft and Park Avenue Motors, received their 20-year Clean Bay Business Plaques from Mayor Yeh. Steve Kirksey, representing Park Avenue Motors, addressed the Council and spoke about the value of the program to his company, his desire to lead by example to reduce pollution, and the great assistance he has received from the City's program manager, Margaret Zittle.

ORAL COMMUNICATIONS

William Rosenberg asked why the leaf blower ordinance was not enforced. Fry's and other retailers did not comply with the plastic bag ordinance. Many manufacturers used Styrofoam blocks as packaging material. Molded cardboard was an acceptable substitute, was made from recycled pulp, and was recyclable. Palo Alto should take affirmative action by providing a disposal site for the Styrofoam blocks and pass a resolution to discourage Styrofoam packaging for products sold within Palo Alto.

Bruce Kenyan commended three Police Officers for their rapid response and assistance to a woman recently. They acted professionally, and he appreciated knowing Police Officers would act quickly.

Aram James attended the League of Women Voters debate for City Council candidates. One of the primary topics was the proposed vehicle habitation ban. He read from a newspaper article about the debate. He noted robust discussion of the proposed ban and hoped that would continue. He asked Council Members to discuss the topic with the Community Cooperation Team.

Roland Lebron provided information regarding Council Member Espinosa's car sharing idea. Car2go provided electric Smart cars for rental. The system was more similar to bike sharing than to ZIP cars. He explained the method to obtain one of the cars. Rental rates were \$0.38 per minute, \$13.99 per hour, and \$72.99 per 24 hours. (1:19:30)

CITY MANAGER COMMENTS

Pamela Antil, Assistant City Manager reminded the public of the Community Tailgate Party on September 21, 2012 to celebrate the annual Gunn-Paly football game. Quakeville was scheduled for September 22, 2012, at 2:00 P.M., at Cubberley. Light the Night was also scheduled for the weekend of September 22, 2012.

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Mayor Yeh explained Light the Night was sponsored by the Leukemia-Lymphoma Society. It was a community event and the public was invited to participate.

Council Member Burt clarified that Quakeville would not be a tent camp-out this year.

Ms. Antil indicated more information about Quakeville was available on the City's website. She reported a banner was located in the hallway honoring years of service for City employees.

Agenda Changes, Additions and Deletions

10. Colleagues Memo from Mayor Yeh and Vice Mayor Scharff Regarding Council Contingency Funds in the Amount of \$25,000 for Neighborhood Grants.

MOTION: Mayor Yeh moved, seconded by Council Member Price to continue Agenda Item No. 10, "Colleagues Memo from Mayor Yeh and Vice Mayor Scharff Regarding Council Contingency Funds in the Amount of \$25,000 for Neighborhood Grants" to become the first Action Item on September 24, 2012.

MOTION PASSED: 9-0

STUDY SESSION

5. Preliminary Review of Proposed Palo Alto Housing Corporation (PAHC) Affordable Senior Housing Development at 567-595 Maybell Avenue.

The Advance Planning Manager gave a brief overview of the potential use of the 567-595 Maybell Avenue property as an affordable housing site with 60 units of senior affordable rental housing targeted to very low income households and 15 market rate for-sale single family homes. He described how Staff was seeking feedback from the Council about the proposed development. He introduced Palo Alto Housing Corporation (PAHC) Executive Director Candice Gonzales and she gave a brief summary of PAHC's history and the community need for this type of housing. Lauri Moffet-Fehlberg, the project architect, presented the initial design concepts for the project including its circulation and design components. Jessica De Wit, Sr. Project Manager described the anticipated financing for the proposed project, noting that PAHC has submitted a \$6.5 million loan request with the City. The Council Members discussed the conceptual plans. Several Council Members

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commented on proposed circulation of the project and its impact on Maybell Avenue and Arastradero Road, particularly the nine single family dwellings that will use Maybell Avenue for ingress/egress. Other concerns were expressed regarding lack of public transit in the area, the "cookie cutter" design and forward facing garages of the residences, and the uniform parcel sizes and their compatibility with the surrounding neighborhoods. To insure that there would not be a future increase of density on the property, a number of Council Members preferred that PAHC submit a Planned Community zone change rather than a zone change to Multiple Family Residential, RM-40. Other comments included orienting the buildings to focus on a common open space, possibly including a community garden, and the proposed cost of the development.

Herb Borock stated the Zoning Code had a process called pre-screening that protected the public and allowed the Council to provide non-binding comments to applicants. That process required the same public noticing as an application. The Council did not follow the pre-screening process the prior week for the Police Building. He explained his understanding of the pre-screening process. This proposed application and plans were available in time for the process to be followed. The Council should direct the City Manager to follow the proper procedure for pre-screening.

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MOTION: Council Member Shepherd moved, seconded by Council Member Klein to approve the minutes of June 11, 13, and 18, 2012.

MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Price moved, seconded by Council Member Klein to approve Agenda Item Nos. 6-7.

6. Policy and Services Committee Recommendation to Accept the City Auditor's Office Fiscal Year 2013 Proposed Work Plan and Risk Assessment.
7. Budget Amendment Ordinance 5164 in the Amount of \$250,000 to Capital Improvement Program Project PE-86070 to be used in the Alma Street Highway Safety Improvement Program (HSIP) Project; and Approval with Interstate Grading & Paving, Inc. In The Amount Not to Exceed \$1,401,930 for the Alma Street HSIP Project, the 4th of

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6 Contracts in the 2012 Street Maintenance Program Project (CIP PE-86070).

MOTION PASSED: 9-0

ACTION ITEMS

8. Public Hearing: Adoption of a Resolution Amending the Transportation Element of the Comprehensive Plan To Incorporate Certain Findings of the Palo Alto Rail Corridor Study and Approval of a Negative Declaration.

Curtis Williams, Director of Planning and Community Environment requested the Council adopt the document and incorporate language into the Comprehensive Plan Transportation Element. The document was developed with the help of a Task Force, the Planning and Transportation Commission (PTC), Architectural Review Board (ARB), and Rail Committee (RC).

Barbara Maloney, BMS Design Group reported she and the Task Force were asked to create a vision for the Rail Corridor within the City of Palo Alto and to incorporate land use, transportation, and urban design considerations. The effort was intended to consider High Speed Rail and to look beyond it to provide a long-term vision for the area. Seventeen members of the Task Force met 15 times during the process and provided valuable input. They had two community meetings, a site tour, and various meetings with Boards and Commissions throughout the process. The plan set a vision for the Corridor and was the result of a consensus gained from the Task Force and the community. The plan recognized neighborhoods in the area that needed protection and guided future planning and design for the area. It was designed to be flexible and was intended to inform the Council and Staff as the rail process occurred. The Study focused on circulation and land use. In terms of possible HSR configurations, the plan considered a below-grade trench option or a two-track on-grade option. These two options covered the range of rail possibilities. The plan was a guiding document intended to inform the Comprehensive Plan update; it recommended additional studies that could lead to implementation of projects. The Study area extended from Alma Street to El Camino Real from Menlo Park to Mountain View, encompassing approximately 1,000 acres. The vision was to create a vibrant, safe, attractive, and transit-rich area that promoted walkable, bicycle-friendly places supportive of neighborhoods. The area in many ways was a barrier to linking Palo Alto together in the future. The goal of circulation or connectivity was to provide an improved framework of connections through and across the Study area and to provide better access throughout the City. The plan prioritized improvements to existing

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connections, identified both additional proposed connections, and improved intersections along Alma Street and El Camino Real. The consultants received many comments from the community and the Task Force that the southern portion of the City was significantly underserved by crossings. It was difficult to locate sites for additional crossings in the area, because of the continuous nature of homes and other barriers. A key consideration was protection of existing neighborhoods with improvements to allow passage through the area. The mixed use areas had more opportunities for improvements and development that could provide more services and amenities to the neighborhoods in the area and surrounding neighborhoods. In the California Avenue area, there were sites occupied by government facilities and parking lots that restricted connections of the north and south portions of the Study area. The main issue in the south area was the perception that southern neighborhoods did not have the same level of amenities. In response to that perception, they identified sites for additional amenities to serve the area and to orient it to neighborhoods and pedestrians. Two workshops were held with good attendance at the second meeting. Attendees expressed concerns, but reached a high level of agreement on the vision of the project. The implementation section of the plan recommended improvements to the Comprehensive Plan and City policies, prioritized projects, identified cost of high-priority projects, and focused on projects to improve safety without reducing traffic capacity. The implementation section also recommended future studies that would be built upon the policies and recommendations to be integrated into the Comprehensive Plan. The Council's Packet contained recommendations for Comprehensive Plan land use policies. RC, ARB, and PTC reviews of the plan resulted in a recommendation that the Council approve the Report with policy additions and to adopt the Rail Corridor Study.

Judith Wasserman, Architectural Review Board Chair, recommended the Study, because it considered a large area, it divided the Corridor into residential and commercial areas, and the Report was well written and easy to read.

Eduardo Martinez, Planning and Transportation Commission Chair, reported the PTC unanimously supported the Study for many reasons. The Study showed the broad area impacted by the Rail Corridor. The analysis was excellent. He expressed concern that the Study did not establish the sensitivity of the Study area, but this was only the first step. There was a problem with the structure of the Comprehensive Plan and the goals and policies and programs to be incorporated into the Comprehensive Plan. The Resolution wisely addressed treating each neighborhood equally. Because the Transportation Element draft was almost complete, he suggested the

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policies stated in the Resolution be carried into the Comprehensive Plan Amendment.

Caroline Dobervich, Task Force member, enjoyed serving on the Task Force, because they represented both constituents and the City. She agreed with previous comments. The Report contained a number of improvements that needed to be made at crossings and neighborhood centers. The City should complete the recommended studies in order to move forward.

Mayor Yeh thanked the Task Force for its service and insights.

Council Member Klein, Rail Committee Chair, reported the Legislature passed the Finance Bill for HSR, which meant no projects would occur in Palo Alto for several years. Money had been made available for electrification or modification of Caltrain. Because of a variety of events that had recently occurred, the RC would revise its Guiding Principles for consideration and approval by the Council. The RC was reviewing its support of electrification and wanted to hold meetings on the topic. Two concerns were the amount of canopy that would need to be pruned and grade crossings. Electrification would allow more trains to move at higher speeds along the Peninsula. This would create longer waits at grade crossings. The creation of grade separations would be expensive and disruptive to adjacent residential neighborhoods. A careful review was needed before amending the Comprehensive Plan. The plan's statement that the City supported electrification was inconsistent with actions of the RC. Statements in the Guiding Principles and Comprehensive Plan were obsolete. He suggested sending the second half of the proposed Resolution to the RC to reconcile with proposed language.

Council Member Burt agreed with Council Member Klein regarding reconciliation of Comprehensive Plan changes with RC thoughts and actions. He referenced Program T-21 and Recommended Policy 3.1. Recommended Policy 3.1 did not mention crossings being underground grade separations; they could be at-grade crossings. He inquired what type of grade crossings were meant under Recommended Policy 3.1.

Mr. Williams reported the intent was not necessarily to depress crossings. Staff did not change Program T-21, because it was an existing policy in the Comprehensive Plan.

Council Member Burt inquired if Staff was considering both overpasses and additional at-grade crossings.

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Mr. Williams stated if there was a trench option, then the crossing would be at-grade.

Council Member Burt asked whether these would be separated crossings.

Mr. Williams indicated the Task Force discussed a variety of crossings, including additional at-grade crossings that were generally separated from vehicular traffic.

Council Member Burt requested additional detailed information on crossings. The fifth PTC recommendation made an important request regarding Figure 4.5, which showed the street undercrossing impact area on streets perpendicular to Alma Street. An analysis performed by Californians Advocating Responsible Rail Design (CARRD) indicated the impact area should be extended on Alma Street. When considering the impacts around Alma Street, the number of residences impacted and potentially taken was essentially doubled. The intent of Policy 1.3 was to recognize unequal impacts within Palo Alto. The PTC Chair stated all areas of Palo Alto should be treated equally. That was a good goal, but simplistic in that areas with the greatest impact would receive the least mitigation and areas with the least impact would receive the most mitigation. In discussing modernization or electrification of Caltrain, it was important to recognize that not all of Caltrain's improvements would be around electrification. A major portion was positive train control. The Council could more easily adopt the term modernization if it did not include or preclude electrification, positive train control, and other options.

Vice Mayor Scharff agreed with Council Member Klein's and Council Member Burt's comments. The document indicated it would represent the City's policies if it was approved. He did not wish to approve City policy that would encourage eminent domain of single-family homes without reviewing it and the impact of grade crossings. The Council needed to discuss modernization and its meaning before making a decision. He wanted to continue the topic until the Council could discuss policy positions. He suggested reviewing Transportation Element revisions holistically and comprehensively. He expressed concern about adopting the Resolution without time to review it extensively.

Council Member Holman suggested considering the document in concert with other Transportation Element updates. The document discussed grade separations, and she was not committed to grade separations because of the considerable impacts. She could not support adoption of the Resolution as she had not had time to review it thoroughly. The Mitigated Negative Declaration (MND) in relation to aesthetics indicated there were less than

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significant impacts and no impacts. Grade crossings definitely affected aesthetics; therefore, there would be significant impacts. The Report discussed the necessity of grade separations at Alma Street but did not address the impacts, yet the MND stated there was no impact. She was unsure how the Evergreen Park neighborhood would be protected when the California Avenue Town Center encompassed some of the neighborhood. The document needed vetting at the Council level as well as updating.

Council Member Price agreed with comments regarding alignment of the second half of the Resolution. Continued examination of the document would move beyond the original parameters of the Study. The Study was a vision document, a policy guidance document. The Staff Report and the Task Force stated implementation would require additional technical studies and examination of priorities to address identified themes. The real issue was the vision and flexibility of the language, so that the Council could use this document in a positive way. By adopting the Study, the Council could use it as a leveraging document for additional funding. The Council should discuss a reasonable schedule to resolve this. If the Council focused on precise language, then it would lose the momentum and the opportunities outlined by the document. After RC review, she hoped the Council would discuss moving forward with the document.

Council Member Espinosa noted recommendations by RC Members. The Council needed to provide context in order to use the Study as a tool in terms of policy and sequencing. He did not feel the Council was trying to delay the Study. It should be reviewed by the RC, and then the Council should create context and make policy decisions in order to use the Study as a tool to move forward.

Council Member Shepherd stated the Study was important, because it would set policy. The language should be reconciled, and there should be a clear understanding of the policy for grade crossings. The language should be clear to explain the City's desire to have submerged grade crossings rather than overpasses.

Council Member Schmid indicated there was valuable information in the Study, which should be utilized. The maps and background contained in the Study were useful. The vision statement was the most important piece of the Report. The Study provided connectivity within the City and to new developments, and context for infrastructure improvements. Regarding equal treatment of neighborhoods, the goal should be that impacts on communities will be relatively equal and that the outcome for communities will be approximately equal.

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Public Hearing opened at 10:25 P.M.

Omar Chatty stated Caltrain was not modern and the existing wording was accurate. He believed the Bay Area Rapid Transit (BART) could be extended in ten years. If Caltrain was eliminated, the City could sell the land. Caltrain was an outdated system. BART did everything Caltrain did not do. He asked the Council to consider extending BART. BART would eliminate many problems.

Herb Borock agreed it was premature for the Council to make a decision about Caltrain electrification, because the Final Environmental Impact Report (FEIR) was not complete and adequate. The Council needed to amend Policy T-28 to indicate Stanford University would apply for approval to extend Sand Hill Road. He understood approval of the Negative Declaration indicated the Council would have a consistent Comprehensive Plan. He asked if the Council could approve or reject individual recommendations in the Study.

Phil Burton reported the previous public speaker focused on technology rather than the design purpose of each system. Trenching and undergrounding BART would be an unjustifiable expense. BART was not capable of the speed of a faster Caltrain, and used dangerous third-rail technology. Technology was a sideshow to the real issues.

Public Hearing closed at 10:31 P.M.

MOTION: Council Member Klein moved, seconded by Council Member Shepherd to refer this Item back to the Rail Committee: the discussion of approval of a Resolution approving the 2012 Rail Corridor Study Report amending the Transportation Element of the Palo Alto Comprehensive Plan to incorporate some key policy findings of the Report, and that the Council approve the Negative Declaration for the project.

Council Member Klein indicated the slowdown of HSR issues gave the RC time to carefully consider it. Using the Study to apply for grants did not outweigh the risk of adopting inaccurate policies. It was appropriate for the RC and then the Council to review all recommendations.

Council Member Shepherd felt the Council needed to ensure the accuracy of language.

Mr. Williams stated Staff had exhausted the consultants' resources. Staff would reconcile language and review policy issues, and the consultants would draft the final Report.

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Council Member Klein assumed the consultants' work was complete.

MOTION PASSED: 9-0

Council Member Burt stated protocols required the Council to consider beginning a new Item after 10:00 P.M. The Council had to act affirmatively to begin discussion of the next Item.

Council Member Klein suggested finishing the Agenda.

Council Member Shepherd agreed.

Mayor Yeh inquired about setting a time limit on the final Item.

Council Member Burt proposed a time limit of 11:30 P.M.

Through Council consensus, a time limit to finish discussion of Agenda Item No. 9 "Work Plan and Schedule for Potential Infrastructure Finance Measure for the November 2014 Ballot" no later than 11:30 p.m. was set.

9. Work Plan and Schedule for Potential Infrastructure Finance Measure for the November 2014 Ballot.

Sheila Tucker, Assistant to the City Manager reported the recommendation was to consider approval of the plan and to determine whether to place an infrastructure finance measure on the ballot in 2014. Staff was not asking the Council to decide whether to pursue a finance measure in 2014, rather to decide the steps to make that decision. For the last several years, the Council had placed its aging infrastructure among the top priorities. The Infrastructure Blue Ribbon Commission (IBRC) assessed infrastructure needs and made recommendations. The IBRC report identified backlog and ongoing maintenance needs of \$95 million and new projects of \$210 million, for a total of approximately \$300 million. The Council held four Retreats to consider the IBRC recommendations. The Council requested Staff prepare a plan and schedule for a potential 2014 finance measure for infrastructure. In preparing the work plan and schedule, Staff considered best management practices for successful ballot measures and reviewed prior infrastructure efforts. Some of the key factors for success were planning and resources during early preparation, having a knowledgeable and engaged community, crafting measures, and obtaining media support. Staff identified four key tracks to assist the Council in determining whether to place an infrastructure measure on the ballot: 1) strategic planning and opinion research; 2) community outreach; 3) plan and design review; and. 4) ballot preparation. Staff needed to assemble an internal strategic planning team to work

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through issues. The Council could establish a subcommittee or identify a current committee to vet issues. The City would need to identify priority projects and costs. The Staff Report introduced a number of variables along with polling results that needed to be understood in order to leverage resources. This would be an iterative process. Staff highly recommended obtaining professional expertise in the areas of public opinion polling and communications strategy. A Request for Proposal (RFP) had been issued for a public opinion research firm, and Staff hoped to present recommendations on that contract in early November. Initial feasibility research would be needed and was anticipated to occur in the spring of 2013. A final feasibility survey would occur in the spring of 2014, with a policy decision anticipated in June 2014. If the Council decided to proceed with a ballot measure, it would have to take official action in July 2014. A communications strategist would assist the City in developing a campaign strategy and communication plan and in analyzing polling results. Staff felt the City should proceed with preliminary outreach to educate the community regarding overall infrastructure needs. Staff would plan on implementing a robust public education and engagement strategy. This portion of the campaign could be City funded and was designed to build community awareness of infrastructure needs. Staff recommended engaging a citizen's advisory committee, which would be essential to the quality and effectiveness of the campaign. The committee would provide leadership in the community, be visible partners, and communicate infrastructure needs. Staff recently sought feedback from the Infrastructure Blue Ribbon Commission regarding components and its role in the future. Many members were interested in participating in the committee and expressed interest in a continued role regarding IBRC recommendations. Staff suggested returning with a plan to create an advisory committee. Plan design and review was a gray area, because of the uncertainty of the priority projects. A number of variables affected the type of plan design and environmental review required. The Council should expect some cost for conceptual design services and environmental clearance. If the Council took action in July 2014 to place a measure on the ballot, preparation of language for the ballot measure and formation of a non-City-sponsored campaign would be implemented. State law prohibited the use of City funds for advocacy work once the City officially acted to place a measure on the ballot. At that point, Staff hoped a community-sponsored campaign would form. The timeline included approving the work plan this evening; presenting a public opinion research contract in November 2012; soliciting for a communications strategist in approximately October 2012, presenting a public research plan and schedule, recommendations for forming a citizens advisory committee, and a preliminary outreach plan in December 2012; presenting a communications strategist contract in January 2013. The three primary areas of cost were opinion research, communication, and design review. Staff would present

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those resource needs as they obtained consultant services and focused on priority projects.

Brad Eggleston, Assistant Director of Public Works stated one of the first tasks was to identify priority projects. He presented the list of projects presented at the Council's fourth Retreat with the addition of the Golf Course and playing fields at the Golf Course. Staff used a simple numerical ranking to place the projects in order of priority. The prioritization did not involve Council discussion and consensus; therefore, the prioritization would change significantly. The Staff Report summarized the projects to facilitate discussion. Summaries included a project description, cost estimate, the source of the estimate, funding sources, and variables that could impact cost or implementation. The total cost of all projects was \$231 million, which did not include any project-specific funding sources. Other funds, such as the Stanford Medical Center Funds for Infrastructure and Sustainability, were not assigned to a specific project and totaled approximately \$46 million. There were many variables that could impact the projects and their costs. The most important variable was community priorities and polling results. Polling would determine community priorities and the community's level of willingness to fund projects. That information would inform the projects to pursue and the prioritization of projects within existing funding sources. Staff attempted to list the projects most optimal for consideration for public opinion research and community outreach. They excluded projects funded by Enterprise Funds and focused on projects with the most benefit to the community. The projects were not listed in order of priority.

Council Member Klein suggested that the citizens advisory committee be formed earlier than Staff's stated timeframe and include members outside the IBRC. He inquired why Staff did not include the Post Office on the list of projects.

Mr. Eggleston felt the primary reason for not including it was timing. That issue could be resolved prior to November 2014.

Council Member Klein stated that could apply to other projects as well. The Post Office had to be one of the projects. He suggested the Council should set the priority of projects in the near future, because it would assist with polling. He suggested polling regarding one or more than one measure on the ballot. He requested a one-page spreadsheet with four columns showing the project, the estimated cost, potential sources of funds, and estimated net cost with each project listed in rank order. He inquired about the confidence of Staff in estimated costs for projects.

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Mr. Eggleston reported cost estimates were obtained from various sources. In general, the estimates needed work.

Council Member Klein asked whether Staff had prepared a budget or a timeline for a budget.

Mr. Eggleston indicated it was in one of the tracks to set aside funding for design and environmental review.

Council Member Klein clarified he was inquiring about costs of the projects rather than costs of the campaign.

Mr. Eggleston stated that preparing schematic designs would allow Staff to develop better cost estimates.

Council Member Klein asked if the IBRC used costs supplied by Staff.

Mr. Eggleston reported the IBRC used Staff estimates in some instances and older sources in other instances. Where the IBRC used older sources, Staff had used an escalator.

Ms. Tucker said Staff would refine costs should they receive some concurrence on the projects.

Council Member Klein suggested Staff develop a timeline to have better estimates of costs in order to share them with the public.

Ms. Tucker agreed.

Council Member Klein supported Staff's statement that costs would be included in the bond and returnable to the General Fund. The Council should rank order projects within the next month or six weeks.

Council Member Schmid favored the clear strategy, outreach, survey, and citizens group. It was inaccurate to state the IBRC had a Cubberley recommendation. He suggested determining the total bond amount to request and then creating combinations of projects totaling the bond amount to learn which combinations appeal to a variety of constituents. A better description of alternate financial sources would be helpful to show the Council was not asking citizens for all the needed funds. A March 2013 date for release of a survey would allow the formulation of questions while knowing the outcome of federal and state elections.

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Ms. Tucker clarified that Staff expected to return in November for approval of a contract for a public opinion firm. Staff assumed a survey would be released in the spring of 2013, but would rely on the public opinion firm's advice.

Council Member Shepherd agreed with Council Member Klein's comments and expected to receive help with the rank order. Childcare sites at each elementary school campus were not listed. She suggested an assessment at each site could garner public support. The Ventura site was also not listed; however, it was part of the Cubberley process. A Council subcommittee would be necessary to vet some of the projects.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Espinosa to continue the discussion until midnight.

MOTION PASSED: 8-1 Schmid no

Vice Mayor Scharff felt the Post Office should be added to the list. Determination of the rank order would be influenced by polling. He inquired if Staff was requesting the Council to approve the plan and the timeline.

Ms. Tucker answered yes.

Vice Mayor Scharff asked if Staff had a recommendation as to which existing committee to send the Item to.

Ms. Tucker indicated that would be a decision for the Council.

Vice Mayor Scharff inquired if the subcommittee would be a Brown Act Committee and what was done in 2008.

Ms. Tucker was unsure what was done in 2008.

Molly Stump, City Attorney did not have that information, but felt it was a Brown Act Committee. It would be difficult to structure the committee any other way.

Vice Mayor Scharff asked if Staff recommended it be a Brown Act Committee and meet on regular basis.

Ms. Stump responded yes.

Council Member Klein did not recall a Council subcommittee for the 2008 measure.

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Ms. Tucker was unsure if it was a Council committee that met regularly. It could have met Ad Hoc.

Vice Mayor Scharff stated it was an Ad Hoc Committee rather than a Brown Act Committee.

Ms. Tucker indicated the committee could meet regularly or ad hoc as key issues arose.

Council Member Burt stated a committee was not subject to the Brown Act based on whether it met regularly. A committee was ad hoc if it met for a limited period of time rather than ongoing. The Council had been told the rule of thumb was a committee term of less than one year.

Ms. Stump explained a committee could be subject to the Brown Act because it had a regular schedule established by formal action or because it had continuing jurisdiction over a subject matter.

Vice Mayor Scharff asked if a committee with a term of less than one year had continuing jurisdiction.

Ms. Stump reported there was not a bright line.

Vice Mayor Scharff inquired whether the term could be 14 months.

Ms. Stump said there could be a shorter period of time where the committee exceeded the standard and had continuing jurisdiction. The Council needed to define the subcommittee for a legal analysis.

Vice Mayor Scharff asked if the Council had to make a subcommittee decision this evening.

Ms. Tucker answered no, unless the Council wished to refer matters to a subcommittee.

Vice Mayor Scharff requested a Staff recommendation on the issue and the work and role of the committee.

Ms. Stump indicated Staff could provide some options for the committee

Vice Mayor Scharff agreed with Council Member Klein's request for a spreadsheet of projects, funding, and costs.

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Donna Grider, City Clerk indicated the 2008 committee was not a Brown Act Committee.

Vice Mayor Scharff inquired about the members.

Ms. Grider did not recall the members.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Shepherd to adopt the plan and timeline set forth in Attachment B.

Vice Mayor Scharff felt the plan was comprehensive, and would need details but not at the current time.

Council Member Shepherd asked Staff to add childcare sites at the elementary schools, the Ventura site, and the Post Office to the list.

Mayor Yeh clarified that the additions to the list of potential projects were not part of the Motion.

Council Member Burt stated it was important to make clear to the public and the press that adopting the plan did not mean the list of projects would be on a ballot measure. Communication would be critical to the initiative's success. He suggested including columns for importance, funding, and public support to Council Member Klein's spreadsheet. He encouraged Staff to reexamine the standard potential funding sources. Communications specialists should be a part of the citizen committee. He inquired whether the street paving project implemented in 2010 was outside the list of projects.

Mr. Eggleston indicated it was outside the IBRC surface catch-up figure. Staff included a category for streets which included acceleration of resurfacing and the Charleston-Arastradero project.

Council Member Burt inquired whether the project would further accelerate street resurfacing and add the Charleston-Arastradero project.

Mr. Eggleston replied yes.

Council Member Burt felt the Council had not adequately communicated the accelerated street repaving of 2010. He suggested including projects accomplished outside of the stated funding to make the community aware of current and future projects.

MINUTES

Council Member Price believed the costs should be expressed as ranges rather than precise figures at this stage. A clear project definition and scope was needed to determine the range of costs. She suggested including a statement of assumptions being made.

Council Member Holman stated this would be an iterative process in that priorities could change depending upon polling and funding. The Council needed to know the public's priorities and tolerance of amount they would pay. She agreed with Council Member Burt's comments regarding education of the community. She questioned why playing fields were listed as a project but the Golf Course was not.

Mr. Eggleston explained the Golf Course was not included because the work was expected to be funded through the Joint Powers Authority (JPA) mitigation funds. Staff may have included a small unfunded amount.

Council Member Holman felt \$4.4 million was not a small amount. She noted Animal Services was a service while other projects were capital projects. The Council had not made a recommendation on locating Animal Services at the former Los Altos Treatment Plant site.

Ms. Tucker clarified that Staff was referring to the Animal Services Center.

Council Member Holman believed funding for the Municipal Services Center (MSC) did not consider savings from reduced lease of other space. She requested more information about the Regional Water Quality Control Plant and the possibilities there.

Mayor Yeh was interested in the concept of funding alternatives. Polling could be used to educate the community regarding the use of funding alternatives. He supported use of an Ad Hoc or existing Committee, but not the creation of a special committee because of the amount of work it created for Staff.

Council Member Price suggested a column for operational savings or costs in Council Member Klein's spreadsheet to highlight budget implications.

MOTION PASSED: 9-0

Council Member Questions, Comments and Announcements

Council Member Burt discussed the Gran Fondo event held on September 16, 2012.

MINUTES

ADJOURNMENT: The meeting was adjourned at 11:50 P.M.